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Assembly  
of Ontario



Assemblée  
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de l'Ontario

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**Official Report  
of Debates  
(Hansard)**

SP-7

**Journal  
des débats  
(Hansard)**

SP-7

**Standing Committee on  
Social Policy**

Green Energy Repeal Act, 2018

1<sup>st</sup> Session  
42<sup>nd</sup> Parliament

Monday 12 November 2018

**Comité permanent de  
la politique sociale**

Loi de 2018 abrogeant  
la Loi sur l'énergie verte

1<sup>re</sup> session  
42<sup>e</sup> législature

Lundi 12 novembre 2018

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Chair: Nina Tangri  
Clerk: Eric Rennie

Présidente : Nina Tangri  
Greffier : Eric Rennie

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## CONTENTS

Monday 12 November 2018

Green Energy Repeal Act, 2018, Bill 34, Mr. Rickford / Loi de 2018 abrogeant la Loi sur l'énergie verte, projet de loi 34, M. Rickford.....	153
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
SOCIAL POLICY**

**COMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE**

Monday 12 November 2018

Lundi 12 novembre 2018

*The committee met at 0900 in committee room 1.*

GREEN ENERGY REPEAL ACT, 2018  
LOI DE 2018 ABROGEANT  
LA LOI SUR L'ÉNERGIE VERTE

Consideration of the following bill:

Bill 34, An Act to repeal the Green Energy Act, 2009 and to amend the Electricity Act, 1998, the Environmental Protection Act, the Planning Act and various other statutes / Projet de loi 34, Loi abrogeant la Loi de 2009 sur l'énergie verte et modifiant la Loi de 1998 sur l'électricité, la Loi sur la protection de l'environnement, la Loi sur l'aménagement du territoire et diverses autres lois.

**The Chair (Mrs. Nina Tangri):** Good morning, everyone. We are assembled here today for clause-by-clause consideration of Bill 34, An Act to repeal the Green Energy Act, 2009 and to amend the Electricity Act, 1998, the Environmental Protection Act, the Planning Act and various other statutes.

Tara Partington from legislative counsel is here to assist us with our work, should we have any questions for her.

A copy of the numbered amendments filed with the Clerk is on your desk. The amendments have been numbered in the order in which the sections appear in the bill.

Are there any questions before we start? Seeing none, before we begin section 1, I will allow each party to make some brief comments on the bill as a whole. Afterwards, debate should be limited to the section or amendment under consideration.

I'm going to give you about two minutes to do that. We'll start with the opposition.

**Mr. Peter Tabuns:** Thank you, Chair. I appreciate the opportunity.

Chair, I want to note that in our amendments we've tried to bring some of the necessary planning and openness to the electricity system that are not in this bill. The Liberals dramatically cut back the opportunity for people to produce evidence-based assessments of their plans. They took away the integrated power supply plan. In our amendment 1, we talk about the need to restore that regime—something that wasn't done in the bill, but should have been done in the bill.

One of the things that the opposition complained about in the last Parliament—we as the third party—was that we had a closed-door, backroom planning system that was not

actually reflective of what Ontarians wanted to see. Amendment 1 is a very long amendment, but it does in fact restore many of the things that both parties were urging the Liberals to back off on in the last Parliament, and I'm hopeful that in this committee these amendments will be adopted.

I also want to just say that I think—and I've said it in the House—the direction of this bill is not so much to actually deal with the problems that arose from the way the Liberals dealt with green energy. Most of the sections of the Green Energy Act have been moved into the Electricity Act, so I think a lot of what the government is claiming it's dealing with isn't there.

There's a very clear statement on the part of the government that it is disinterested in and will be discouraging renewable energy in the future. That, we believe, is ignoring where the economy globally is going and is ignoring what scientists globally are saying is necessary to take on climate change. I think the bill goes in the wrong direction.

**The Chair (Mrs. Nina Tangri):** Thank you very much, Mr. Tabuns. Does anyone from the government side wish to—

**Mr. Paul Calandra:** No, I think we're good.

**The Chair (Mrs. Nina Tangri):** Thank you, Mr. Calandra. We'll move forward.

Section 1, Electricity Act, 1998: Shall section 1 carry? All those in favour? Please raise your hands.

**Mr. Paul Calandra:** Without amendments?

**The Chair (Mrs. Nina Tangri):** There are no amendments. Opposed? Carried. Thank you.

NDP new section 1.1 of the bill.

Please go ahead, Mr. Tabuns.

**Mr. Peter Tabuns:** I move that section 1.1 be added to the bill:

"1.1 Sections 25.29 to 25.32.1 of the act are repealed and the following substituted:

“Assessment of electricity resources

“25.29(1) The IESO shall make an assessment of the adequacy and reliability of electricity resources with respect to anticipated electricity supply, capacity, reliability and demand for each assessment period prescribed by the regulations.

“Same

“(2) As part of an assessment under subsection (1), the IESO shall consider generation and transmission capacities and technologies and conservation measures.

“Integrated power system plan

“25.30(1) Once during each period prescribed by the regulations, or more frequently if required by the minister or the board, the IESO shall develop and submit to the board an integrated power system plan that,

“(a) is designed to assist, through effective management of electricity supply, transmission, capacity and demand, the achievement by the government of Ontario of,

“(i) its goals relating to the adequacy and reliability of electricity supply, including electricity supply from alternative energy sources and renewable energy sources, and

“(ii) its goals relating to demand management; and

“(b) encompasses such other related matters as may be prescribed by the regulations.

“Minister’s directives

“(2) The minister may issue, and the IESO shall follow in preparing its integrated power system plans, directives that have been approved by the Lieutenant Governor in Council that set out the goals to be achieved during the period to be covered by an integrated power system plan, including goals relating to,

“(a) the production of electricity from particular combinations of energy sources and generation technologies;

“(b) increases in generation capacity from alternative energy sources, renewable energy sources or other energy sources;

“(c) the phasing-out of coal-fired generation facilities; and

“(d) the development and implementation of conservation measures, programs and targets on a system-wide basis or in particular service areas.

“Publication

“(3) A directive issued under subsection (2) shall be published in the Ontario Gazette.

“Review of integrated power system plan

“(4) The board shall review each integrated power system plan submitted by the IESO to ensure it complies with any directions issued by the minister and is economically prudent and cost-effective.

“Board’s powers

“(5) After review, the board may approve a plan or refer it back with comments to the IESO for further consideration and resubmission to the board.

“Deadline for review

“(6) The board shall carry out the review of an integrated power system plan under subsection (4) within such time as the minister directs.

“Procurement process for electricity supply etc.

“25.31(1) The IESO shall develop appropriate procurement processes for managing electricity supply, capacity and demand in accordance with its approved integrated power system plans.

“Same

“(2) The IESO’s procurement processes must provide for simpler procurement processes for electricity supply or capacity to be generated using alternative energy sources or renewable energy sources, or both, where the supply or

capacity or the generation facility or unit satisfies the prescribed conditions.

“Application for approval

“(3) The IESO shall apply to the board for approval of its proposed procurement processes, and any amendments it proposes.

“Board approval

“(4) The board shall review the IESO’s proposed procurement processes, and any proposed amendments, and may approve the procurement processes or refer all or part of them back with comments to the IESO for further consideration and resubmission to the board.

“Deadline for review

“(5) The board shall carry out the review of the proposed procurement processes, and any proposed amendments, within such time as the minister directs.

“Procurement contracts

“25.32(1) When the IESO considers it advisable, it shall enter into contracts in accordance with procurement processes approved under section 25.31 for the procurement of,

“(a) electricity supply or capacity, including supply or capacity to be generated using alternative energy sources, renewable energy sources or both; or

“(b) measures that will manage electricity demand or result in the improved management of electricity demand on an on-going or emergency basis.

“Contract to comply with regulations

“(2) The IESO shall not enter into a procurement contract that does not comply with the regulations.

“Resolution of procurement contract disputes

“(3) The parties to a procurement contract shall ensure that the contract provides a mechanism to resolve any disputes between them with respect to the contract.

“Transition

“(4) Despite subsection (2), the minister may direct the IESO to assume, as of such date as the minister considers appropriate, responsibility for exercising all powers and performing all duties of the crown, including powers and duties to be exercised and performed through an agency of the crown,

“(a) under any request for proposals, draft request for proposals, another form of procurement solicitation issued by the crown or through an agency of the crown or any other initiative pursued by the crown or through an agency of the crown that,

“(i) was issued or pursued after January 1, 2004, and before the board’s first approval of the IESO’s procurement process under subsection 25.31(4), and

“(ii) relates to the procurement of electricity supply or capacity or reductions in electricity demand or to measures for the management of electricity demand; and

“(b) under any contract entered into by the crown or an agency of the crown pursuant to a procurement solicitation or other initiative referred to in clause (a).

“Release of the crown etc.

“(5) As of the day specified in the minister’s direction under subsection (4), the IESO shall assume responsibility in accordance with that subsection and the crown and any

crown agency referred to in that subsection are released from any and all liabilities and obligations with respect to the matters for which the IESO has assumed responsibility.

“Deemed compliance

“(6) The following contracts shall be deemed to be procurement contracts entered into in accordance with any integrated power system plan and procurement process approved by the board:

“1. A contract entered into by the IESO following a procurement solicitation or other initiative referred to in clause (4)(a).

“2. A contract referred to in clause (4)(b).

“Same

“(7) The IESO shall enter into any contract following a procurement solicitation or other initiative referred to in clause (4)(a) if directed to do so by the Minister of Energy, and that contract shall be deemed to be a procurement contract that was entered into in accordance with any integrated power system plan and procurement process approved by the board.”

**The Chair (Mrs. Nina Tangri):** Thank you, Mr. Tabuns.

Committee members, the proposed amendment is out of order because it seeks to amend sections of a parent act that are not before the committee. As Bosc and Gagnon note on page 771 of the third edition of House of Commons Procedure and Practice, “An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill.”

Mr. Tabuns?

**Mr. Peter Tabuns:** Chair, I ask for unanimous consent of the committee to have it debated, notwithstanding your comments.

**The Chair (Mrs. Nina Tangri):** Do we have unanimous consent?

**Interjection:** No.

**The Chair (Mrs. Nina Tangri):** Seeing none, we’ll move forward.

**Mr. Peter Tabuns:** Thank you.

0910

**The Chair (Mrs. Nina Tangri):** Section 2, part II.3, conservation and energy efficiency: NDP, section 2 of the bill, page 2. Go ahead, Mr. Tabuns.

**Mr. Peter Tabuns:** I move that section 2 of the bill be amended by adding the following subsections to section 25.35.2 of the Electricity Act, 1998:

“Duty to consider energy conservation etc.—when acquiring goods and services

“(8) The Lieutenant Governor in Council may, by regulation, require public agencies to consider energy conservation and energy efficiency in their acquisition of goods and services and to comply with such requirements as may be prescribed for that purpose.

“Same—when making capital investments

“(9) The Lieutenant Governor in Council may, by regulation, require public agencies to consider energy conservation and energy efficiency when making capital

investments and to comply with such requirements as may be prescribed for that purpose.”

**The Chair (Mrs. Nina Tangri):** Is there any debate? Mr. Tabuns.

**Mr. Peter Tabuns:** This amendment restores regulatory authority to mandate that government agencies consider energy conservation and efficiency. It’s very simple: When you make procurements or capital investments, you should be minimizing the energy consumption that’s involved in what is purchased or what is built. It’s to our advantage economically, it’s to our advantage in the electricity system and it’s to our advantage in terms of the environment to have this kind of regulation in place.

**The Chair (Mrs. Nina Tangri):** Is there anybody on the government side who would like to speak to that?

**Mr. Paul Calandra:** No.

**The Chair (Mrs. Nina Tangri):** Any further debate?

**Mr. Peter Tabuns:** No, but I would like a recorded vote when you go to a vote.

**Ayes**

Arthur, Harden, Tabuns.

**Nays**

Anand, Calandra, Fee, Karahalios, Sabawy, Triantafilopoulos.

**The Chair (Mrs. Nina Tangri):** I declare the amendment lost.

NDP, section 2 of the bill, page 3: Would you like to speak to that, Mr. Tabuns?

**Mr. Peter Tabuns:** Yes. Thank you, Chair.

I move that section 2 of the bill be amended by adding the following subsection to section 25.35.10 of the Electricity Act, 1998:

“Same

“(2) Regulations made under the Green Energy Act, 2009, that were in force on the day before section 10 of the Green Energy Repeal Act, 2018, came into force remain in force until they are revoked or replaced under this act.”

This allows continuation, Chair, of uncontroversial and broadly supported energy efficiency and conservation regulations that were enabled under the Green Energy Act. I would think the government would support this, because I’m sure that they support conservation and efficiency.

**The Chair (Mrs. Nina Tangri):** Any further debate? Seeing none, I’ll call the question.

**Mr. Peter Tabuns:** Recorded vote.

**Ayes**

Arthur, Harden, Tabuns.

**Nays**

Anand, Calandra, Fee, Karahalios, Sabawy, Triantafilopoulos.

**The Chair (Mrs. Nina Tangri):** I declare the amendment lost.

Shall section 2 carry? All of those in favour? Opposed? Carried.

Section 3, Conservation Authorities Act: Shall section 3 carry? Those in favour? Opposed? Carried.

Section 4, Environmental Protection Act: NDP, subsection 4(2) of the bill, page number 4. Would you like to speak to that, Mr. Tabuns?

**Mr. Peter Tabuns:** I will, Chair, but I should also note that we would like a recorded vote on all of our amendments—

**The Chair (Mrs. Nina Tangri):** Noted. Thank you.

**Mr. Peter Tabuns:** —just in case I miss it later.

I move that subsection 4(2) of the bill be amended by striking out clause 176(4.1)(e.1) of the Environmental Protection Act and substituting the following:

“(e.1) prohibiting the issue of renewable energy approvals in prescribed circumstances, which may include circumstances in which the demand for the electricity that would be generated has not been demonstrated in a report by the IESO on the adequacy and reliability of electricity resources with respect to anticipated electricity supply, capacity, storage, reliability and demand;”

**The Chair (Mrs. Nina Tangri):** Any further debate? Go ahead, Mr. Tabuns.

**Mr. Peter Tabuns:** I think it’s fairly straightforward that our electricity system shouldn’t be building generation facilities when it doesn’t need new electricity, but I think that the section, as is written, is vague. If we have the IESO actually doing the determination as to whether or not there is demand or not, then in general people can rely on that. It’s an open process. It’s an accountable process. As written, the act doesn’t give anyone clarity on what’s going on and opens the door to arbitrary decisions on whether there’s demand or not demand.

**The Chair (Mrs. Nina Tangri):** Would anyone like to speak to that on the government side? Seeing nothing, we’ll call the question on section 4 of the Environmental Protection Act, subsection 4(2) of the bill.

**Ayes**

Arthur, Harden, Tabuns.

**Nays**

Anand, Calandra, Fee, Karahalios, Sabawy, Triantafilopoulos.

**The Chair (Mrs. Nina Tangri):** I declare the amendment lost.

NDP, subsection 4(2) of the bill, page 5: Go ahead, Mr. Tabuns.

**Mr. Peter Tabuns:** I move that subsection 4(2) of the bill be amended by striking out clause 176(4.1)(e.1) of the Environmental Protection Act and substituting the following:

“(e.1) prohibiting the issue of renewable energy approvals in prescribed circumstances, which may include circumstances in which the demand for the electricity that would be generated as part of engaging in the renewable energy project has not been demonstrated in accordance with the regulations;”

If I may speak to this, Chair?

**The Chair (Mrs. Nina Tangri):** Go ahead.

**Mr. Peter Tabuns:** Two things: The original motion refers to issue of renewable energy approval or reissue or renewal of that approval. To my knowledge, no renewal is needed; those certificates continue in perpetuity. The suggestion—putting the wording in of “renewal”—opens up the possibility that certificates are going to be cancelled at some point. We don’t like that ambiguity, and I don’t think it’s good for Ontario to have that ambiguity. So I am asking that this motion be adopted so that there’s clarity in the act.

**The Chair (Mrs. Nina Tangri):** Would anyone on the government side like to speak to that?

**Mr. Paul Calandra:** No, thank you.

**The Chair (Mrs. Nina Tangri):** No? I’ll call the question: NDP, subsection 4(2) of the bill, page 5.

**Ayes**

Arthur, Harden, Tabuns.

**Nays**

Anand, Calandra, Fee, Karahalios, Sabawy, Triantafilopoulos.

**The Chair (Mrs. Nina Tangri):** I declare the amendment lost.

We’ll move on to section 4 of the bill, page 6, the NDP. Mr. Harden, go ahead.

**Mr. Joel Harden:** I move that section 4 of the bill be amended by adding the following subsection:

“(3) Section 176 of the act is amended by adding the following subsection before the heading ‘Regulations relating to Part VI’:

“Same

“(4.1) A regulation made under clause (4.1)(e.1) shall not apply with respect to a net metering initiative.”

**The Chair (Mrs. Nina Tangri):** Would you to speak further to that?

**Mr. Joel Harden:** I would, Chair. I enjoyed the testimony from at least two of our guests who visited us, one of whom is from my riding, the Ottawa Renewable Energy Co-operative, an organization with over 5,000 members that has \$17 million of renewable energy projects that are ongoing. What they’re telling us is that it’s possible to grow renewable energy ambitiously under a subsidy-free regime, and that if we allow them to collaborate through a virtual net metering platform, that’s much more amenable for them.

I’m just mindful, as somebody who pays attention to what the international panel on climate change just told us,

that we're on a 12-year deadline to deal with the catastrophic impacts of climate change, that enabling local—especially, for me—non-profit organizations to build and collaborate around the construction of renewable energy projects without subsidies, which I would think is something that would appeal to my friends in the government, is a very prudent move. We ought to do it early in this 12-year horizon that scientific experts have given us. So I invite my colleagues to support this.

**The Chair (Mrs. Nina Tangri):** Would anybody on the government side like to speak to that? None, so we'll call the question.

0920

**Mr. Peter Tabuns:** No, I would like to speak.

**The Chair (Mrs. Nina Tangri):** I'm sorry. Go ahead, Mr. Tabuns.

**Mr. Peter Tabuns:** I appreciate the commentary from my colleague and I agree with the commentary from my colleague, but I want to note as well that this bill is written very broadly. I'm not sure whether it is the intent of the government or not to block net metering. But as things are written, there is a door open to doing that, and we want to make sure that that door is closed. That's why we want to specifically ensure that net metering is protected in this act.

**The Chair (Mrs. Nina Tangri):** Would anyone like to speak to Mr. Tabuns's comments? Seeing none, we'll call the question on the NDP section 4 of the bill, page 6.

#### Ayes

Arthur, Harden, Tabuns.

#### Nays

Anand, Calandra, Fee, Karahalios, Sabawy, Triantafilopoulos.

**The Chair (Mrs. Nina Tangri):** I declare the amendment lost.

Shall section 4 carry? Those in favour? Opposed? Section 4 carries.

Section 5, the Ministry of Natural Resources Act: We'll call the question. Shall section 5 carry? All those in favour? Opposed? Carried.

Section 6, the Niagara Escarpment Planning and Development Act: Shall section 6 carry? All of those in favour? Opposed? Carried.

Section 7, the Ontario Energy Board Act, 1998: Shall section 7 carry? Those in favour? Opposed? Carried.

Section 8, the Planning Act: NDP subsections 8(4) to (6) of the bill, page number 7. Would you like to speak to that?

**Mr. Peter Tabuns:** Yes.

**The Chair (Mrs. Nina Tangri):** Go ahead, Mr. Tabuns.

**Mr. Peter Tabuns:** Chair, if I could have number 7 held down until we have debated 8 and 9.

**The Chair (Mrs. Nina Tangri):** Does the committee agree to allow us to move that question after the next two?

**Mr. Paul Calandra:** Sure.

**The Chair (Mrs. Nina Tangri):** Go ahead.

**Mr. Peter Tabuns:** Great. Thanks very much.

I move that subsection 8(5) of the bill be amended by striking out clause 22(7.2)(d) of the Planning Act and substituting the following:

“(d) authorize a generation facility.”

Chair, as you may well be aware, in this rewrite of the Planning Act, appeals on renewable energy facilities can be blocked, but not gas-fired or nuclear or, should they be introduced, coal. It's clearly discriminatory. If the government wants to be consistent, it should apply its restraints to all forms of generation.

**The Chair (Mrs. Nina Tangri):** Just to clarify, we are talking about NDP subsection 8(5) of the bill, page number 8, for Hansard, just to make sure that we have that.

Would you like to speak further to that, Mr. Tabuns?

**Mr. Peter Tabuns:** Other than a recorded vote on this, as with our other amendments, no, I think I've set out my case.

**The Chair (Mrs. Nina Tangri):** Any further debate? No. We'll call the question.

#### Ayes

Arthur, Harden, Tabuns.

#### Nays

Anand, Calandra, Fee, Karahalios, Sabawy, Triantafilopoulos.

**The Chair (Mrs. Nina Tangri):** I declare the amendment lost.

We'll move on to NDP subsection 8(6) of the bill, page number 9. Who would like to speak to that? Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that subsection 8(6) of the bill be amended by striking out subsection 34(11.0.7) of the Planning Act and substituting the following:

“No appeal re generation facilities

“(11.0.7) Despite subsection (11), there is no appeal in respect of all or any part of an application for an amendment to a bylaw if the amendment or part of the amendment proposes to permit a generation facility.”

**The Chair (Mrs. Nina Tangri):** Would you like to speak further to that, Mr. Tabuns?

**Mr. Peter Tabuns:** I would like to.

**The Chair (Mrs. Nina Tangri):** Go ahead.

**Mr. Peter Tabuns:** As I had said with the previous amendment, renewable energy projects seem to have been singled out. It's interesting to me that the government would have no trouble with a 500- or 600-megawatt gas-fired power plant being located in a town, and I will remind members of the committee that the Oakville gas plant scandal was directly related to a very large gas-fired plant being put into that city. If you're going to object to

an energy project going forward, the people of Oakville can tell you, at length, as to why they wouldn't like to have that there.

In contrast, one could put a solar farm into an industrial area with no impact on the surrounding environment. In this case, that would be blocked. So I don't see the logic of the government's position. If you're concerned about local autonomy and control, if you're saying that renewable power is out and any other form of generation is in, there is no basis for this other than trying to kill off the renewable energy industry and holding back our action on climate.

**The Chair (Mrs. Nina Tangri):** Thank you, Mr. Tabuns. Would the government side like to speak to that? Seeing none, we'll call the question.

NDP subsection 8(6) of the bill.

#### Ayes

Arthur, Harden, Tabuns.

#### Nays

Anand, Calandra, Fee, Karahalios, Sabawy, Triantafilopoulos.

**The Chair (Mrs. Nina Tangri):** I declare the amendment defeated.

We'll move, then, back to—Mr. Tabuns, I think that is what you requested.

**Mr. Peter Tabuns:** Yes.

**The Chair (Mrs. Nina Tangri):** To subsections 8(4) to (6) of the bill, page 7. Go ahead, Mr. Tabuns.

**Mr. Peter Tabuns:** I move that subsections 8(4) to (6) of the bill be struck out.

I think I've made my arguments. It's very clear that the government has decided that it wants to kill off renewable energy. It's very clear that it has no problem locating very large gas plants in communities. It has made it very clear it's very happy to site a nuclear facility. I think that if the government is going to pursue that line of action, they should take a few moments to talk to former Liberal energy ministers who went through the gas plants inquiry and were grilled at length about their non-responsiveness to communities when large, polluting facilities were located there.

**The Chair (Mrs. Nina Tangri):** Okay, Mr. Tabuns. Would anyone like to speak to that? Seeing none, we'll call the question.

NDP subsections 8(4) to (6) of the bill.

#### Ayes

Arthur, Harden, Tabuns.

#### Nays

Anand, Calandra, Fee, Karahalios, Sabawy, Triantafilopoulos.

**The Chair (Mrs. Nina Tangri):** I declare the amendment defeated.

We'll move on to the NDP, subsection 8(10) of the bill, page 10. Go ahead, Mr. Tabuns.

**Mr. Peter Tabuns:** I move that subsection 8(10) of the bill be amended by striking out subsection 70.9(1) of the Planning Act and substituting the following:

“Regulations re transitional matters, 2018 amendments

“(1) Subject to subsection (1.1), the Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to deal with issues arising out of the amendments to this act made by the Green Energy Repeal Act, 2018.

“Excepted lands and buildings

“(1.1) A regulation made under this section shall not prevent the use of any land, building or structure for the purpose of a renewable energy undertaking if such land, building or structure was lawfully used for such purpose on the day of the making of the regulation, so long as it continues to be used for that purpose.”

**The Chair (Mrs. Nina Tangri):** Would you like to speak further to that, Mr. Tabuns?

**Mr. Peter Tabuns:** Yes.

**The Chair (Mrs. Nina Tangri):** Go ahead.

**Mr. Peter Tabuns:** Thank you, Chair. This amendment ensures that existing renewable energy facilities are grandfathered despite the government's ability to make transitional regulations under the Planning Act that might apply retroactively. I think that retroactive application of the act would be contrary to practice around Ontario. Certainly, as a former city councillor, I'm well aware of the legal problems and political problems that arise when you apply retroactivity on a zoning matter. This will respect contracts and I think save the government from being embroiled in future legal actions.

**The Chair (Mrs. Nina Tangri):** Thank you, Mr. Tabuns. Would the government side like to speak to it? We'll call the question.

The NDP amendment, subsection 8(10) of the bill.

#### Ayes

Arthur, Harden, Tabuns.

#### Nays

Anand, Calandra, Fee, Karahalios, Sabawy, Triantafilopoulos.

**The Chair (Mrs. Nina Tangri):** I declare the amendment lost.

We'll move forward to the NDP, subsection 8(10) of the bill, page 11. Go ahead, Mr. Tabuns.

**Mr. Peter Tabuns:** I move that subsection 8(10) of the bill be amended by adding the following subsection to section 70.9 of the Planning Act:

**0930**

“Notice of regulation

“(4.1) The minister shall publish notice of a proposal under consideration of his or her ministry for a regulation made under this section on the Environmental Registry established under section 5 of the Environmental Bill of Rights, 1993 at least 45 days before the regulation is filed with the Registrar of Regulations.”

**The Chair (Mrs. Nina Tangri):** Would you like to speak further to that, Mr. Tabuns?

**Mr. Peter Tabuns:** I would. Thank you. I think that those who deal with these regulations or will be covered by these regulations should have an opportunity to see what’s coming and to comment on those regulations. I think it’s a question of fairness and natural justice. I think that a failure to pass this amendment and subsequent arbitrary action on the part of the government will undermine people’s confidence that one can assume there’s a fair playing field in Ontario.

**The Chair (Mrs. Nina Tangri):** Thank you. Would anyone like to speak to that on the government side? Seeing none, we’ll call the question.

#### Ayes

Arthur, Harden, Tabuns.

#### Nays

Anand, Calandra, Fee, Karahalios, Sabawy, Triantafilopoulos.

**The Chair (Mrs. Nina Tangri):** I declare the amendment defeated.

We’ll move forward to the NDP amendment on subsection 8(10) of the bill, page 12. Mr. Tabuns.

**Mr. Peter Tabuns:** I move that subsection 8(10) of the bill be amended by striking out subsections 70.9(5) to (12) of the Planning Act.

**The Chair (Mrs. Nina Tangri):** Would you like to speak further to that?

**Mr. Peter Tabuns:** Thank you, Chair. This amendment removes the government’s ability to exempt itself from legal liability for unfair or arbitrary actions in relation to changes to the Planning Act rules. It does not serve Ontario well to be seen as exempting itself from rules and providing itself with a legal shield against any liability. It undermines people’s sense that Ontario is a place where the rule of law is of consequence. I think that it’s to Ontario’s interest, as well as the government’s interest, to support this.

If we continue in actions that undermine the rule of law, over time investors will lose confidence in their ability to actually engage in business in this province. I know it’s maybe to the government’s short-term advantage to play these kinds of games, but in the long run it’s poisonous.

**The Chair (Mrs. Nina Tangri):** Thank you, Mr. Tabuns. Would anyone like to speak to that? We’ll call the question.

#### Ayes

Arthur, Harden, Tabuns.

#### Nays

Anand, Calandra, Fee, Karahalios, Sabawy, Triantafilopoulos.

**The Chair (Mrs. Nina Tangri):** I declare the amendment defeated.

We’ll move to call the question. Shall section 8 carry? All those in favour? Opposed? Carried. Thank you.

Section 9, Water Opportunities Act, 2010: Shall section 9 carry? Those in favour? Opposed? Carried.

Section 10, Repeal of Green Energy Act, 2009: Shall section 10 carry? Those in favour? Opposed? Carried. Thank you.

Section 11, Revocation of regulations: There’s an NDP notice on section 11. Any further debate? Go ahead, Mr. Tabuns.

**Mr. Peter Tabuns:** I would just ask that the committee vote against this section. The revocation of the regulations without broader discussion and without other regulations being in place to replace them makes no sense. If the government at a later point wants to revoke regulations by going through a process where people are notified, where there’s an opportunity for commentary and so that there’s no lack of continuity, then so be it. But to simply scrap all these regulations in one blow is not to Ontario’s advantage.

**The Chair (Mrs. Nina Tangri):** Thank you, Mr. Tabuns. Any further debate? Seeing none, would you still like a recorded vote on this, Mr. Tabuns?

**Mr. Peter Tabuns:** Yes, I would.

#### Ayes

Anand, Calandra, Fee, Karahalios, Sabawy, Triantafilopoulos.

#### Nays

Arthur, Harden, Tabuns.

**The Chair (Mrs. Nina Tangri):** Carried. Thank you. Section 12, commencement: Shall section 12 carry? Those in favour? Those opposed? Carried, Thank you.

Section 13, short title: Shall section 13 carry? Those in favour? Opposed? Carried. Thank you.

Moving forward: Shall the title of the bill carry? Those in favour? Opposed? Carried. Thank you.

Shall Bill 34 carry?

**Mr. Peter Tabuns:** Recorded vote.

**The Chair (Mrs. Nina Tangri):** Recorded vote.

**Ayes**

Anand, Calandra, Fee, Karahalios, Sabawy,  
Triantafilopoulos.

**Nays**

Arthur, Harden, Tabuns.

**The Chair (Mrs. Nina Tangri):** Carried. Thank you.  
Shall I report the bill to the House? Those in favour?  
Opposed? Carried.

Thank you very much, everyone. As there is no further  
business, we will adjourn the meeting today. Thank you  
very much.

*The committee adjourned at 0936.*







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