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Official Report of Debates (Hansard)

Monday 27 February 2017

Journal des débats (Hansard)

Lundi 27 février 2017

**Standing Committee on
General Government**

Burden Reduction Act, 2017

**Comité permanent des
affaires gouvernementales**

Loi de 2017 sur l'allègement
du fardeau réglementaire

Chair: Grant Crack
Clerk: Sylwia Przedziecki

Président : Grant Crack
Greffière : Sylwia Przedziecki

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Hansard Reporting and Interpretation Services
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 27 February 2017

Lundi 27 février 2017

The committee met at 1403 in committee room 2.

ELECTION OF ACTING CHAIR

**The Clerk of the Committee (Ms. Sylwia Przedz-
ziecki):** Good afternoon, honourable members. Welcome
to the Standing Committee on General Government.

Owing to the absence of both the Chair and the Vice-
Chair, it is my duty to call upon you to elect an Acting
Chair. Are there any nominations? Ms. Vernile.

Ms. Daiene Vernile: Thank you, Clerk. I would like
to nominate my colleague MPP Lou Rinaldi to be the
Acting Chair for the Standing Committee on General
Government.

**The Clerk of the Committee (Ms. Sylwia Przedz-
ziecki):** Mr. Rinaldi, do you accept the nomination?

Mr. Lou Rinaldi: I'm considering it, sure.

**The Clerk of the Committee (Ms. Sylwia Przedz-
ziecki):** Are there any further nominations? There being
none, I declare nominations closed and Mr. Rinaldi duly
elected Acting Chair of the committee. Will he please
come and take the chair?

The Acting Chair (Mr. Lou Rinaldi): If the com-
mittee would just give me a minute.

Mr. Monte McNaughton: Just one.

The Acting Chair (Mr. Lou Rinaldi): Just one. A
long minute.

BURDEN REDUCTION ACT, 2017

LOI DE 2017 SUR L'ALLÈGEMENT
DU FARDEAU RÉGLEMENTAIRE

Consideration of the following bill:

Bill 27, An Act to reduce the regulatory burden on
business, to enact various new Acts and to make other
amendments and repeals / Projet de loi 27, Loi visant à
alléger le fardeau réglementaire des entreprises, à édicter
diverses lois et à modifier et abroger d'autres lois.

The Acting Chair (Mr. Lou Rinaldi): We'll call the
meeting to order. We're here today to deal with Bill 27,
An Act to reduce the regulatory burden on business, to
enact various new Acts and to make other amendments
and repeals.

Before we get going, I would ask for unanimous
consent to stand down sections 1 to 3 and deal with the
schedules first. Bill 27 consists of three sections and 17
schedules. Because the substance of the bill is in the

schedules, I suggest that we postpone consideration of
the three sections and deal with the schedules first. It is
appropriate for the committee to first consider the
substance of the bill before deciding on the short title and
commencement provisions contained in the first three
sections.

Do we have unanimous consent? Agreed—

Ms. Catherine Fife: A question.

The Acting Chair (Mr. Lou Rinaldi): Oh, yes.
Sorry.

Ms. Catherine Fife: Thank you, Chair. Is the inten-
tion that we—obviously, we have a notice of motion for
schedule 2. You want to deal with the first schedule first?
Are you going to bundle? Is that what you're asking—to
bundle parts of the acts that are not contentious?

The Acting Chair (Mr. Lou Rinaldi): We're going
to stand down those three sections. We'll start with
section 1 and then we'll go back to those three.

Ms. Catherine Fife: Thank you.

The Acting Chair (Mr. Lou Rinaldi): Okay?
Agreed.

All right. Schedule 1, section 1—

Interjection.

The Acting Chair (Mr. Lou Rinaldi): Pardon my
slow getting going here, but we'll get there; trust me.

Are there any general comments on the legislation
before we get rolling? No?

In schedule 1, there are four sections, and there are no
amendments. If we could deal with the four bundled
together, to expedite things—does that sound fair? Okay.

Should schedule 1, section 1, carry? We'll do 1
through to 4. Should schedule 1, sections 1 through 4,
carry? Carried.

Should schedule 1 carry? Carried. Thank you.

Schedule 2: There are no amendments from section 1
to section 28, inclusive. Should those sections carry?
Carried.

On schedule 2, section 29, there's a notice to vote
against—NDP?

Is there any debate on section 29? Sorry. Yes. Ms.
Fife.

1410

Ms. Catherine Fife: Thank you, Chair. New Democ-
rats are recommending voting against section 29 of
schedule 2. As members of the committee will know, this
section deals with the industrial exception rule, which
affects professional engineers.

After listening to delegations, New Democrats have an ongoing concern that by having those who are not engineers, who do not have the qualifications to be an engineer, to conduct their work on and in manufacturing and industrial settings—we maintain that this is still a safety concern for us. We've done extensive research and consultation on this issue.

This is an interesting amendment. This is an interesting schedule because there is a long-standing history on the repeal of the industrial exception and then maintaining the industrial exception. It wasn't that long ago that the Ontario Liberal government was supportive of maintaining the qualifications of having qualified engineers, whom we heard in the delegation, speak to their oath that they take that they must operate in the public interest. We believe strongly that the public interest includes maintaining levels of safety standards which go forward and ensure that (1) our workplaces are safer, and (2) they are more productive. The Professional Engineers Ontario have produced a report—I'm fairly certain that they've shared it with every MPP in the Legislature—which reviews four cases where the inspection and the maintenance of manufacturing equipment was not maintained or certified through engineers, and that led to catastrophic results. In two instances, it led to death.

We struggle with the rationale from the government that this is an economic argument when we feel strongly that it is a safety argument, regardless of the question that I did put to ministry staff, who found that it was not significant. The language for us is somewhat subjective because we have, as legislators, made a commitment when we were elected to ensure that any legislation that we have an opportunity to revise, to amend, to review—that we do so in a holistic way.

So we feel strongly that we should vote against this section because it will take a long time—many years—to actually revisit this idea over again. Why not address the issue now in this legislation while we have the opportunity to do so? So New Democrats are recommending that we vote against section 29 of schedule 2, which deals with the industrial exception rule affecting professional engineers.

The Acting Chair (Mr. Lou Rinaldi): Ms. Martins?

Mrs. Cristina Martins: I want to thank Ms. Fife for her comments. Our government has taken careful consideration to ensure that our workers are protected, that health and safety is paramount, and that we have legislation that is currently in place that does protect the safety and health and well-being of our workers all across this province. The Ministry of Labour actually found no clear evidence of a link between the industrial exception and a threat to workplace safety. The professional engineers continue to conduct reviews and testing, as required.

The Ministry of Labour staff have also reviewed a report that was produced by the Professional Engineers Ontario, a January 2017 report. Based on the four specific cases that were provided in that report, there does not appear to be conclusive evidence that the incidents

identified in the report would have been prevented by the repeal of the industrial exception. Actually, in a professional engineers meeting back in June of last year, they too said that that work is not completed and that the link of unsafe equipment to the industrial exception is inconclusive. I'm not sure that we have a conclusive linkage right now between, perhaps, some of the incidents that happened, whether it be from the Ministry of Labour staff or whether it be from work that the Professional Engineers Ontario had conducted.

We continue to enforce occupational health and safety legislation. As much as you've said, and it's true, that the engineers have to pledge an oath based on their status as engineers, we've got very stringent health and safety regulations across this province. Having worked in the health care sector myself and being subjected to extensive health and safety training, I know that it's quite extensive and very stringent. My proposal and my recommendation is to keep this particular section in the bill as it reads.

The Acting Chair (Mr. Lou Rinaldi): Any further discussion? Ms. Fife.

Ms. Catherine Fife: Just one final comment: When you do review the health and safety standards in the province of Ontario, Ontario has only maintained levels. They have not improved workplace health and safety. There are still the same number of people who are being injured and killed—workers killed—in the province of Ontario.

I mentioned when the committee first met that the politicization of worker safety in the province of Ontario—there's this tension now between economic productivity at odds, if you will, with worker safety. One only has to review how long it took this province and the Minister of Labour and the Chief Prevention Officer to actually put the working-at-heights regulations into play. It was six years of pressure.

I appreciate the comments from Mrs. Martins that the research and the evidence is not conclusive, but in an instance where the research is not conclusive, then you err on the side of caution. You err on the side of expertise: having licensed, regulated members of the engineering trade be part of the equation.

What I have never understood on this debate is why we cannot navigate through this, why we cannot find a balance between having engineers be part of the workplace in a meaningful way, in collaboration and partnership with the manufacturers, who show great leadership in province of Ontario. We are not at odds against that. But when you have a sector only quoting data from the ministry of economics, then I think that there's a bit of a conflict there.

I can only make this argument in so many ways, as I've tried already. I feel very strongly, as does my party, that the goal of Bill 27 was to reduce the regulatory burden. We do not feel that worker safety is a regulatory burden. We would err on the side of caution when the research is, as you say, inconclusive. We agree that there needs to be greater work done on this, but in the meantime, put the safety measures in place.

The Acting Chair (Mr. Lou Rinaldi): Any further—Ms. Martins.

Mrs. Cristina Martins: We do need to have safety measures in place. I truly agree. But one thing that I do have to disagree with you on, Ms. Fife, is when you say that perhaps we haven't been so stringent, or you lead us to believe that we haven't been as stringent when it comes to health and safety. In fact, the Ministry of Labour has actually found that, since 2002, the number of WSIB claims—the health and safety claims—has actually decreased by 50% in the manufacturing sector. This is something that the professional engineers have also found, that actually the number of incidents has decreased. That will only lead me to believe that we do continue to have stringent health and safety regulations in the workplace that are being followed, that people have to take this type of training. They have to sign off that they've taken the training. It's not just a one-time deal; they have to continuously maintain being updated on the health and safety regulations as things change.

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As workplace incidents happen, everything is updated accordingly, and in a very rapid fashion, actually. In most cases—at least, I can speak from my personal experience, having worked in pharma, that that was the case. So we have seen a reduction in health and safety incidents happen in this province.

The Acting Chair (Mr. Lou Rinaldi): Ms. Fife?

Ms. Catherine Fife: If you want to enter into a debate about WSIB, we will be here until 8 o'clock tonight, because there is a reason why there is a reduction in reporting to that agency, and it is fraught with problems.

Bill 70, the piece of legislation that we just passed before Christmas, seeks to reduce workplace inspections by the contracting-out—it does. It provides opportunities for employers—well, one—for the Chief Prevention Officer to contact out the inspection process. Through that inspection process, if they don't find evidence—you need to be on workplaces on a regular basis. Increased workplace inspections actually create safer workplaces.

There are two things happening here. The government has taken such a hard line on the provincial exception; I don't see the rationale for it. We have posed question after question to the minister on this. It just begs the question: Why a compromise around—why we can't navigate our way to a compromise on this issue. We feel strongly that a compromise does exist. But when this act passes, it will set us back a long way away from ever finding that balance between ensuring that qualified licensed engineers play a significant and meaningful safety role on workplaces, and balancing off those economies of scale, if you will, in the industrial sector.

The Acting Chair (Mr. Lou Rinaldi): Ms. Martins.

Mrs. Cristina Martins: I'm not sure that we're questioning the exceptional work that the engineers across this province provide and their professionalism and the various sectors that they work across in the province.

I think that one of the things that is important to also mention, and to keep in mind, is that they'll always have

a place in our workplace. They'll always have a place in our manufacturing sector.

Some of the concerns: We heard—through some of the people who presented here and whom we saw come here with their deputations—the need to ensure that we continue to be globally competitive as a province, and that we are competing against jurisdictions that have similar exceptions in place.

When I think about the small business in rural Ontario that, perhaps, only has about 15 employees, what does that mean for that manufacturer, having to bring in someone? Or the experience other people have on hand right now—what does this really translate into in terms of potentially losing jobs in that small manufacturing facility in rural Ontario?

There is always, and there always will be, a place in Ontario, and in our manufacturing sector, for the professional engineers of Ontario.

The Acting Chair (Mr. Lou Rinaldi): Ms. Fife.

Ms. Catherine Fife: I guess, then, it comes down to a question of accountability, because you are saying that there is a place, and there always will be a place, for professional engineers. But right now there isn't, because it's not in the law. This speaks to a piece of that accountability that is actually missing, the accountability for the engineering work done by unlicensed employees if it fails to meet the safety standards.

You make the argument that this will cost jobs; this will hurt small businesses. I make the argument that safety should be the primary lens that we see this piece of legislation through, remembering, of course, that this is an omnibus bill. We would normally be supportive of many of the schedules that are contained within this, except for schedule 2 and schedule 16.

This schedule does not reduce burden. It will only add to the burden of families whose workers go to work in the morning and are injured in the workplace.

The Acting Chair (Mr. Lou Rinaldi): Any further debate?

Mrs. Cristina Martins: I think my colleague has something.

The Acting Chair (Mr. Lou Rinaldi): Yes, Ms. Des Rosiers.

M^{me} Nathalie Des Rosiers: I think it's important to recognize that the employer has the responsibility to ensure the safety of workers. It does not prevent having engineers on-site. The only thing that we are talking about is whether it's compulsory to have them all the time. The ultimate responsibility of the employers to decide when it's appropriate or not is still there, and the same obligations and the same legal liability that comes from that are there.

In a context where it's not clear that having the engineers there all the time for every piece of change is a sufficient improvement, I think that's part of the issue. I just wanted to correct—to make sure. I appreciate it, but at some point, you said—I just want to make sure to say that does not prevent engineers from being there; it simply does not mandate that they be there all the time.

The Acting Chair (Mr. Lou Rinaldi): Ms. Fife.

Ms. Catherine Fife: Thank you for that clarification. But if it is up to the employer's subjective position, and if that employer is looking at cost versus safety, not every employer, not every manufacturer, is a leader like the ones that appeared before us. Quite honestly, the fines for having workplace injuries are negligible, really, in the province of Ontario. Nick Lalonde fell off a building in my riding, and the contractor was fined \$88,000 for a life.

We obviously are not going to agree on this point. I just do think strongly that there is a place to navigate on this. But once this schedule does pass, it makes it harder to undo. That's why I was trying to argue that you vote against section 29 of this schedule, and then we pull it and we review it at another time.

Mrs. Cristina Martins: If I can just add something?

The Acting Chair (Mr. Lou Rinaldi): Ms. Martins.

Mrs. Cristina Martins: If I can just add something to that, I think it's also important to mention that there is a pre-start certification that is required by an engineer. The type of work that we are talking here under this particular schedule really only would allow very minor work to be done by a non-professional engineer. We're not talking about major changes to a piece of equipment or major engineering work that would have to be done. It's a minor piece of adjustment to a machine that is going to be used for internal purposes only. It's important that we make that distinction.

To your comment about perhaps the WSIB and the claims: I agree with my colleague where the onus to ensure health and safety is on the employer. It's on the owner of that particular manufacturing facility. I do not believe for one second that there would be a manufacturer or an owner of a company or a president of a company or a CEO of a company who wouldn't put health and safety first before any type of economic gain, because, let me tell you, you do not want to have that type of report on you. You don't want to have your company known as an unsafe company where people are falling off the roofs or whatever it is. They would take care to ensure that their workers' safety is at the forefront, versus the economic gains that you're referring to.

The Acting Chair (Mr. Lou Rinaldi): Any further debate? Yes, Ms. Fife.

Ms. Catherine Fife: This is it. When the training and the education piece is at the discretion of the employer, which it currently will be—it is. Right now, it is discretionary. The employer takes the risk of getting caught, of having an injury, of paying a fine. That is currently how it is right now. Costs do weigh into it because of the way that the Chief Prevention Officer has decided to privatize workplace safety in the province of Ontario, where people have to take a course for \$230 to learn how to not fall off of a roof. The working-at-heights one-day training costs \$230.

1430

Right now, it's at the discretion of the employer and the onus is on the employee to get that training. We just

went through this. I really do not understand why this government would take such a hard line on this. I think there is a role for engineers in the workplace. They do not have to be there all the time. It does not have to be a cost-prohibitive safety measure. But it is preventative. We know from research and we know from evidence that the best investment is in the prevention of workplace injuries.

The Acting Chair (Mr. Lou Rinaldi): Ms. Martins?

Mrs. Cristina Martins: You mentioned that health and safety training is at the discretion of the employer. It's not at the discretion of the employer. By law, they have to provide health and safety training for all their workers. As I said, I doubt for a moment that we would have any employer in Ontario that is going to put the health and safety of their worker at hand for some economic gain, and then have, as part of their portfolio, the company that does not provide health and safety training, that puts lives at risks. I very much doubt we would have any manufacturer here in Ontario that would choose that over anything else.

As I said, the engineers do fabulous work, and I want to commend them for the work that they do and that they continue to do. As a government, we appreciate their continued efforts to ensure that they are working with industry to educate them on the importance of professional engineering. We look forward to continuing working with them as well.

The Acting Chair (Mr. Lou Rinaldi): Okay. Any further debate? I see none. Then, we shall vote. Shall schedule 2, section 29, carry?

Ms. Catherine Fife: Recorded vote.

The Acting Chair (Mr. Lou Rinaldi): I have been asked for a recorded vote.

All those in favour of the motion?

Interjections.

Ms. Catherine Fife: You said: Should the schedule carry? You want us to vote on this motion?

The Acting Chair (Mr. Lou Rinaldi): Sorry. My apologies.

Shall schedule 2, section 29, carry?

Ayes

Colle, Des Rosiers, Martins, Vernile.

Nays

Fife.

The Acting Chair (Mr. Lou Rinaldi): The motion is carried. We'll get it straight.

Interjections.

The Acting Chair (Mr. Lou Rinaldi): Schedule 2, section 29, is carried.

Shall schedule 2, section 30, carry? Carried.

Shall schedule 2 carry? Carried.

Schedule 3, sections 1 to 7, has no amendments. Any discussion? Seeing none, shall schedule 3, sections 1 to 7, carry? Carried.

Okay. Schedule 3, section 8.

Mrs. Cristina Martins: I move that subsection 8(1) of schedule 3 to the bill, which repeals clause 4(1)(g) of the Personal Property Security Act, be struck out and the following substituted:

“(1) Clause 4(1)(g) of the Personal Property Security Act is repealed and the following substituted:

“(g) to a sale of accounts or chattel paper as part of a sale of the business out of which they arose unless the vendor remains in apparent control of the business after the sale;”

The Acting Chair (Mr. Lou Rinaldi): Any explanation?

Mrs. Cristina Martins: Sure. This is actually more of a technical amendment, but I do recommend voting for this motion because the proposed motion would, in general, maintain the status quo despite the removal of the reference to the Bulk Sales Act from the clause.

The proposed motion would harmonize Ontario's Personal Property Security Act with other provinces' personal property security acts.

The Acting Chair (Mr. Lou Rinaldi): Any further discussion? I'll call the question. Shall schedule 3, section 8, as amended, carry?

Interjection.

The Acting Chair (Mr. Lou Rinaldi): Sorry. Oh, the motion. We'll get this right.

Shall the motion carry? Carried.

Shall schedule 3, section 8, as amended, carry? Carried.

Schedule 3, sections 9 through 12: There were no amendments. Shall sections 9 through to 12, inclusive, carry? Carried.

Shall schedule 3, as amended, carry? Carried.

Schedule 4, sections 1 to 6: There are no amendments. Any discussion? Hearing none, shall schedule 4, sections 1 to 6, carry? Carried.

Shall schedule 1 of schedule 4, carry? Carried.

Shall schedule 4 carry? Carried.

We'll go to schedule 5, sections 1 through 17: There are no amendments. Any questions or comments? Shall schedule 5, sections 1 to 17, carry? Carried.

Shall schedule 1 of schedule 5 carry? Carried.

Shall schedule 2 of schedule 5: Shall it carry?

Mrs. Cristina Martins: Are you bundling?

The Acting Chair (Mr. Lou Rinaldi): No. Schedule 2 of schedule 5: Shall it carry? Carried.

Shall schedule 5 carry? Carried.

Schedule 6, sections 1 through 6: There are no amendments. Any questions or comments? Shall schedule 6, sections 1 to 6, carry? Carried.

Schedule 6, schedule 1: Shall schedule 1 of schedule 6 carry? Carried.

Shall schedule 6 carry? Carried.

Schedule 7: There are no amendments to sections 1 through 6. Any questions or comments? Having heard none, shall schedule 7, sections 1 to 6, carry? Carried.

Shall schedule 1 of schedule 7 carry? Carried.

Shall schedule 7 carry? Carried.

Schedule 8: There are no amendments to section 1 through to section 6. Any questions or comments? Shall schedule 8, sections 1 to 6, carry? Carried.

Shall schedule 8 carry? Carried.

Schedule 9, sections 1 to 13, inclusive: There are no amendments. Any questions or comments? Shall schedule 9, sections 1 through 13, carry? Carried.

Shall schedule 9 carry? Carried.

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Ms. Lisa M. Thompson: Just when we're finally getting through—

The Acting Chair (Mr. Lou Rinaldi): I know. They just kind of threw a curveball here.

Section 10, schedule 1: There are no amendments. Should section 10, schedule 1, carry? Carried.

Mrs. Cristina Martins: Chair?

The Acting Chair (Mr. Lou Rinaldi): Yes?

Mrs. Cristina Martins: I move that subsections 2(4), (5), (6) and (7) to schedule 10 to the bill be struck out.

The Acting Chair (Mr. Lou Rinaldi): Any comments?

Mrs. Cristina Martins: I recommend voting in favour of this motion that I've just read because the introduction of the motion is that the sections in question have been included in Bill 95, the Protecting Vulnerable Energy Consumers Act, 2017, which was introduced by the Minister of Energy and passed by the House last week.

The text of Bill 95 is identical to those sections included in Bill 27, and Bill 95, which was introduced last week, has received royal assent and makes the inclusion of the section in question redundant and unnecessary, given the government's alternative efforts to curtail discussions, and, as I said, this had already received all-party consent in the House.

The Acting Chair (Mr. Lou Rinaldi): Any further comments?

We're ready to vote? It's an amendment to schedule 10, section 2, moved by Ms. Martins. All in favour?

Mr. Mike Colle: To do what?

Mrs. Cristina Martins: To carry it.

Mr. Mike Colle: To carry what?

The Acting Chair (Mr. Lou Rinaldi): The motion that Ms. Martins just read into the record.

Mr. Mike Colle: Okay.

The Acting Chair (Mr. Lou Rinaldi): All in favour? Carried.

Shall schedule 10, section 2, as amended, carry? Carried.

Shall schedule 10, section 3, carry? Carried.

Shall schedule 10, as amended, carry? Carried.

Schedule 11: There are no amendments to sections 1 through 3. Any questions or comments? Should schedule 11, sections 1 through 3, inclusive, carry? Carried.

Schedule 11, section 4: there is an amendment from the PC side. Ms. Thompson.

Ms. Lisa M. Thompson: I'm bringing this motion forward in the spirit of what the Burden Reduction Act is attempting to do, and that's eliminating regulatory duplication. With that said, hydroelectricity is the greenest, cleanest form of electricity in this province, and we need to make it easy—

The Acting Chair (Mr. Lou Rinaldi): Excuse me. Ms. Thompson, you just were to introduce the motion.

Ms. Lisa M. Thompson: I was so excited to get into this.

The Acting Chair (Mr. Lou Rinaldi): I know. I wanted you to get started and then I could put a stop to it. Ms. Thompson, this motion is out of order.

Ms. Lisa M. Thompson: Okay, darn it.

The Acting Chair (Mr. Lou Rinaldi): Do you want to know why?

Ms. Lisa M. Thompson: Yes. Please tell us why.

The Acting Chair (Mr. Lou Rinaldi): This motion seeks to amend a section of the Ontario Water Resources Act that is not open in this bill before us. It is therefore beyond the scope of the bill, and I'm ruling it out of order on those grounds.

Ms. Lisa M. Thompson: More red tape.

Mrs. Cristina Martins: Can I just say something on that? Don't forget, though, that we are going to make this an annual process—

The Acting Chair (Mr. Lou Rinaldi): There's no debate.

Should schedule 11, section 4, carry?

Interjection.

The Acting Chair (Mr. Lou Rinaldi): Wait a minute. We have to vote on the motion first.

Interjections.

The Acting Chair (Mr. Lou Rinaldi): So, should section 11, section 4—schedule 11, section 4; I'll get it right yet—carry? Carried.

Section 11, section 5—schedule 11, section 5. I get those backwards. Sections 5 to 8, inclusive: There are no amendments. Any questions or comments? All those in favour of schedule 11, sections 5 to 8, inclusive? Carried.

Shall schedule 8—section 8 carry?

Interjection.

The Acting Chair (Mr. Lou Rinaldi): Should schedule 11 carry? Carried. All right.

Schedule 12, sections 1 through 4: There are no amendments. Any questions or comments? Shall schedule 12, sections 1 through 4, carry? Carried.

We're now on schedule 12, section 5. There's a government amendment.

Mrs. Cristina Martins: I move that subsection 5(1) of schedule 12 to the bill be struck out.

I recommend voting in favour of this motion because the proposed amendment was drafted to address the increasingly sophisticated ways in which title to land was fraudulently transferred or mortgaged. The wording of the proposed amendment is too broad and might actually capture documents that are valid or otherwise not

intended to be captured. So I recommend striking that section out.

The Acting Chair (Mr. Lou Rinaldi): Thank you. Any further debate? Ms. Fife.

Ms. Catherine Fife: New Democrats will be opposing this motion. This appears to be a reversal of a change proposed in Bill 27 to the Land Titles Act that would have included a definition of "fraudulent instrument" that industry observers pointed out would add greater risk to prospective homeowners, and was a step back on consumer protections. Essentially, it doesn't address the concerns that were brought to us through the delegation. It doesn't address the issue of burden and, in fact, may actually put homeowners more at risk. So we will not be supporting this government motion.

I would actually go back to the fact that this part, this section, was a flawed process. When the delegation came in to speak with us, he had really excellent examples of the language that could have been incorporated and the basis, actually, of going forward. Had he been consulted, I think we would have had a better piece of legislation before us.

For that reason, we will not be supporting schedule 12, subsection 5(1), and the motion put forward by the government.

The Acting Chair (Mr. Lou Rinaldi): Thank you, Ms. Fife. Any further comments? Ms. Martin.

Mrs. Cristina Martins: I just wanted to add that the proposed government motion would maintain the status quo until a narrower vision of the Land Titles Act is developed. It would actually help rectify title fraud on properties of innocent homeowners, so there would still be protections in place for homeowners.

The Acting Chair (Mr. Lou Rinaldi): Any further debate? I shall call for the vote. Should schedule 12, subsection 5, of the—

Interjections.

The Acting Chair (Mr. Lou Rinaldi): Okay. Should government motion number 4 carry? Carried.

Shall schedule 12, section 5, as amended, carry? Carried. Thank you.

So on to schedule 12, section 6: There are no amendments to sections 6 to 11, inclusive. Any comments? Having heard none, should schedule 12, sections 6 through 11, carry? Carried.

1450

Shall section 12—I have "section" in my brain today. Shall schedule 12, as amended, carry? Carried.

Schedule 13, sections 1 through 7, has no amendments. Any questions or comments? Having heard none, shall schedule 13, sections 1 through 7, inclusive, carry? Carried.

Shall schedule 13 carry? Carried.

Schedule 14: There are no amendments from section 1 to section 22. Any questions or comments? Having heard none, shall schedule 14, sections 1 through 22, carry? Carried.

Shall schedule 14 carry? Carried.

Schedule 15: There are no amendments to sections 1 and 2. Any comments or questions? Hearing none, shall schedule 15, sections 1 and 2, carry? Carried.

Shall schedule 15 carry? Carried.

Schedule 16: There's no amendment to sections 1 through 4. Any questions or comments? Having heard none, shall schedule 16, sections 1 to 4, carry? Carried.

Okay, we have a question, a notice to vote—sorry. Section 16, NDP. Sorry. Ms. Fife?

Ms. Catherine Fife: Thank you very much, Chair. This is one of the schedules that give us a great deal of concern in this very large bill. Schedule 16 changes the Ontario Place Corporation Act to allow for private development of these public grounds. As I mentioned when we had the opportunity—although it was a very short opportunity, I have to say; we only had, I think, three minutes to ask ministry staff some further questions—I will say that our primary concern on the changes to the Ontario Place Corporation Act is that it does open the door for private and commercial use. In fact, in the bill it says, and this is clause 8 of the act, “to operate Ontario Place for recreational, cultural, entertainment, educational, research, commercial, exhibition or public purposes.”

As a matter of public position, we have clearly resisted this move by the Liberal government, and we are opposed to the Ontario Place grounds being subject to commercial and commercial real estate buildup out of the public control. We have some very strong allies in this, people who have obviously raised their voices previously: the MPP for Trinity–Spadina, Rosario Marchese, and Toronto city councillor Mike Layton, whose primary concern, I think, in having a conversation with him, is that once this piece of legislation does pass, it sets in place a very limited public process where concerned citizens would have very limited opportunities to weigh in to development plans.

Obviously, the people of Toronto care deeply about Ontario Place. It's an iconic tourism site in the province. Ever since it closed in February 2012, since that time, there have been some ups and downs as it relates to the planning for this important piece of real estate in the province of Ontario. There were, of course, at one point, plans to put a casino there. There have always been long-standing concerns that a very large condo development would find its way to that land. The No Casino Toronto movement I think did a very good job of pushing back on that.

Yet this legislation is permissive. It is permissive to those areas of potential real estate. It's contained within the legislation. It does not limit, or put in place a clear path for public consultation.

What is unfortunate about that is that when I had the opportunity to very, very quickly ask the ministry staff, they said that the process in place would be essentially what the government always does and what other agencies have in place. Those processes are insufficient, I would say.

From our perspective as New Democrats who care deeply about keeping this piece of property open to the

public and preventing it from being privatized, and limiting whatever those leasing agreements would be or whatever those sale agreements would be, the voices of the people of Toronto, and indeed of Ontario, who care deeply about this public space would be very limited in doing so.

In raising this issue, if we were dealing with a government that had not accelerated privatization in the province of Ontario, this would maybe be a very different conversation. But there is a record to look at on health care, on energy, on public services, and even, recently, on post-secondary. So we would not rule out the government moving forward to capitalize on the space.

We need to put those concerns on the public record. They match the concerns of the people of Toronto and indeed of Ontario.

The Acting Chair (Mr. Lou Rinaldi): Ms. Martins.

Mrs. Cristina Martins: As a member representing a downtown Toronto riding and growing up in Toronto, this is home for me, and Ontario Place played a significant role in growing up as a child here in Toronto.

I recall and have very fond memories of visiting Ontario Place as a child and then bringing my own children there before Ontario Place did close. It is, as you very rightfully said, Ms. Fife, an important place for Torontonians, but I think a very important place for all Ontarians. That is why our government has not considered and will not be considering the sale of Ontario Place. Ontario Place is a public space, and we want to ensure that Ontario Place remains a public space, in public hands, and that this remains a jewel in our city.

I'm going to quote the minister here. She says, “I can tell everyone categorically that Bill 27 does not change Ontario Place or our intentions at all. This is a jewel of an island, an absolutely beautiful urban landscape, and we're doing everything we can to realize the vision that people told us they wanted.”

You also spoke about the concern around condo development or around casinos. I can quote the minister again, who said in November of last year, “We are moving forward with a plan to revitalize Ontario Place into a vibrant waterfront destination that engages Ontarians young and old and, indeed, all Canadians. We made it clear during the 2014 election, and I'll make it clear again: Developments like condos and casinos are not part of that plan.”

As the revitalization of Ontario is ongoing, the Ontario Place Corp. continues to work with outside organizations, including the private sector partners, to host very unique events. We're celebrating our 150th anniversary this year, so there are a number of events planned in and around our Ontario150 celebrations. There are plans to have a tailgate party for the upcoming Grey Cup and all sorts of different arts, cultural and multicultural events and spaces available for people all across Ontario. I'm very confident that we need to move on and we need to ensure that those people who are wanting to hold events there—that we facilitate that intent to ensure that there aren't burdens in place to ensure that some of these wonderful, wonderful multicultural events are planned.

1500

You did make reference, and I did just want to say this, Ms. Fife, that we had the ADM here last week and you had three minutes to ask him a question. Well, it's my understanding that ministry staff had offered at various times since June of last year to have briefings, and there was no one from your staff or yourself who actually attended those briefings.

We'd like to move on with that. Thank you.

The Acting Chair (Mr. Lou Rinaldi): Ms. Fife.

Ms. Catherine Fife: I would like to remind Mrs. Martins that I just became this critic less than seven weeks ago. Had I had the opportunity in the fall to—I always make myself available for the very talented public service workers who actually help the government craft their way through pieces of legislation like this.

But I do think it's important, actually, to review why the concerns exist today, because it needs to be said that there is a serious trust issue. While MPP Martins will say that the government has no intention of moving in this direction, the legislation says something different. The legislation is permissive. If the legislation said, "Ontario Place will only be kept in the public domain, in the public interest," we would support a piece of legislation like that. There were political statements made during the last election by the Premier when she jogged down to Ontario Place and stated that she would not sell off parts of it. But the Premier also said that she would never sell off Hydro One, and we are seeing the carving off of Hydro One. This speaks to the credibility of this Premier and this government.

Just to review, in August 2012, John Tory, who is now the mayor of Toronto, released the original report with 18 recommendations. That was a response, really, to the No Casino movement. Although the Ontario Lottery and Gaming Corp. continued to advocate for a mega-casino elsewhere on Toronto's waterfront, the report did not recommend that it would be opened up at that time for residential development. But this schedule does open it up for residential development. It's right in the legislation; the language is there.

At that time, Tory recommended that no more than 10% to 15% of Ontario's land-water lot property be opened up for residential development. But since half of Ontario Place's land-water lot property is actually water, the recommendation would mean that almost one third of Ontario Place would be handed over to condo developers. Those recommendations are still part of that report. They're still part of the government's documentation. At that time, obviously, the MPP for Trinity-Spadina spoke out heavily against that, as did the member for Parkdale-High Park and ward 19 councillor Mike Layton.

Quite honestly, because it is such a valuable piece of property, a coalition established a parallel advisory consultation group at that time. They called that process Rethinking Ontario Place, because obviously Ontario Place is going to change in some way. Those participants included Rosario Marchese, as well as David Crombie and Ken Greenberg and Eb Zeidler, the original architect of Ontario Place. Fortunately, that report is still outstand-

ing, and it has still been largely ignored by the Liberal government, even though you have incredibly smart people like David Crombie and Ken Greenberg part of that.

Meanwhile, there was a vacuum from about 2012 until 2014 where the government, under the leadership of Premier Wynne, still was silent on ruling out condo development. Then there was the famous jog down to Ontario Place, and a declaration was made.

When politicians say things in the public domain, I think that they should hold weight, if you will. I think that the legislation—because the government had a new opportunity to craft a piece of legislation that would guide future processes around the redevelopment of Ontario Place in the public interest. You had the opportunity to craft a piece of legislation like that, and the government did not. I am just registering our concerns with that missed opportunity to ensure that this iconic piece of property in Toronto is maintained for future generations.

The Acting Chair (Mr. Lou Rinaldi): Ms. Vernile.

Ms. Daiene Vernile: If I could speak very quickly. Thank you, Chair.

I just want to add a point of clarification on a comment made by Ms. Fife on the Premier's approach to Hydro One and the ownership of it. I think it's important to get this correction on the record.

Ms. Fife said that the Premier said she would never look at the sale of this. However, the record shows that during the 2014 election, she always talked about broadening the ownership of Hydro One. In the 2014 budget, it was there. The budget that was reintroduced in 2014 in July, same thing: broadening the ownership of Hydro One. It was there again in 2014 in the fall economic statement.

I think we need to correct the record. The Premier has always been very open and transparent on that point.

The Acting Chair (Mr. Lou Rinaldi): Ms. Martins.

Mrs. Cristina Martins: I just wanted to make note, to Ms. Fife, that you were offered a briefing on January 31, which I believe was within the last seven weeks.

You talked about the language in this piece of legislation. I just want to say that the language of this legislative change is legal boilerplate and is used in other instances, such as the Niagara Parks Act, the St. Lawrence Parks Commission Act and the Ministry of Infrastructure; and that the proposed amendments under the Burden Reduction Act simply help lower the cost and complexity of these agreements so that third-party partners can invest in Ontario Place.

When I say "invest," in no way does our government intend on that being for condos. I'm going to read you a quote from the Premier, from May 2014: "Toronto's waterfront should be for everyone to enjoy. Thoughtful and careful planning for the future of this site will make it an attractive destination for tourists and local residents alike. Ruling out residential development is part of that plan."

As you can see, there is a strong commitment, whether it's by our Premier or by the minister herself. Both state that the future development of Ontario Place is for arts purposes, for cultural events and for multicultural events,

to maintain it as the jewel of our city, the jewel of our province, and to ensure that it remains in public hands for public use.

The Acting Chair (Mr. Lou Rinaldi): Yes, Ms. Fife.

Ms. Catherine Fife: To Ms. Vernile's point around the broadening of ownership: You don't get a broader ownership than the entire province of Ontario, the people who had owned most of Hydro One.

Language matters. Language matters, especially when it's legislation. I think as legislators, we have to ensure that the public interest is protected. The public interest is not protected by writing legal wording into legislation that opens the doors to the future disposition of property at Ontario Place.

We want to register our concerns on that. I think that we have done so. I hope that the government does not go down the road of aggressively accelerating and commercializing the land of Ontario Place, because that is clearly not what the people want—but 82% of the people of this province also don't want Hydro One privatized.

There is a history here. There is a record. I've read it into the record. Our concerns are still outstanding.

The Acting Chair (Mr. Lou Rinaldi): Any further comment? Having heard none, we're going to vote on schedule 16.

Ms. Catherine Fife: Recorded vote, please.

The Acting Chair (Mr. Lou Rinaldi): A recorded vote has been asked for. Shall schedule 16 carry?

Ayes

Colle, Des Rosiers, Martins, Vernile.

Nays

Fife.

The Acting Chair (Mr. Lou Rinaldi): Carried.

Schedule 17, sections 1 to 18: There are no amendments. Any comments or concerns?

Shall schedule 17, sections 1 through 18, carry? Carried.

Shall schedule 17 carry? Carried.

Now we are going to go back to sections 1 and 3. We're on section 1 to section 3, inclusive, of the bill. Shall sections 1 to 3, inclusive, carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 27, as amended, carry?

Mr. Mike Colle: Recorded vote.

The Acting Chair (Mr. Lou Rinaldi): A recorded vote has been asked for, so I'll ask the question again. Shall Bill 27, as amended, carry?

Ayes

Colle, Des Rosiers, Martins, Vernile.

Nays

Fife.

The Acting Chair (Mr. Lou Rinaldi): Shall I report the bill, as amended, to the House? Carried.

There is no further business. This meeting comes to an end. Adjourned.

The committee adjourned at 1512.

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