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**Official Report
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(Hansard)**

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des débats
(Hansard)**

JP-7

**Standing Committee on
Justice Policy**

More Homes, More Choice
Act, 2019

1st Session
42nd Parliament
Monday 3 June 2019

**Comité permanent
de la justice**

Loi de 2019 pour plus
de logements et plus de choix

1^{re} session
42^e législature
Lundi 3 juin 2019

Chair: Parm Gill
Clerk: Jocelyn McCauley

Président : Parm Gill
Greffière : Jocelyn McCauley

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

Monday 3 June 2019

**COMITÉ PERMANENT
DE LA JUSTICE**

Lundi 3 juin 2019

The committee met at 0900 in room 151.

**MORE HOMES, MORE CHOICE
ACT, 2019**

**LOI DE 2019 POUR PLUS DE LOGEMENTS
ET PLUS DE CHOIX**

Consideration of the following bill:

Bill 108, An Act to amend various statutes with respect to housing, other development and various other matters /
Projet de loi 108, Loi modifiant diverses lois en ce qui concerne le logement, les autres aménagements et d'autres questions.

The Chair (Mr. Parm Gill): Good morning, everyone. The Standing Committee on Justice Policy will now come to order.

Pursuant to the orders of the House dated May 28 and May 29, 2019, we will now begin clause-by-clause consideration of Bill 108, An Act to amend various statutes with respect to housing, other development and various other matters.

Bradley Warden from legislative counsel is here again to assist us with our work.

Copies of the numbered amendments received on Friday, May 31, 2019, are on your desks. The amendments have been numbered in the order in which they appear in the bill.

Bill 108 is comprised of a preamble, as well as three sections, which enact 13 schedules. In order to deal with the bill in an orderly fashion, consideration of the preamble and the first three sections is postponed until after consideration of the 13 schedules is complete. Do we have agreement to postpone the preamble and the first three sections in order to dispose of the 13 schedules first? Thank you very much. Agreed.

We will now move to schedule 1, section 1. We're going to first deal with government amendment number 1. MPP Hogarth.

Ms. Christine Hogarth: I move that section 1 of schedule 1 to the bill be amended by adding the following subsection:

“(1.1) Section 18 of the act is amended by adding the following subsection:

““Restriction on costs award

“(4.1) Costs may not be awarded on an application under subsection (4), except against the applicant.””

The Chair (Mr. Parm Gill): Is there any debate on the amendment? MPP Burch.

Mr. Jeff Burch: The court can't award legal costs to an applicant after ordering that items seized by the police be returned to the applicant. The court can, however, order that the applicant pay costs. It seems to us that if a court says the police unfairly seized someone's property, and if the court believes the process was so unfair that it chooses to award costs—why would the government want itself to be unaccountable if a court believes it acted unfairly? The government is already giving the police the unprecedented power to expel people from their homes. Why does it need to indemnify itself if the police do so unjustly?

We will not be supporting this.

The Chair (Mr. Parm Gill): Further debate? MPP McDonell.

Mr. Jim McDonell: It's a request from police services. If adopted, the amendment shields a person named as a respondent in an application to lift an interim closure order from having to pay the applicant's legal costs of lifting the order by the court. It's just tidying up.

The Chair (Mr. Parm Gill): MPP Des Rosiers.

Mme Nathalie Des Rosiers: I will be voting against this amendment. I think that when the court has jurisdiction to award costs, it should do so in light of the evidence that's in front of it and the feelings of justice or unfairness that are being brought forward. Usually costs follow the event; that is, the person who wins gets the cost of the event, but the court must maintain jurisdiction and discretion.

The Chair (Mr. Parm Gill): Further debate on the amendment?

Mr. Jeff Burch: Recorded vote.

The Chair (Mr. Parm Gill): MPP Burch has asked for a recorded vote. Are the members prepared to vote?

Ayes

Babikian, Hogarth, McDonell, Rasheed, Sarkaria.

Nays

Burch, Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Interjection.

The Chair (Mr. Parm Gill): Carried. Sorry. It's still too early.

Moving on to NDP amendment number 2: MPP Burch.

Mr. Jeff Burch: I move that subsection 1(2) of schedule 1 to the bill be struck out.

The Chair (Mr. Parm Gill): Any debate on the amendment? MPP Burch.

Mr. Jeff Burch: Schedule 1 will allow the police to evict a family from their home if they believe a family member or even just a visitor to the home sold cannabis without a licence. This goes too far. If the government is worried about illegal cannabis shops, then it should allow more legal shops to be opened, not just 25. It doesn't need to give the police the unprecedented power to evict people from their homes.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote?

Mr. Jeff Burch: Recorded vote.

Ayes

Burch, Des Rosiers, Taylor.

Nays

Babikian, Hogarth, McDonell, Rasheed, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Shall schedule 1, section 1, as amended, carry? Carried.

There are no proposed amendments to sections 2 through 4 of schedule 1. I propose that we bundle these sections. Is there an agreement to do that? Perfect. Thank you. Shall sections 2 to 4 of schedule 1, inclusive, carry? Carried.

Moving on to section 5, we're going to deal with NDP amendment number 3: subsection 5(2) of schedule 1 to the bill. Mr. Burch.

Mr. Jeff Burch: We withdraw this amendment, as it's now redundant.

The Chair (Mr. Parm Gill): MPP Burch has moved to withdraw the amendment.

Shall schedule 1, section 5, carry? Carried.

Moving on to schedule 1, section 6: Shall schedule 1, section 6, carry? Carried.

Shall schedule 1, as amended, carry? Carried.

Moving on to schedule 2: There are no proposed amendments to sections 1 through 3 of schedule 2. I propose that we bundle these sections. Is there an agreement to do that? Thank you. Shall sections 1 to 3 of schedule 2, inclusive, carry? Carried.

We are now moving on to Liberal amendment number 4: section 4 of schedule 2 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 4 of schedule 2 to the bill be amended by adding the following paragraph to subsection 21.1(1) of the Conservation Authorities Act:

"1.1 Programs and services related to the conservation of natural resources."

The Chair (Mr. Parm Gill): Any debate on the amendment? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: This reflects, I think, what we've heard from the conservation authorities witnesses who came and said that the restrictions of their mandatory program may not capture fully what they do and what is necessary to do to prevent floods and ensure that conservation of natural resources is part of their mandate. They described the descriptions as being a tad too narrow. For example, although they are happy that natural hazards have been mentioned and that lands are mentioned, they need to have the protection a little bit more broadly of natural resources to look also after protection of fauna and flora that are relevant to their mandate.

The Chair (Mr. Parm Gill): Further debate on the amendment? MPP McDonell.

Mr. Jim McDonell: We'll be opposing this. We find that it just opens it way too wide. Those policy decisions should be made by the Legislature through regulations.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote? Thank you very much.

All those in favour of Liberal amendment number 4, please raise your hands. All those opposed to Liberal amendment number 4, please raise your hands. I declare the amendment lost.

We're moving on to NDP amendment number 5: section 4 of schedule 2 to the bill. MPP Burch.

0910

Mr. Jeff Burch: I move that section 4 of schedule 2 to the bill be amended by adding the following paragraph to subsection 21.1(1) of the Conservation Authorities Act:

"2.1 Programs and services related to the conservation, restoration, development and management of the natural resources of the watershed."

The Chair (Mr. Parm Gill): Any debate on the amendment? MPP Burch.

Mr. Jeff Burch: Currently the Conservation Authorities Act gives the government fairly broad authority to prescribe mandatory programs by regulation. Section 2 narrows this authority. In fact, as the Canadian Environmental Law Association has pointed out, Bill 108 seems to prevent the government from prescribing programs that are clearly within the authorities' core mandate, including watershed management. It's very strange that an authority has the power under section 21 of the act to "study and investigate the watershed and to determine programs and services whereby the natural resources of the watershed may be conserved, restored, developed and managed," but the government will no longer have the power to prescribe such programs as mandatory. It makes no sense. If the government believes that a proposed watershed management program is not necessary, then obviously it does not have to prescribe it as mandatory. But if such a program is crucial for protecting and managing the local watershed, why wouldn't the government want the ability to prescribe it as mandatory? This amendment would give the government this authority.

The Chair (Mr. Parm Gill): Further debate? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I will be voting in favour of this amendment for the same reasons that I presented an earlier amendment, which are that section 21.1(1) must give sufficient authority as a mandatory program to conservation authorities in the province of Ontario to continue to do some of the work they do that is quite necessary to prevent floods. The restrictions that are there that are only on natural hazards and on lands do not capture fully what is necessary for them to do.

Here we have, I think, the protection of the natural resources of the watershed, so it's not unlimited. It restricts it to watersheds, which is what they're there to do—to prevent flooding.

The Chair (Mr. Parm Gill): Further debate?

Mr. Jeff Burch: Recorded vote.

The Chair (Mr. Parm Gill): Recorded vote. Are the members prepared to vote on the amendment? Did you have your hand up, MPP McDonell?

Mr. Jim McDonell: Yes, again, this opens up a very broad—and I can tell you, from my days in municipal government, that it was always a concern with municipal governments as well. There's a reason why the former government didn't do it as well. I think the province has to be responsible for the programs.

The Chair (Mr. Parm Gill): Are the members prepared to vote on the amendment?

Ayes

Burch, Des Rosiers, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Rasheed, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Moving on to NDP amendment number 6, on section 4 of schedule 2 to the bill: MPP Burch.

Mr. Jeff Burch: I move that section 4 of schedule 2 to the bill be amended by adding the following paragraph to subsection 21.1(1) of the Conservation Authorities Act:

“2.2 Programs and services related to the conservation or rehabilitation of wetlands and watercourses.”

The Chair (Mr. Parm Gill): Any debate on the amendment? MPP Burch.

Mr. Jeff Burch: A similar argument, Chair: that protecting wetlands and watercourses is a core function of conservation authorities. The government should be able to prescribe such programs as mandatory. Why would the government take away its own ability to protect wetlands, rivers and streams? It doesn't make sense.

The Chair (Mr. Parm Gill): Further debate? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I will be supporting this amendment because it is very important that conservation authorities continue to do the really good work that they are doing to prevent flooding, and that requires them to pay attention to the state of our wetlands as well as our

watercourses. This is integral to the prevention of flooding that has a comprehensive, holistic approach to conservation authorities' work.

The Chair (Mr. Parm Gill): MPP McDonell.

Mr. Jim McDonell: We'll be voting against this. The proposed amendments in schedule 2 already recognize protection from natural hazards as mandatory programs and services. Where the protection of wetlands and watercourses are to deal with that area, they will be included as mandatory programs and services. However, where there are programs and services related to broader environmental outcomes—these programs and services can continue but are to be financed by the municipal levy—the authority must secure the agreement of participating municipalities.

The Chair (Mr. Parm Gill): Further debate? MPP Burch.

Mr. Jeff Burch: Recorded vote.

Ayes

Burch, Des Rosiers, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Rasheed, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Moving on to NDP amendment number 7, section 4 of schedule 2 to the bill: MPP Burch.

Mr. Jeff Burch: I move that section 4 of schedule 2 to the bill be amended by adding the following paragraph to subsection 21.1(1) of the Conservation Authorities Act:

“3.1 Programs and services related to the authority's duties, functions and responsibilities under the Great Lakes Protection Act, 2015.”

The Chair (Mr. Parm Gill): Any debate on the amendment? MPP Burch.

Mr. Jeff Burch: The Great Lakes Protection Act envisions an important role for conservation authorities in protecting the Great Lakes-St. Lawrence River system. The Great Lakes Protection Act was based on the Lake Simcoe Protection Act. Schedule 2 mentions the latter, but not the former. Perhaps this was just an oversight, but the government can confirm its commitment to protecting the Great Lakes by supporting this amendment.

The Chair (Mr. Parm Gill): Further debate? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I will be supporting this amendment. I think it is important not to restrict the conservation authorities' work in a way that would prevent them from doing the great work that we rely on to prevent flooding in Ontario.

The Chair (Mr. Parm Gill): Further debate? MPP Burch.

Mr. Jeff Burch: Recorded vote.

Ayes

Burch, Des Rosiers, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Rasheed, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Moving on to NDP amendment number 8, section 4 of schedule 2 to the bill: MPP Burch.

Mr. Jeff Burch: I move that section 4 of schedule 2 to the bill be amended by striking out “under an act prescribed by the regulations” at the end of paragraph 4 of subsection 21.1(1) of the Conservation Authorities Act and substituting “under any other act”.

The Chair (Mr. Parm Gill): Any debate on the amendment? MPP Burch.

Mr. Jeff Burch: It’s very strange that a conservation authority might be assigned a responsibility under, for example, the Great Lakes Protection Act, but that the government can choose to ignore responsibilities assigned under that statute unless it passes a regulation confirming that it intends to comply with that statute. If a statute is in force, then the statute is enforced. The government shouldn’t use regulations to decide whether or not to comply with a statute.

The Chair (Mr. Parm Gill): Further debate? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I will vote in favour of this, not only because I believe that the conservation authorities—as I said earlier, it’s important that we continue to support their work. But I think from just a regular legislative drafting perspective, once a future Parliament, a future Legislature, gives authority to the conservation authorities by voting about an act, it should make sure—it should know—that, indeed, this will be the outcome as opposed to then having a further complication which would require the government of the day—and it may not be a government that has the ability to do it right away.

So it does undermine the support and the respect that we should have for future Parliaments and future Legislatures to fully exercise and know what they’re doing when they are adopting a bill.

The Chair (Mr. Parm Gill): Further debate? MPP McDonell?

Mr. Jim McDonell: We’ll be voting against it, because the proposed motion would remove clarity about which programs and services are mandatory. It’s necessary for the government to have the ability to prescribe precisely which programs and services are mandatory so that there is no confusion between the authority and its participating municipalities.

The Chair (Mr. Parm Gill): Further debate?

Mr. Jeff Burch: Recorded vote.

Ayes

Burch, Des Rosiers, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Rasheed, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Moving on to NDP amendment number 9, section 4 of schedule 2 to the bill: MPP Burch.

Mr. Jeff Burch: I move that section 4 of schedule 2 to the bill be amended by adding the following paragraph to subsection 21.1(1) of the Conservation Authorities Act:

“5. Programs and services that further the objects of the authority.”

The Chair (Mr. Parm Gill): Thank you. Any debate on the amendment? MPP Burch.

Mr. Jeff Burch: Section 20 of the Conservation Authorities Act lists the core mandates of conservation authorities. This amendment says that if a program furthers the core mandate, and if the government thinks it should be mandatory, then the government should be able to prescribe that program as mandatory. It only makes sense.

If the government opposes this amendment, it will weaken its own ability to ensure that conservation authorities fulfill their core mandates.

The Chair (Mr. Parm Gill): Further debate on the amendment? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I will be voting in favour of this amendment because it is important to give some flexibility to the future work that conservation authorities may have to do in Ontario.

Conservation authorities are there to protect us from flooding by managing the waterways. We don’t know right now what will be necessary in the future, so it is important to continue to support their ability to do their mandate without prescribing too narrowly what they ought to do.

I understand that the government side is concerned about overbreeding, that the conservation authorities are doing too much, but I think it is much better for the future of Ontario to have authorities that do care about the environment, that are there to protect it and that do compensate sometimes for the fact that the province may not always be there to do everything it has to do. Disempowering local decision-making is not what this government should be all about, so I will support this amendment.

The Chair (Mr. Parm Gill): Thank you. Further debate? MPP McDonell.

Mr. Jim McDonell: I’ll be voting against this motion, because motion 9 puts forward a very broad category of programs and services related to conserving natural resources, as prescribed by regulation. This category could essentially include almost any program or service carried out to further the statutory objectives of the conservation authority in the act. This could add to the programs and services being provided by conservation authorities and undermine the policy objective of the proposed amendments in schedule 2.

The purpose of these amendments is to ensure that before a participating municipality is required to finance a non-mandatory program or service through the municipal

levy, the authority obtain their agreement to do so. Including this broad category of programs and services undermines the important financial accountability mechanism which the government is proposing to introduce into the act.

Having lived through some of that, I think these programs can be picked up by the local municipalities if they choose to do so. It gives them the right to choose instead of having the non-elected conservation authority choose. Having lived through that and some of the issues we had, I think it's important that the municipalities have a say in what they're paying for.

The Chair (Mr. Parm Gill): Thank you. MPP Burch?

Mr. Jeff Burch: Chair, I would ask for a 20-minute recess.

The Chair (Mr. Parm Gill): MPP Burch has asked for a 20-minute recess. It is roughly 9:24, so we'll resume at 9:44 sharp. Thank you.

The committee recessed from 0924 to 0944.

The Chair (Mr. Parm Gill): It being 9:44, we're going to now resume. We're going to pick up where we left off. We're going to deal with NDP amendment number 9. It's to section 4 of schedule 2 to the bill.

Miss Monique Taylor: Recorded vote, Chair.

The Chair (Mr. Parm Gill): Recorded vote.

Would you guys like to read the amendment into the record?

Miss Monique Taylor: Oh, so sorry. I thought we were already going into the vote.

The Chair (Mr. Parm Gill): We're good to just vote. That's fine as well, but either way—

Miss Monique Taylor: We'll vote, then.

Ayes

Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Rasheed, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Moving on to government amendment number 10, on section 4 of schedule 2 to the bill: MPP Hogarth.

Ms. Christine Hogarth: I move that section 4 of schedule 2 to the bill be amended by striking out subsection 21.1(1) of the Conservation Authorities Act and substituting the following:

“Mandatory programs and services

“(1) An authority shall provide the following programs or services within its area of jurisdiction:

“1. A program or service that meets any of the following descriptions and that has been prescribed by the regulations:

“i. Programs and services related to the risk of natural hazards.

“ii. Programs and services related to the conservation and management of lands owned or controlled by the

authority, including any interests in land registered on title.

“iii. Programs and services related to the authority's duties, functions and responsibilities as a source protection authority under the Clean Water Act, 2006.”

“v. Programs and services related to the authority's duties, functions and responsibilities under an act prescribed by the regulations.

“2. A program or service, other than a program or service described in paragraph 1, that has been prescribed by the regulations on or before the first anniversary of the day prescribed under clause 40(3)(h).”

The Chair (Mr. Parm Gill): MPP Hogarth, can you just repeat number “iv” again, please?

Ms. Christine Hogarth: Sorry. “Programs and services”—

The Chair (Mr. Parm Gill): Just the word “iv.” That's it.

Ms. Christine Hogarth: Oh, sorry: “iv.” Did I miss “iv?”

The Chair (Mr. Parm Gill): Yes. You said “v.”

Ms. Christine Hogarth: Sorry; I apologize: “iv.” Oh, I said “v.” Sorry.

The Chair (Mr. Parm Gill): Thank you. Any debate on the amendment? MPP Taylor.

Miss Monique Taylor: The second paragraph in the amendment is new. Currently, under schedule 2, the government may prescribe a date after which CAs may no longer unilaterally charge municipalities for non-mandatory programs. The amendment says the government may prescribe any program as mandatory prior to that. After that date, the government can only prescribe the types of programs listed in paragraph 1.

The Chair (Mr. Parm Gill): MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I will be voting in favour of this amendment because I think it does reflect what we've been talking about this morning, which is that it is important that conservation authorities have the possibility of continuing to do the good work that they are currently doing. I will be voting in favour of this amendment.

The Chair (Mr. Parm Gill): MPP McDonell.

Mr. Jim McDonell: I'll be voting in favour of this. It supports the government's commitment in its Made-in-Ontario Environment Plan to ensure that conservation authorities focus and deliver on their core mandate of protecting people and their property from flooding and other natural hazards and conserving natural resources.

The Chair (Mr. Parm Gill): Perfect. Further debate? Seeing none, are the members prepared to vote?

M^{me} Nathalie Des Rosiers: Recorded vote.

Ayes

Babikian, Des Rosiers, Hogarth, McDonell, Park, Rasheed, Sarkaria.

The Chair (Mr. Parm Gill): All those opposed to government amendment number 10, please raise your hands. I declare the amendment carried.

Shall schedule 2, section 4, as amended, carry? Carried.

There are no proposed amendments to sections 5 through 8 of schedule 2. I propose that we bundle these sections. Is there an agreement to do that? Thank you.

Shall sections 5 to 8 of schedule 2, inclusive, carry? Carried.

Moving on to schedule 2, section 9: We're going to deal with NDP amendment number 11, subsection 9(1) of schedule 2 to the bill. MPP Taylor.

Miss Monique Taylor: Withdraw.

The Chair (Mr. Parm Gill): Withdrawn? Withdrawn.

We're going to move to the government amendment number 12, subsection 9(1) of schedule 2 to the bill. MPP Hogarth.

Ms. Christine Hogarth: I move that subsection 9(1) of schedule 2 to the bill be amended by striking out "paragraph 4" in clause 40(1)(c) of the Conservation Authorities Act and substituting "subparagraph 1 iv".

The Chair (Mr. Parm Gill): Thank you. Any debate on the amendment? Seeing none, are the members prepared to vote?

Ayes

Babikian, Des Rosiers, Hogarth, McDonell, Park, Rasheed, Sarkaria.

The Chair (Mr. Parm Gill): All those opposed to government amendment number 12, please raise your hands. I declare the amendment carried.

0950

Shall schedule 2, section 9, as amended, carry? Carried.
Interjection.

The Chair (Mr. Parm Gill): Sorry, MPP Taylor?

Miss Monique Taylor: I would have liked a recorded vote on that.

The Chair (Mr. Parm Gill): Okay. There are no proposed amendments to sections 10 through 11 of schedule 2. I propose that we bundle these sections. Is there an agreement to do that? Thank you. Shall sections 10 to 11 of schedule 2, inclusive, carry? Carried.

Shall schedule 2, as amended, carry?

Interjection: Recorded vote.

Ayes

Babikian, Hogarth, McDonell, Park, Rasheed, Sarkaria.

Nays

Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): I declare the schedule carried, as amended.

Moving on to schedule 3: We're going to deal with schedule 3, section 1. Are the members prepared to vote? Shall schedule 3, section 1, carry? Carried.

An administrative change has been made to the order of the amendment package. We're now going to deal with the

Liberal motion number 20 as it makes more sense to deal with this motion before moving on to subsequent motions. We're going to go on to Liberal amendment number 20: section 2 of schedule 3 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 2 of schedule 3 to the bill be struck out and the following substituted:

"2. Subsection 2(3) of the act is repealed and the following substituted:

"Same

"(3) An action mentioned in clauses (2)(a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to,

"(a) permit the enlargement of an existing dwelling unit; or

"(b) permit the creation of additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings or prescribed structures ancillary to existing residential buildings.

"Exemption for second dwelling units in new residential buildings

"(3.1) The creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, is, subject to the prescribed restrictions, exempt from development charges."

The Chair (Mr. Parm Gill): Thank you. Any debate on the amendment? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: You will see that what I've read is exactly the beginning of the government bill. What I removed is subsection 4, which is the list of services, and here's the reason why: The list of services goes through water supply, waste water, stormwater, electrical power, policing, fire protection, and so on, and today we'll add, presumably, ambulance or paramedics. It does say at the end, "Other services as prescribed." It does have the flexibility, but it does encase the divisions between what we call hard services and soft services. In my view, this is a long-past distinction that is not necessary.

What the developers want is predictability, and I think it is possible to achieve predictability without having a list—and your list is not complete, either, because it does say at the end, "Other services as prescribed." It just prevents, I think, the evolution of what livability could be for a city, and forces all of us to decide, right now, what is the list of services that will continue to be needed.

As a matter of legislative drafting, I thought it would be a little bit more elegant to not have a long list with the open-ended at the end, but to simply accept that it's not necessary to give a list and that municipalities will continue to do as they are and have a series of prescribed services that are necessary to have development charges.

The Chair (Mr. Parm Gill): Further debate? MPP McDonell.

Mr. Jim McDonell: I appreciate the discussion, but really, the trouble with the amendment is that it omits the government's proposal to remove ineligible services from the Development Charges Act. We're trying to make this

very prescriptive, so developers know what they are going to have to pay. There are some services that we believe are being added that really shouldn't be on development charges. It allows us that flexibility.

The Chair (Mr. Parm Gill): Further debate?

M^{me} Nathalie Des Rosiers: Recorded vote.

The Chair (Mr. Parm Gill): Recorded vote.

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Rasheed, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Moving on to government amendment number 13, section 2 of schedule 3 to the bill: MPP McDonell.

Mr. Jim McDonell: I move that section 2 of schedule 3 to the bill be amended by adding the following paragraph to subsection 2(4) of the Development Charges Act, 1997: "6.1 Ambulance services."

The Chair (Mr. Parm Gill): Any debate on the amendment? MPP Burch.

Mr. Jeff Burch: I'm just noting that the NDP and Liberals have made identical amendments, so we'll be supporting.

The Chair (Mr. Parm Gill): MPP Des Rosiers?

M^{me} Nathalie Des Rosiers: Yes, I will be supporting this amendment as well, since it captures what we wanted to add to the list.

The Chair (Mr. Parm Gill): Awesome. That's great. Are the members prepared to vote?

All those in favour, please raise your hands. I declare the amendment carried.

Moving on to Liberal amendment number 14—

M^{me} Nathalie Des Rosiers: I will withdraw.

The Chair (Mr. Parm Gill): Withdrawn? Withdrawn.

We're now going to deal with NDP amendment number 15, section 2 of schedule 3 to the bill. MPP Burch.

Mr. Jeff Burch: I move that section 2 of schedule 3 to the bill be amended by adding the following paragraph to subsection 2(4) of the Development Charges Act, 1997:

"10.1 Paramedic services."

The Chair (Mr. Parm Gill): MPP Burch?

Interjection.

Mr. Jeff Burch: It's redundant. This is the identical motion, so I'll withdraw.

The Chair (Mr. Parm Gill): Withdraw? Withdrawn. Thank you.

Moving on to NDP amendment number 16, section 2 of schedule 3 to the bill. MPP Burch.

Mr. Jeff Burch: I move that section 2 of schedule 3 to the bill be amended by adding the following paragraph to subsection 2(4) of the Development Charges Act, 1997:

"10.2 Library services."

The Chair (Mr. Parm Gill): Any debate on the amendment? MPP Burch.

Mr. Jeff Burch: It's a similar argument, Chair. If the government agrees that these are necessary for successful new communities, then they should be supporting this amendment.

The Chair (Mr. Parm Gill): MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I will be supporting this amendment, because it does reflect essentially the argument that you should leave the municipality the ability to decide what type of cities and what type of development they want to have. It is not open-ended completely, because it has to be in the development charge bylaw, so there will be predictability, because it has to be decided by municipalities. It does continue to reflect a sense of predictability for the developers, but at the same time allows the municipalities that do want to provide services to ensure that they are paid and adequately provided for by development charges.

The Chair (Mr. Parm Gill): Further debate? MPP Hogarth.

Ms. Christine Hogarth: Capital costs and soft services like library services are being proposed to be eligible to be collected under the new proposed community benefits charge authority under the Planning Act, so this will be taken care of under a different section.

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The Chair (Mr. Parm Gill): Further debate? Are members prepared to vote?

Mr. Jeff Burch: Recorded vote.

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Rasheed, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Moving on to NDP amendment number 17, section 2 of schedule 3 to the bill: MPP Burch.

Mr. Jeff Burch: I move that section 2 of schedule 3 to the bill be amended by adding the following paragraph to subsection 2(4) of the Development Charges Act, 1997:

"10.3 Community centres and sports and recreation facilities."

It's the same argument, Chair. These are necessary for successful new communities. The government should support the amendment.

The Chair (Mr. Parm Gill): Further debate on the amendment? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I will be supporting this amendment for the reasons that we've already discussed.

Also, just to respond to the government side saying that the new community benefit charges will be sufficient to respond to this: I think the municipalities have expressed concern that the community benefit charges have not been

fully explained and fully developed. There is a way in which we should protect and have a list of hard services that are possible until the time that the community benefits provisions are being disclosed and publicized fully.

The Chair (Mr. Parm Gill): Further debate? MPP Hogarth.

Ms. Christine Hogarth: It's really the same answer as the one earlier. The growth-related capital costs of soft services like community centres and sports and recreational facilities are proposed to be eligible to be collected under the new proposed community benefits charge authority under the Planning Act.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote?

Mr. Jeff Burch: Recorded vote.

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Rasheed, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Moving on to NDP amendment number 18, section 2 of schedule 3 to the bill: MPP Burch.

Mr. Jeff Burch: I move that section 2 of schedule 3 to the bill be amended by adding the following paragraph to subsection 2(4) of the Development Charges Act, 1997:

“10.4 Child care services.”

It's the same argument, Chair. We believe that in this bill the “growth pays for growth” principle is not being respected, and I think that what's happening with these amendments is clearly bearing that out.

The Chair (Mr. Parm Gill): Further debate? MPP Hogarth.

Ms. Christine Hogarth: Like the two previous, we certainly want to make sure that they're included. The growth-related capital costs of soft services like child care services are proposed to be eligible to be collected under the new proposed community benefits charge authority under the Planning Act.

The Chair (Mr. Parm Gill): MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I think the division that is being made between hard and soft services continues to be problematic as we move forward. When you create categories, you're creating a category where it's mandatory to have it—policing—and you're saying, “Child care is optional.” I think that's the debate that we're having here. Livability in the future should take a more holistic approach and recognize that all services, to make a good community, are not optional. I think it would better reflect a new way of thinking about the future of Ontario; it would reflect that these antiquated distinctions between hard and soft may not allow for the future of new livability standards.

The Chair (Mr. Parm Gill): MPP McDonell.

Mr. Jim McDonell: Just a point: All these services, hard or soft, are optional. There are many municipalities that have no development charges, period. They chose not to. It's just a category, and it's up to municipalities to decide if they want to do them or not strictly—but even your hard services in, certainly, some of the rural areas, there are no development charges for them.

The Chair (Mr. Parm Gill): Thank you very much. Seeing no—

M^{me} Nathalie Des Rosiers: And that's the point, isn't it? There is no necessity to have hard and soft, since they all are to be prescribed by a bylaw by the municipalities. I think you're inviting a distinction between these services and the argument that's being made here is this distinction may be antiquated and does not reflect new concepts of livability.

The Chair (Mr. Parm Gill): Further debate? MPP Burch.

Mr. Jeff Burch: Recorded vote, Chair.

The Chair (Mr. Parm Gill): A recorded vote has been requested.

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Rasheed, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Moving on to NDP number 19, on section 2 of schedule 3 to the bill: MPP Burch.

Mr. Jeff Burch: I move that section 2 of schedule 3 to the bill be amended by adding the following paragraph to subsection 2(4) of the Development Charges Act, 1997:

“10.5 Long-term-care homes.”

The Chair (Mr. Parm Gill): MPP Burch.

Mr. Jeff Burch: We've been having this argument for the last several amendments, but I wonder why the government added paramedic services—if their argument is that the distinction between hard and soft services is valid, why did they add paramedic services but they're not willing to add long-term-care homes and other services? It doesn't make any sense. I think my friend Madame Des Rosiers has correctly stated that creating this distinction between hard and soft services just invites these necessary services to be ignored by municipal governments.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote?

Mr. Jeff Burch: Recorded vote.

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Rasheed, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Are we prepared to vote on schedule 3, section 2, as amended? Shall schedule 3, section 2, as amended, carry? Carried.

There are no proposed amendments to sections 3 through 4 of schedule 3. I propose that we bundle these sections. Is there an agreement to do that? Thank you. Shall sections 3 to 4 of schedule 3, inclusive, carry? Carried.

Moving on to schedule 3, section 5: We're going to deal with government amendment number 21, on subsection 5(1) of schedule 3 to the bill. MPP Sarkaria.

Mr. Prabmeet Singh Sarkaria: I move that subsection 5(1) of schedule 3 to the bill be amended by adding the following subsection to section 9.1 of the Development Charges Act, 1997:

“Same

“(1.1) Despite subsection 9(1), a development charge bylaw that would expire on or after May 2, 2019, and before the prescribed date shall remain in force as it relates to ambulance services until the earlier of,

“(a) the day it is repealed;

“(b) the day the municipality passes a bylaw under subsection 37(2) of the Planning Act as re-enacted by section 9 of schedule 12 to the More Homes, More Choice Act, 2019; and

“(c) the prescribed date.”

The Chair (Mr. Parm Gill): Any debate on the amendment? MPP McDonell.

Mr. Jim McDonell: This is a technical motion. It ensures that municipalities that were relying on the proposed transitional provision of the bill, as introduced, are not penalized as a result of proposed government motion 13.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote? All those in favour, please raise your hand. All those opposed? I declare the amendment carried.

Moving on to government amendment number 22, on subsection 5(1) of schedule 3 to the bill: MPP Hogarth.

Ms. Christine Hogarth: I move that subsection 5(1) of schedule 3 to the bill be amended by,

(a) striking out “and” at the end of clause 9.1(3)(a) of the Development Charges Act, 1997; and

(b) adding the following clause to subsection 9.1(3) of that act:

“(a.1) ambulance services; and”

The Chair (Mr. Parm Gill): Any debate on the amendment? Seeing none, are the members prepared to vote? All those in favour of government amendment number 22, please raise your hands. All those opposed? Amendment carried.

1010

Moving on to number 23 by the Liberals, on subsection 5(2) of schedule 3 to the bill: MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 5(2) of schedule 3 to the bill be struck out.

The Chair (Mr. Parm Gill): Thank you. Any debate on the amendment? MPP Hogarth.

Ms. Christine Hogarth: This amendment would actually undermine the ability of municipalities to collect development charges for soft services during the transition period. We want to provide that transition period so that municipalities can continue to rely on those charges.

M^{me} Nathalie Des Rosiers: This was an amendment that was controversial in previous amendments that were defeated, so I should withdraw it, actually.

The Chair (Mr. Parm Gill): Oh, amendment withdrawn.

M^{me} Nathalie Des Rosiers: And similarly with amendment 24.

The Chair (Mr. Parm Gill): It's also withdrawn?

M^{me} Nathalie Des Rosiers: Yes.

The Chair (Mr. Parm Gill): Amendment 24 withdrawn.

M^{me} Nathalie Des Rosiers: And amendment 25 is withdrawn.

The Chair (Mr. Parm Gill): Yes. We're just going to vote on this one first.

Shall schedule 3, section 5, as amended, carry? Carried.

Moving on to schedule 3, section 6: Shall schedule 3, section 6, carry? Carried.

Schedule 3, section 7: We're going to deal with Liberal amendment number 25.

M^{me} Nathalie Des Rosiers: It's withdrawn.

The Chair (Mr. Parm Gill): It's withdrawn. Thank you, Madame Des Rosiers.

Shall schedule 3, section 7, carry? Carried.

We're now going to deal with government amendment number 26, on subsection 8(1) of schedule 3 to the bill. MPP McDonell.

Mr. Jim McDonell: I move that subsection 8(1) of schedule 3 to the bill be amended by adding “that is not non-profit housing development referred to in paragraph 5” at the end of paragraph 1 of subsection 26.1(2) of the Development Charges Act, 1997.

The Chair (Mr. Parm Gill): Thank you. Any debate on the amendment?

Seeing none, are the members prepared to vote? All those in favour of government amendment number 26, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

Moving on to government amendment number 27, on subsection 8(1) of schedule 3 to the bill: Who would like to read this into the record?

Mr. Jim McDonell: I move that subsection 8(1) of schedule 3 to the bill be amended by striking out subsection 26.1(3) of the Development Charges Act, 1997, and substituting the following:

“Annual instalments

“(3) A development charge referred to in subsection (1) shall be paid in equal annual instalments beginning on the earlier of the date of the issuance of a permit under the Building Code Act, 1992, authorizing occupation of the building and the date the building is first occupied, and continuing on,

“(a) the following five anniversaries of that date, in the case of a development charge in respect of a type of

development set out in paragraphs 1 to 4 of subsection (2); or

“(b) the following 20 anniversaries of that date, in the case of a development charge in respect of a type of development set out in paragraph 5 of subsection (2).”

The Chair (Mr. Parm Gill): Thank you. Any debate on the amendment? MPP Hogarth.

Ms. Christine Hogarth: I just wanted to mention that we had heard from Habitat for Humanity, and we just want to make sure that this would allow for deferred development charges on non-profit housing developments be paid in equal annual instalments over a 20-year period from occupancy.

The Chair (Mr. Parm Gill): We actually have hit 10:15. I know MPP Des Rosiers wants to speak to this as well. We will have to recess now and we’ll come back at 2 p.m. this afternoon. Thank you.

The committee recessed from 1015 to 1400.

The Chair (Mr. Parm Gill): Good afternoon, colleagues. The Standing Committee on Justice Policy will now come to order.

Pursuant to the orders of the House dated May 28 and May 29, 2019, we will now resume clause-by-clause consideration of Bill 108, An Act to amend various statutes with respect to housing, other development and various other matters.

Bradley Warden from legislative counsel is here again to assist us with our work, should it be necessary.

This morning, we left off on government amendment 27. Madame Des Rosiers had her hand up before we went on recess, but I guess she isn’t here.

Does anybody else want to participate in the debate on amendment number 27 that we were discussing before we left? Seeing none, are the members prepared to vote? All those in favour of government amendment number 27, please raise your hands. All those opposed? I declare the amendment carried.

Moving on to amendment number 28 from the government, subsection 8(1) of schedule 3 to the bill. MPP Hogarth.

Ms. Christine Hogarth: I move that subsection 8(1) of schedule 3 to the bill be amended by adding “or subsection 114(5) of the City of Toronto Act, 2006” after “the Planning Act” in clause 26.2(1)(a) of the Development Charges Act, 1997.

The Chair (Mr. Parm Gill): Any debate on this amendment? Seeing none, are the members prepared to vote? All those in favour of government amendment number 28, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

Moving on to amendment number 29 from the Liberals—I guess Madame Des Rosiers is not here. Would anyone else like to move amendment 29?

Mr. Jeff Burch: I’ll do it.

The Chair (Mr. Jeff Burch): MPP Burch.

Mr. Jeff Burch: I move that subsection 8(1) of schedule 3 to the bill be amended by striking out subsection 26.1(2) of the Development Charges Act, 1997, and substituting the following:

“Same

“(2) The type of development referred to in subsection (1) is a rental housing development.”

The Chair (Mr. Parm Gill): Any debate on the amendment? Seeing none, are the members prepared to vote? All those in favour of Liberal amendment number 29, please raise your hands. All those opposed, please raise your hands. I declare the amendment lost.

Moving on to number 30, again by the Liberals, subsection 8(1) of schedule 3 to the bill: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 8(1) of schedule 3 to the bill be struck out.

The Chair (Mr. Parm Gill): Thank you. Any debate on amendment number 30? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: Yes. I have my notes right here. I am withdrawing this because it’s a consequential amendment to something that was already done.

The Chair (Mr. Parm Gill): Amendment withdrawn.

We will now move to number 31, again by the Liberals, subsection 8(2) of schedule 3 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: This is one is equally withdrawn.

The Chair (Mr. Parm Gill): Amendment withdrawn.

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

There are no proposed amendments to sections 9 through 10 of schedule 3. I propose that we bundle these sections. Do we have an agreement to do that? Thank you. Shall sections 9 to 10 of schedule 3, inclusive, carry? Carried.

The next item we’re going to deal with is amendment number 32, again from the Liberal Party, subsection 11(1) of schedule 3 to the bill.

M^{me} Nathalie Des Rosiers: Withdrawn.

The Chair (Mr. Parm Gill): Withdrawn.

Shall schedule 3, section 11, carry? Carried.

Moving on to schedule 3, section 12 to the bill now, we’re going to deal with government amendment number 33. MPP Hogarth.

Ms. Christine Hogarth: I move that section 12 of schedule 3 to the bill be amended by striking out subsection 52(3.1) of the Development Charges Act, 1997, and substituting the following:

“Special case, certain types of development

“(3.1) Despite subsections (2) and (3), an amount that is payable under subsection (1) in respect of any part of a development that is consistent of a type of development set out in subsection 26.1(2) is payable in accordance with the following provisions, with necessary modifications:

“1. Clause 26.1(3)(a) or (b), as applicable.

“2. Subsections 26.1(5), (6) and (9).”

The Chair (Mr. Parm Gill): MPP Hogarth, can I just get you to repeat, under (3.1), the second line, where it starts, “in respect of any”? Can you please read that line?

Ms. Christine Hogarth: It’s “subsection (1) in respect of any part of a development that consists of a type of development set out”—

The Chair (Mr. Parm Gill): Thank you.

Any debate on amendment number 33 from the government? Seeing none, are the members prepared to vote? All those in favour of amendment number 33, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

The Ontario Liberal Party recommends voting against section 12 of schedule 3 to the bill. Any debate?

M^{me} Nathalie Des Rosiers: This continues to reflect our opposition to the lack of flexibility for municipalities to allow for livability for the city and paying for growth.

The Chair (Mr. Parm Gill): Any further debate? Seeing none, are the members prepared to vote?

Shall schedule 3, section 12, as amended, carry?

M^{me} Nathalie Des Rosiers: Recorded vote.

Ayes

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

Nays

Burch, Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): I declare it carried.

Moving on to schedule 3, section 13, we are going to deal with amendment number 34.

M^{me} Nathalie Des Rosiers: I'm withdrawing this amendment.

The Chair (Mr. Parm Gill): MPP Des Rosiers has indicated that she is withdrawing this amendment. Withdrawn.

Moving on to amendment number 35, again by the Liberals, on subsection 13(6) of schedule 3 to the bill: MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 13(6) of schedule 3 to the bill be struck out.

The Chair (Mr. Parm Gill): This motion is dependent on a previous motion which was lost. I therefore rule the amendment out of order.

Shall schedule 3, section 13, carry? Carried.

There are no proposed amendments to sections 14 through 16 of schedule 3. I propose that we bundle these sections. Do we have agreement to do that? Agreed.

The Ontario NDP recommends voting against schedule 3 to the bill. Any debate? MPP Burch.

Mr. Jeff Burch: Recorded vote, please.

The Chair (Mr. Parm Gill): Shall schedule 3, as amended, carry?

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Ayes

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

Nays

Burch, Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): I declare it carried.

We are now moving on to schedule 4. The Ontario NDP recommends voting against section 1 of schedule 4 to the bill. Any debate? MPP Burch.

Mr. Jeff Burch: This schedule allows the minister to veto a school board proposal to expropriate land and levy a development charge. The NDP opposes this because school boards are elected governments, and ministers do not need additional powers to overrule boards. We already see too much of that happening.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote?

Mr. Jeff Burch: Recorded vote, Chair.

Ayes

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

Nays

Burch, Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): I declare the amendment carried.

There are no proposed amendments to sections 2 through 8 of schedule 4. I propose we bundle these sections. Do we have agreement to do that? Agreed.

Shall sections 2 to 8 of schedule 4, inclusive, carry? Carried.

Shall schedule 4 carry? Carried.

Moving on to schedule 5, section 1, do we have any debate on this section? Seeing none, are the members prepared to vote? Shall schedule 5, section 1, carry? Carried.

Moving on to Liberal amendment number 36, section 2 of schedule 5 to the bill: MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 2 of schedule 5 to the bill be amended by striking out clause 3(4)(b) of the Endangered Species Act, 2007, and substituting the following:

“(b) Aboriginal traditional knowledge.”

The Chair (Mr. Parm Gill): Thank you. Any debate on this amendment?

M^{me} Nathalie Des Rosiers: Yes. This amendment is proposed to remove the phrase “community knowledge.” These are the concerns that have been expressed: It's very important that COSSARO continues to be a scientifically based decision-making body. COSSARO is composed of people with a scientific discipline such as conservation, biology, ecology, genetics, population dynamics, taxonomy and systematics, and we include Aboriginal traditional knowledge.

I think when we saw the phrase “community knowledge,” it seemed to be too broad and not reflect the scientific knowledge needed to be part of COSSARO. At the briefing, I asked the ministry people why they had expanded this, and their response was they thought that they were lacking taxonomists. But upon further reflection, if you don't have a taxonomist, you can still have people representing all sorts of other disciplines. The

worry is that “community knowledge” could be a developer or anyone who lives in a community, diluting the ability of COSSARO to have credibility as a scientific body.

The Chair (Mr. Parm Gill): Thank you very much. Further debate on this amendment? MPP Burch.

Mr. Jeff Burch: We agree that “community knowledge,” that term, lowers the bar. This government already lowered qualifications to appoint Ron Taverner to run the OPP and Jenni Byrne to the Ontario Energy Board. We don’t need more unqualified appointments.

We’ll support it and we request a recorded vote.

The Chair (Mr. Parm Gill): Thank you. Any further debate? Seeing none, are the members prepared to vote?

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Shall schedule 5, section 2, carry? Carried.

Moving on to Liberal amendment number 37, section 3 of schedule 5 to the bill: MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 3 of schedule 5 to the bill be amended by,

(a) striking out “and” at the end of clause 5(4)(a) of the Endangered Species Act, 2007;

(b) adding “and” at the end of clause 5(4)(b) of that act; and

(c) adding the following clause to subsection 5(4) of that act:

“(c) the impact of climate change on the habitat of the species in Ontario and the broader biologically relevant geographic range in which it exists both inside and outside Ontario.”

The Chair (Mr. Parm Gill): Any debate? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: This is one of the amendments that I feel very strongly we should consider. Part of the reason why so many scientists are hesitant to accept what the government is proposing here is, they are very worried about the way in which the ability for COSSARO to be forced to reflect the lower level of risk to the survival of a species once it’s considered outside of Ontario will actually prevent COSSARO from responding to some changes in species that occur throughout Ontario.

For example, you could say, “Oh, there’s very few deer in Ontario. There’s lots in Quebec, so let’s consider that the deer is not an endangered species in Ontario because it’s doing so well in Quebec.” There may not be so much wrong with that, unless there is some climate change impact that makes it such that the deer in Quebec are not protected or not likely to continue to grow.

There’s been some concern of diluting the scientific protection that is given by subclause 5. To me, to balance that out—my other amendment was to remove subsection 5, but this one is to say at least allow them to consider the impact of climate change. One of the problems with the Endangered Species Act is that it is reactive. It always looks at the current situation. I think it’s about time that we include what we know about what will be the impact of climate change on endangered species in Ontario.

The Chair (Mr. Parm Gill): Further debate? MPP Burch.

Mr. Jeff Burch: We agree that COSSARO should consider climate change impact when assessing and classifying a species. We’ll be supporting this, and I ask for a recorded vote, Chair.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote?

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Moving on to Liberal amendment number 38, section 3 of schedule 5 to the bill: MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 3 of schedule 5 to the bill be amended by striking out subsection 5(5) of the Endangered Species Act, 2007.

The Chair (Mr. Parm Gill): Further debate?

M^{me} Nathalie Des Rosiers: I’ve spoken to different members on the other side to try to convince them of the necessity of not forcing COSSARO to reflect the lower level of risk to a survival by a species. As I said earlier, we must protect the scientific integrity of COSSARO, and we should not force them to make one specific decision level, so I object to the words “shall reflect the lower level of risk to the survival of the species.” It should be a possibility. It should be “may,” or it should, at least in this context—I don’t think it’s necessary.

You already have the ability to let COSSARO look at not only the species in Ontario, but you’ve already had it looking at broader than Ontario, so to force COSSARO to one line of decision-making, as opposed to respecting their ability to consider the evidence and decide, is just against what in law we call the precautionary principle. You should protect the environment, unless you are certain that indeed you have all the answers to really make a decision that does not protect the environment.

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My fear is that by forcing COSSARO to always use the lowest level of risk to the survival of the species that comes from the existence of the species outside of Ontario,

we may actually not comply with our obligation to international law and our obligations to biodiversity more generally.

I'm sorry I feel so strongly about this, but I spent a little bit of time at the Ministry of Natural Resources and the environment, and I do believe that the Endangered Species Act gives lots of possibilities for the minister to consider socio-economic factors in developing the response. But to toy with or undermine the scientific integrity just doesn't help the future of biodiversity or our knowledge about biodiversity in Ontario.

The Chair (Mr. Parm Gill): Further debate?

Mr. Jeff Burch: In support, this provision is an arbitrary and unscientific constraint on the expert body that makes the assessment of whether a species is at risk. The government has already given itself every imaginable power to scrap or restrict or suspend protections, so why does it also need to dictate to an expert body whether a species is at risk or not? It doesn't make sense, so we will support the amendment.

The Chair (Mr. Parm Gill): Further debate?

Mr. Jeff Burch: We will ask for a recorded vote.

The Chair (Mr. Parm Gill): Recorded vote. Thank you very much. Are we prepared to vote?

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Shall schedule 5, section 3, carry? Carried.

Moving on to schedule 5, section 4: Shall schedule 5, section 4, carry? Carried.

Next, we're going to deal with amendment number 39 from the Liberal Party. It is subsections 5(1) and (2) of schedule 5 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsections 5(1) and (2) of schedule 5 to the bill be struck out.

The Chair (Mr. Parm Gill): Any debate? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: The sections I am trying to remove are the changes that move the deadline from three months to 12 months. I think that to leave species unprotected for 12 months is just not in compliance with the precautionary principle and our obligation to protect biodiversity.

There are some pressures on the ministry to do its work, but in any event, it's much better to protect and then change your mind, as opposed to not protect for 12 months. I think that's a significant change that may jeopardize the survival of species in Ontario.

The Chair (Mr. Parm Gill): Further debate? MPP Burch.

Mr. Jeff Burch: I would just like to support this. For a government that claims to be about cutting red tape and improving efficiency, it sure likes to add red tape and inefficiency when it comes to protecting species at risk. This doesn't make sense. We'll support the amendment and ask for a recorded vote.

The Chair (Mr. Parm Gill): Thank you. Further debate? Seeing none, are we prepared to vote?

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Shall schedule 5, section 5, carry? Carried.

Moving on to Liberal amendment number 40, subsection 6(2) of schedule 5 to the bill: MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 6(2) of schedule 5 to the bill be amended by adding "the environmental registry established under the Environmental Bill of Rights, 1993 and" after "reconsideration on" in subsection 8(4) of the Endangered Species Act, 2007.

The Chair (Mr. Parm Gill): Further debate?

M^{me} Nathalie Des Rosiers: Let me just explain where that comes from. There are changes in the bill to eliminate the obligation to publish in the Environmental Registry. The government is suggesting that from now on, the classification reconsideration will be published only on a website maintained by the government of Ontario.

The first question is, why create a new website when indeed there is the Environmental Registry for that very reason? The Environmental Registry is important to Ontario. It was part of the Environmental Bill of Rights and many people consult it. You can have a listserv on it. You can be part of a listserv so you know what is the new information that is being communicated to the public. It's a tool that has been well used in Ontario and that continues to be important to not only environmentalists across Ontario but many average citizens. I'm one who receives the listservs from my region and I know what's going on that will affect my area, if I want to get involved.

Earlier, when this government was elected, it failed to publish changes under the Environmental Bill of Rights. It failed to publish the changes to the cap-and-trade program under the Environmental Bill of Rights. There were lawsuits that were begun. The ministry decided, "No, no, no, we will publish them under the Environmental Bill of Rights."

I had the occasion to ask the minister whether he continues to value the Environmental Bill of Rights and the Environmental Registry as tools for empowering communities to participate in the protection of the environment and he committed to being supportive of the Environmental Bill of Rights and the Environmental

Registry. So I fail to see why we're getting away from obligations to be transparent and to publish things on the Environmental Registry.

The Chair (Mr. Parm Gill): Further debate? MPP Burch.

Mr. Jeff Burch: The Environmental Bill of Rights was established by the NDP over 25 years ago. This amendment is a good amendment. It's a reminder that the government is not above the law when it comes to complying with the Environmental Bill of Rights. So we'll support the amendment and ask for a recorded vote.

The Chair (Mr. Parm Gill): Further debate? Are we prepared to vote?

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Shall schedule 5, section 6, carry? Carried.

Moving on to Liberal amendment number 41, on section 7 of schedule 5 to the bill: MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 7 of schedule 5 to the bill be amended by,

(a) adding "or" at the end of subclause 8.1(3)(c)(iii) of the Endangered Species Act, 2007;

(b) striking out "or" at the end of subclause 8.1(3)(c)(iv) of that act; and

(c) striking out subclause 8.1(3)(c)(v) of that act.

The Chair (Mr. Parm Gill): Any debate?

M^{me} Nathalie Des Rosiers: Yes. This is the clause in this proposed bill to allow a temporary suspension of protections upon initial listing. The new proposal that the government is putting forward is that when there's a new listing of a new species that is at risk—to temporarily suspend that listing for the time that the government requires.

There are some provisions in it to make sure that the minister must have some certainty that this will not completely jeopardize the survival of the species. Nevertheless, most people agree that it's better, again, to fulfill our environmental protections and obligations under international law and, under a commitment to biodiversity, to protect first and then allow for changes and accommodation to reflect some circumstances that may exist in a particular area.

We've done it before. The Endangered Species Act allows for the minister to exercise and balance all the factors. But he or she should not be in a position to have the ability to not protect at all a species that the scientific community has just decided was endangered. I submit that my amendment is trying to reflect what the government wants to do—but be very careful and add some certainty

to ensure that we do not lose the ability to protect well our endangered species in Ontario.

1430

The Chair (Mr. Parm Gill): Further debate? Are the members prepared to vote?

M^{me} Nathalie Des Rosiers: Recorded vote.

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Next, we're going to deal with amendment number 42, again from the Liberal Party, section 7 of schedule 5 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 7 of schedule 5 to the bill be amended by striking out "three years" in clause 8.1(5)(b) of the Endangered Species Act, 2007, and substituting "12 months".

The Chair (Mr. Parm Gill): Further debate?

M^{me} Nathalie Des Rosiers: So the issue here is, again, to ensure, to the extent that there is protection, it is not delayed further and that species do not get unprotected for a long period of time, like three years, which would possibly undermine their ability to survive in Ontario.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote? Perfect. Shall Liberal amendment number 42 carry? All those in favour, please raise your hands. All those opposed, please raise your hands. I declare the amendment lost.

Moving on to Liberal amendment number 43, section 7 of schedule 5 to the bill: MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 7 of schedule 5 to the bill be amended by striking out section 8.1 of the Endangered Species Act, 2007.

Essentially, I think I'm suggesting that this entire process of delaying the suspension of protections of species at risk is dangerous for Ontario. Biodiversity protects humans, too. It protects our ability to continue to rely on the species that are needed for our environment to continue to be sustainable. This is the food we eat, and it's the ability to continue to enjoy the environment that we have been used to. It also is important to continue to comply with our international obligations in this regard.

I suggest that suspending the protection of species is a bad idea. It's bad for Ontario, and it's certainly bad for the environmental community and our environment. I'd like a recorded vote.

The Chair (Mr. Parm Gill): Perfect. Further debate? Seeing none, are the members prepared to vote?

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Moving on to number 44 by the government, section 7 of schedule 5 to the bill: MPP Hogarth.

Ms. Christine Hogarth: I move that section 7 of schedule 5 to the bill be amended by adding the following paragraph to subsection 8.2(1) of the Endangered Species Act, 2007:

“3. A person engaged in an activity that is a regulated activity within the meaning of section 18 if the regulated activity was,

“i. authorized by an instrument, as defined in subsection 18(1), that was entered into, issued, made or approved before the species is so listed, and

“ii. prescribed as a regulated activity for the purposes of section 18 by a regulation made under clause 18(3)(a).”

The Chair (Mr. Parm Gill): Any debate on the amendment? Seeing none, are the members prepared to vote?

M^{me} Nathalie Des Rosiers: Actually, I would like to ask for some clarification, please.

The Chair (Mr. Parm Gill): MPP Des Rosiers has a question. Go ahead.

M^{me} Nathalie Des Rosiers: I'd like to know exactly where does that fit and why is it that this amendment is being put forward.

The Chair (Mr. Parm Gill): MPP Hogarth?

Ms. Christine Hogarth: It would have the effect of applying a consistent transition period for approvals provided through sections 16, 16.1, 17, 18 and 19, its permits, agreements and regulations. This would give more time for businesses to plan and adapt their activities as necessary, thereby increasing certainty for business.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote? All those in favour of government amendment number 44, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

Moving on to number 45 from the Liberals, section 7 of schedule 5 to the bill: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 7 of schedule 5 to the bill be amended by,

(a) striking out subsection 8.2(2) of the Endangered Species Act, 2007; and

(b) striking out “Subsections (1) and (2) authorize” at the beginning of subsection 8.2(3) of that act and substituting “Subsection (1) authorizes”.

The Chair (Mr. Parm Gill): Thank you. Further debate?

M^{me} Nathalie Des Rosiers: This, again, is intended to respond to the government and try to ensure that we continue to protect species, as we discussed earlier. Any time that we delay protections or undermine it—it's not that there's everything in this bill. You'll see that for some sections, I did not propose amendments. There are some

ways in which there is some ability in this bill, where we can see the value of it. But I think it is important not to go too far and undermine consistent application and protection of endangered species in Ontario.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote? All those in favour of Liberal amendment number 45, please raise your hands. All those opposed, please raise your hands. I declare the amendment lost.

The Clerk has requested me to ask all members if they can please raise their hand a little bit higher, just so there's no confusion. That would be appreciated.

Moving on to amendment number 46 from the government, section 7 of schedule 5 to the bill: MPP Romano.

Mr. Ross Romano: I move that section 7 of schedule 5 to the bill be amended by striking out paragraphs 1 and 2 of subsection 8.2(3) of the Endangered Species Act, 2007, and substituting the following:

“1. The person shall take reasonable steps to minimize the adverse effects of the activity that was authorized by the permit, agreement or instrument referred to in subsection (1) on the species that is listed on the Species at Risk in Ontario List as an endangered or threatened species for the first time.

“2. The person shall carry out the acts or possess or transport something only if doing so is,

“i. necessarily incidental to the activity that was authorized by the permit, agreement or instrument referred to in subsection (1), or

“ii. necessary for the purpose of taking the reasonable steps mentioned in paragraph 1.”

The Chair (Mr. Parm Gill): Thank you. Any debate on the amendment? Seeing none, are the members prepared to vote? All those in favour of government amendment number 46, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

Shall schedule 5, section 7, as amended, carry? Carried.

Moving on to Liberal amendment number 47, subsection 8(1) of schedule 5 to the bill: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 8(1) of schedule 5 to the bill be amended by striking out subsection 9(1.1) of the Endangered Species Act, 2007.

The Chair (Mr. Parm Gill): Further debate?

M^{me} Nathalie Des Rosiers: This is to strike out the exception, the temporary suspension order. Essentially, here the government is seeking to limit the protection of species that have been identified for the first time. New species that are being identified by COSSARO are subject to less protection than other species. That's the wrong way about it, because when COSSARO decides that a species is endangered, it's because it is now at a critical stage. We should not be delaying protection of that species.

1440

The Chair (Mr. Parm Gill): Further debate? Are the members prepared to vote? All those in favour of Liberal amendment number 47, please raise your hands. All those

opposed, please raise your hands. I declare the amendment lost.

Shall schedule 5, section 8, carry? Carried.

Next we're doing to deal with Liberal amendment number 48, section 9 of schedule 5 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 9 of schedule 5 to the bill be struck out and the following substituted:

"9. Subsection 10(3) of the act is repealed."

The Chair (Mr. Parm Gill): Further debate?

M^{me} Nathalie Des Rosiers: This has the same purpose that I've been identifying up to now, which is to ensure protection of species the minute that they are identified as endangered.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are we prepared to vote? All those in favour of Liberal amendment number 48, please raise your hands. All those opposed, please raise your hands. I declare the amendment lost.

Shall schedule 5, section 9, carry? Carried.

Next we're going to deal with schedule 5, section 10. Shall schedule 5, section 10, carry? Carried.

Next we're going to deal with the Liberal amendment number 49, subsection 11(2) of schedule 5 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 11(2) of schedule 5 to the bill be struck out.

The Chair (Mr. Parm Gill): Further debate?

M^{me} Nathalie Des Rosiers: This is, again, the same issue of removing notices on the Environmental Registry established under the Environmental Bill of Rights. In my submissions, I think it is dangerous to undermine the Environmental Bill of Rights or the Environmental Registry. I don't see why the government wants to create an additional website when there's one that works so well and that people know and use.

To me, I haven't had much engagement on my suggestions from the government side, but I'd like some reassurance as to why it is that not publishing things on the Environmental Registry is a good idea. That would be my question to them.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote? All those in favour of Liberal amendment number 49, please raise your hands. All those opposed, please raise your hands. I declare the amendment lost.

Shall schedule 5, section 11, carry? Carried.

There are no proposed amendments to sections 12 through 15 of schedule 5. I propose that we bundle these sections. Is there an agreement from the committee members? Thank you. Shall sections 12 to 15 of schedule 5, inclusive, carry? Carried.

Next, moving on to amendment number 50 from the government, section 16 of schedule 5 to the bill: MPP Romano.

Mr. Ross Romano: I move that section 16 of schedule 5 to the bill be amended by striking out clauses 18(4)(a)

and (b) of the Endangered Species Act, 2007, and substituting the following:

"(a) the regulated activity will not jeopardize the survival of any of the prescribed species or have any other significant adverse effect on those species;

"(b) there is a requirement, whether under the act or regulation under which the regulated activity is authorized, permitted or required, or under a regulation made under subsection (3), that reasonable alternatives be considered before engaging in the regulated activity, including alternatives that would not adversely affect the prescribed species; and

"(c) there is a requirement, whether under the act or regulation under which the regulated activity is authorized, permitted or required, under a regulation made under subsection (3) or under the instrument authorizing the regulated activity, that,

"(i) a benefit that will assist with the protection or recovery of the prescribed species be achieved, where reasonable, and

"(ii) reasonable steps be taken to minimize adverse effects on the prescribed species."

The Chair (Mr. Parm Gill): Thank you, MPP Romano. It's very much appreciated. Any debate?

M^{me} Nathalie Des Rosiers: We welcome the speed of reading, but I'd like to have just some clarification. Am I right that this has the effect of eliminating some of the purposes in this section for the new fund?

The Chair (Mr. Parm Gill): MPP McDonell.

Mr. Jim McDonell: The proposed amendment would offer flexibility needed in this provision to support the government's effort to reduce duplication and harmonize approvals across other planning processes and acts. I read it a little bit slower.

The Chair (Mr. Parm Gill): Further debate? MPP Burch.

Mr. Jeff Burch: I ask for a recorded vote.

Ayes

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

Nays

Burch, Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): I declare the amendment carried.

Shall schedule 5, section 16, as amended, carry? Carried.

Shall schedule 5, section 17, carry? Carried.

Moving on to Liberal amendment number 51, on subsection 18(1) to the bill: MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I'm very hopeful about this amendment.

I move that subsection 18(1) of schedule 5 to the bill be amended by,

(a) striking out "or" at the end of subclause 20.7(1)(b)(iii) of the Endangered Species Act, 2007;

(b) adding “or” at the end of subclause 20.7(1)(b)(iv) of that act; and

(e) adding the following subclause to clause 20.7(1)(b) of that act:

“(v) an increase in public awareness of extirpated, endangered, threatened or special concern species.”

This simply allows the fund to have also the possibility of engaging in public awareness and public education. This is a good thing for Ontario because that’s how you protect endangered species—people knowing about it and being committed to protection. I’m adding a good purpose to the fund that’s being created. I think that adding this possibility will allow the fund to be effective for many Ontarians and add to the legitimacy of people agreeing to have this fund continue.

The Chair (Mr. Parm Gill): Further debate? MPP Burch.

Mr. Jeff Burch: We’re supportive but we’re not as optimistic as Madame Des Rosiers.

The Chair (Mr. Parm Gill): Thank you. Further debate? Are the members prepared to vote?

M^{me} Nathalie Des Rosiers: Recorded vote, please.

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Shall schedule 5, section 18, carry? Carried.

There are no proposed amendments to sections 19 through 22 of schedule 5. I propose that we bundle these sections. Is there an agreement from the members? Shall sections 19 to 22 of schedule 5, inclusive, carry? Carried.

Next we’re going to deal with motion number 52 from the Liberals, on section 23 of schedule 5 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 23 of schedule 5 to the bill be amended by striking out paragraph 3 of subsection 27.1(1) of the Endangered Species Act, 2007.

The Chair (Mr. Parm Gill): Further debate?

M^{me} Nathalie Des Rosiers: Yes, paragraph 3, which I’m trying to remove, is the ability to temporarily suspend a recognition and a protection for an endangered species or a threatened species.

It’s important to recognize that the Endangered Species Act does not handcuff the government or the minister. Once a species has been protected, the government can essentially design orders to balance socio-economic aspects and the protection of endangered species. It’s possible; it has been done. It’s in the powers of the act. So it’s not necessary to create additional temporary suspension. That has the potential of undercutting and undermining the protection of endangered species in Ontario.

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The Chair (Mr. Parm Gill): Further debate?

M^{me} Nathalie Des Rosiers: Recorded vote.

The Chair (Mr. Parm Gill): A recorded vote has been requested. Are the members prepared to vote?

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): The amendment is lost. Shall schedule 5, section 23, carry? Carried.

Moving on to amendment number 53 from the Liberals, subsection 24(3) of schedule 5 to the bill: MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 24(3) of schedule 5 to the bill be struck out and the following substituted:

“(3) Paragraph 4 of subsection 28(1) of the act is repealed.”

This is, again, repealing the ability to temporarily suspend by order the protection of an endangered or a threatened species.

The Chair (Mr. Parm Gill): Thank you.

M^{me} Nathalie Des Rosiers: I’m asking for a recorded vote.

The Chair (Mr. Parm Gill): Thank you. Further debate? Are the members prepared to vote?

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Shall schedule 5, section 24, carry? Carried.

There are no proposed amendments to sections 25 through 29 of schedule 5. I propose that we bundle these together. Is there an agreement from the members? Thank you. Shall sections 25 to 29 of schedule 5, inclusive, carry? Carried.

Moving on to Liberal amendment number 54, section 30 of schedule 5 to the bill: MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 30 of schedule 5 to the bill be amended by striking out clause 55(1)(a) of the Endangered Species Act, 2007.

The Chair (Mr. Parm Gill): Further debate? Actually, MPP Des Rosiers, this motion is dependent on the previous motion, which was lost. I therefore rule that the amendment is out of order.

Shall schedule 5, section 30, carry? Carried.

Shall schedule 5, section 31, carry? Carried.

The Ontario NDP recommends voting against schedule 5 to the bill. Any debate? MPP Burch.

Mr. Jeff Burch: Recorded vote.

The Chair (Mr. Parm Gill): Recorded vote. Are the members prepared to vote?

Ayes

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

Nays

Burch, Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): I declare schedule 5, as amended, carried.

Moving on to schedule 6: There are no proposed amendments to sections 1 through 4 of schedule 6. I propose that we bundle these sections. Do we have an agreement from the members? Thank you. Shall sections 1 to 4 of schedule 6, inclusive, carry? Carried.

Next item we're going to deal with is amendment number 55.

M^{me} Nathalie Des Rosiers: It's withdrawn.

The Chair (Mr. Parm Gill): It's withdrawn?

M^{me} Nathalie Des Rosiers: Yes.

The Chair (Mr. Parm Gill): MPP Des Rosiers has indicated the amendment is withdrawn.

Shall schedule 6, section 5, carry? Carried.

We are now going to stand down NDP motion 56, as this amendment is dependent on NDP motion 57 carrying. We are going to deal with amendment number 57, subsection 6(4) of schedule 6 to the bill. MPP Burch.

Mr. Jeff Burch: I move that subsection 6(4) of schedule 6 to the bill be amended by adding the following clause to subsection 16(4.1) of the Environmental Assessment Act:

“(0.a) the environment;”

The Chair (Mr. Parm Gill): Thank you. Further debate? MPP Burch.

Mr. Jeff Burch: Currently, the minister may order that a class environmental assessment be bumped up to a full environmental assessment for any reason. Schedule 6 will now only allow ministers to do this if existing Aboriginal or treaty rights are impacted or if the government passes a regulation prescribing a matter of provincial importance, but inexplicably, the minister will no longer be able to order a bump-up of an environmental assessment in order to protect the environment. In other words, a minister may believe that a class environmental assessment is completely inadequate for a project and that a bump-up is necessary in order to avoid devastating harm to the environment, and yet under schedule 6, that minister would be prohibited from ordering a bump-up.

The whole point of the Environmental Assessment Act is to protect the environment. The government is effectively saying that protecting the environment is not an acceptable reason for ordering a full environmental

assessment. The government should apply some common sense here and support our amendment.

The Chair (Mr. Parm Gill): Further debate? Are members prepared to vote?

Mr. Jeff Burch: I request a recorded vote.

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

We will now return to NDP motion number 56.

Mr. Jeff Burch: Withdrawn, Chair.

The Chair (Mr. Parm Gill): MPP Burch has indicated the amendment is withdrawn.

We will now move to number 58.

Mr. Jeff Burch: Withdrawn, as well.

The Chair (Mr. Parm Gill): Withdrawn, as well: 58 has been withdrawn. We'll move to number 59 from the NDP.

Mr. Jeff Burch: Withdrawn.

The Chair (Mr. Parm Gill): That's withdrawn, as well.

Shall schedule 6, section 6, carry? Carried.

There are no proposed amendments to sections 7 through 10 of schedule 6. I propose that we bundle these sections. Do we have a consensus? Thank you.

Shall sections 7 to 10 of schedule 6, inclusive, carry? Carried.

Shall schedule 6 carry? All those in favour, please raise your hands. All those opposed, please raise your hands. I declare it carried.

There are no proposed amendments to sections 1 through 14 of schedule 7. I propose that we bundle these sections. Is there agreement? Thank you.

Shall sections 1 to 14 of schedule 7, inclusive, carry? Carried.

Shall schedule 7 carry? Carried.

Now we're going to deal with schedule 8. Shall schedule 8, section 1, carry? Carried.

The next item is government amendment number 60, subsection 2(1) of schedule 8 to the bill. MPP McDonell.

Mr. Jim McDonell: I move that subsection 2(1) of schedule 8 to the bill be amended by striking out section 150.7 of the Labour Relations Act, 1995 and substituting the following:

“Special rules transition

“Transition respecting certain certificates and agreements

“150.7(1) Any certificate issued by the board pursuant to an application for certification made under this section that was made on or after May 2, 2019, is deemed to have not been issued.

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“Voluntary recognition agreements

“(2) Any voluntary recognition agreement entered into under this section on or after May 2, 2019, is deemed to have not been made.”

The Chair (Mr. Parm Gill): Further debate? Are the members prepared to vote? All those in favour of government amendment number 60, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

Shall schedule 8, section 2, as amended, carry? Carried.

There are no proposed amendments to sections 3 through 5 of schedule 8. I propose that we bundle these. Do we have agreement to do that? Thank you. Shall sections 3 to 5 of schedule 8, inclusive, carry? Carried.

Shall schedule 8, as amended, carry? Carried.

Moving on to schedule 9: There are no proposed amendments to sections 1 through 3 of schedule 9. I propose that we bundle these sections. Is there an agreement? Thank you. Shall sections 1 to 3 of schedule 9, inclusive, carry? Carried.

Next item is government amendment number 61, subsection 4(2) of schedule 9 to the bill. MPP Hogarth

Ms. Christine Hogarth: I move that subsection 4(2) of schedule 9 to the bill be amended by adding “regardless of whether or not a case management conference has been held” at the end of subsection 33(1.1) of the Local Planning Appeal Tribunal Act, 2017.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote? All those in favour of government amendment number 61, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

Shall schedule 9, section 4, as amended, carry? Carried.

There are no proposed amendments to sections 5 through 13 of schedule 9. I propose that we bundle these sections. Do we have an agreement? Thank you. Shall sections 5 to 13 of schedule 9, inclusive, carry? Carried.

The Ontario NDP recommends voting against schedule 9 of the bill. Do we have any debate?

Mr. Jeff Burch: A recorded vote.

The Chair (Mr. Parm Gill): MPP Burch requested a recorded vote. MPP Des Rosiers?

M^{me} Nathalie Des Rosiers: I’m going to be voting against schedule 9, and I just want to have on the record that when we passed the move toward the Local Planning Appeal Tribunal Act in the last Legislature, the Conservative Party voted with us. So I’m surprised about this reversal so quickly on, after not having given time to the new tribunal to really, with adequate resources, do what it was supposed to do, which is, among other things, to validate and support good planning at the municipal level and respect for good planning at municipal levels.

The Chair (Mr. Parm Gill): Further debate? Are the members prepared to vote?

Ayes

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

Nays

Burch, Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): Carried.

Moving on to schedule 10: There are no proposed amendments to sections 1 through 4 of schedule 10. I propose that we bundle these sections. Do we have agreement to do that? Thank you. Shall sections 1 to 4 of schedule 10, inclusive, carry? Thank you, carried.

Shall schedule 10 carry? Carried.

Schedule 11: We’re going to deal with amendment number 62 from the government, subsection 1(2) of schedule 11 to the bill. MPP McDonell.

Mr. Jim McDonell: I move that subsection 1(2) of schedule 11 to the bill be amended by striking out “42” in subsection 1(2) of the Ontario Heritage Act.

The Chair (Mr. Parm Gill): Further debate?

M^{me} Nathalie Des Rosiers: Yes. I’d like to have some clarification about what this is intending to do.

The Chair (Mr. Parm Gill): Further debate? MPP McDonell.

Mr. Jim McDonell: It supports the clarification of a drafting issue that could otherwise create confusion over how alteration and demolition are treated under part V of the Ontario Heritage Act, related to heritage conservation districts.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote? All those in favour of government amendment number 62, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

The Ontario Liberal Party recommends voting against section 1 of schedule 11 to the bill. Any debate? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: Yes. As we heard on Friday, when the architectural conservation association came to see us and said that they had not participated in any consultation, had not been invited to participate in consultation, I think it’s incumbent on us not to change the heritage act when the experts in the field, the people for whom this is their bread and butter, have not been consulted.

I think you don’t need schedule 11 for a while. You could reinstitute it. You could consult during the summer, talk to them so that they are comfortable with what you’re proposing and bring it back in September. It’s appropriate for people for whom heritage is primordial in their lives; they have been the guardians of our heritage throughout Ontario. We depend on them to continue to do their good work. They are creating heritage plans for different cities. They need to be part of the conversation.

The Chair (Mr. Parm Gill): Thank you. Further debate?

M^{me} Nathalie Des Rosiers: Recorded vote.

Ayes

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

Nays

Burch, Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): I declare it carried.

Schedule 11, section 2: The Liberal Party recommends voting against this section. Any debate?

M^{me} Nathalie Des Rosiers: It's for the same reason. I don't think we should be proceeding with schedule 11 in a context where the people for whom this is the most important act that defines their existence have not been consulted. It's not necessary. There's no urgency in passing schedule 11. It can be reintroduced in the fall after people have been consulted and are satisfied that their concerns have been listened to.

The Chair (Mr. Parm Gill): Thank you. Further debate? Are you prepared to vote? Shall schedule 11, section 2, carry? Carried.

Moving on to schedule 11, section 3, the Liberal Party recommends voting against section 3 of schedule 11 to the bill. Any debate?

M^{me} Nathalie Des Rosiers: It's for the same reason. Section 3 has not been commented on by the people for whom this act is the most important thing.

The Chair (Mr. Parm Gill): Thank you. Shall schedule 11, section 3, carry? All those in favour, please raise your hands. All those opposed, please raise your hands. Carried.

Schedule 11, section 4: The Liberal Party again recommends voting against section 4, schedule 11 to the bill. Any debate? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I apologize for the repeat, but that's the proper process to recommend voting against each section of this schedule. As I said, my own view is this schedule should just be withdrawn for now until you make sure that you've spoken to the people who are particularly concerned about this.

The Chair (Mr. Parm Gill): Thank you. Further debate? Shall schedule 11, section 4, carry? All those in favour, please raise your hands. All those opposed, please raise your hands. Carried.

1510

Moving on to schedule 11, section 5: The Liberal Party again recommends voting against section 5 of schedule 11 to the bill. Any debate? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: Exactly the same argument—but I'd like a recorded vote so that at least I have on record who has voted not to consult with the Architectural Conservancy.

The Chair (Mr. Parm Gill): Further debate? Seeing none, shall schedule 11, section 5, carry?

Ayes

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

Nays

Burch, Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): I declare that carried.

Now we're at schedule 11, section 6. The Liberal Party again recommends voting against section 6 of schedule 11. Any debate? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: For the same reason: There hasn't been sufficient consultation, and it's a particularly important thing in the riding of Ottawa–Vanier, where there is a large heritage plan that has been put in place, and people are waiting to hear from the city and want validation as to what is the position of this government with respect to heritage protection.

The Chair (Mr. Parm Gill): Further debate? Seeing none, shall schedule 11, section 6, carry? All those in favour, please raise your hands. All those opposed, please raise your hands. Carried.

Moving on to schedule 11, section 7: We're going to deal with amendment number 63 from the government—as soon as I can get my hands on it—subsection 7(6) of schedule 11 to the bill. MPP Sarkaria.

Mr. Prabmeet Singh Sarkaria: I move that subsection 7(6) of schedule 11 to the bill be amended by adding “and that a copy of the registered bylaw is served on the trust” at the end of clause 29(12)(b) of the Ontario Heritage Act.

The Chair (Mr. Parm Gill): Further debate? Seeing none, all those in favour of government amendment number 63, please raise your hands. All those opposed, please raise your hands. Carried.

Moving on to government amendment number 64, subsection 7(6) of schedule 11 to the bill: MPP Sarkaria.

Mr. Prabmeet Singh Sarkaria: I move that subsection 7(6) of schedule 11 to the bill be amended by adding “and that a copy of the registered bylaw is served on the trust” at the end of subsection 29(19) of the Ontario Heritage Act.

The Chair (Mr. Parm Gill): Further debate? Seeing none, all those in favour of government amendment number 64, please raise your hands. All those opposed, please raise your hands. Carried.

Next we're going to deal with amendment number 65 from the Liberals, subsection 7(6) of schedule 11 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 7(6) of schedule 11 to the bill be struck out.

To the extent that we're carrying on with schedule 11—

The Chair (Mr. Parm Gill): MPP Des Rosiers, actually, I'm going to rule that this motion is out of order, as it attempts to amend a subsection that no longer appears in the bill in its original form. Thank you.

The Ontario Liberal Party recommends voting against section 7 of schedule 11 to the bill. Any debate on this item? MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: No. It's for the reasons of lack of consultation, and I'd like a recorded vote.

The Chair (Mr. Parm Gill): Thank you. Shall schedule 11, section 7, carry, as amended? All those in favour, please raise your hands—

Ms. Lindsey Park: I just wanted to add to the debate there for a second, if possible.

The Chair (Mr. Parm Gill): Yes, sorry, MPP Park. Go ahead.

Ms. Lindsey Park: Excellent. To the best of my recollection, while not the Minister of the Municipal Affairs and Housing, the Minister of Tourism, Culture and Sport did meet with the organization before bringing this schedule forward—just on the record of consultation, just so everyone’s aware.

The Chair (Mr. Parm Gill): MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I think we asked that of the people who came, and, indeed, they were here in February. I met with them. At that time, they were not told about the changes to the Heritage Act. I think that’s the difficulty here, is that they came to Queen’s Park to be heard about their ambitious vision of what heritage protection should be for Ontario and were not told that there were some changes to this act being proposed. That’s where my discomfort is about moving forward on schedule 11 in this context.

The Chair (Mr. Parm Gill): Further debate? Are the members prepared to vote now? Yes.

Shall schedule 11, section 7, as amended, carry?

Ayes

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

Nays

Burch, Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): Carried.

Moving on to government amendment number 66, on subsection 8(2) of schedule 11 to the bill: MPP Hogarth.

Ms. Christine Hogarth: I move that subsection 8(2) of schedule 11 to the bill be amended by adding “and that a copy of the registered amending bylaw is served on the trust” at the end of clause 30.1(11)(b) of the Ontario Heritage Act.

The Chair (Mr. Parm Gill): Further debate? All those in favour of government amendment number 66, please raise your hands. All those opposed, please raise your hands. Carried.

The Ontario Liberal Party recommends voting against section 8 of schedule 11 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: Recorded vote.

The Chair (Mr. Parm Gill): A recorded vote has been requested. Please note that the subsequent notice filed by the Ontario Liberal Party is a duplicate notice.

Shall schedule 11, section 8, as amended, carry?

Ayes

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

Nays

Burch, Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): Carried.

Moving on to amendment number 67 from the government, on section 9 of schedule 11 to the bill: MPP Babikian.

Mr. Aris Babikian: I move that section 9 of schedule 11 to the bill be amended by adding “and that a copy of the registered repealing bylaw is served on the trust” after “in the appropriate land registry office” in clause 31(10)(b) of the Ontario Heritage Act.

The Chair (Mr. Parm Gill): Further debate on this amendment? Seeing none, all those in favour of government amendment number 67, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

The Ontario Liberal Party recommends voting against section 9 of schedule 11 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: It’s for the same reasons.

The Chair (Mr. Parm Gill): Please note that the subsequent notice filed by the Ontario Liberal Party is a duplicate notice.

Shall schedule 11, section 9, as amended, carry? All those in favour, please raise your hands. All those opposed, please raise your hands. I declare it carried.

Moving on to amendment number 68: This is from the government, on section 10 of schedule 11 to the bill. MPP Babikian.

Mr. Aris Babikian: I move that section 10 of schedule 11 to the bill be amended by adding “and that a copy of the registered repealing bylaw is served on the trust” after “in the appropriate land registry office” in clause 32(9)(b) of the Ontario Heritage Act.

The Chair (Mr. Parm Gill): Further debate? Seeing none, are the members prepared to vote? All those in favour of government amendment number 68, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

1520

Moving on to amendment number 69, from the government, on section 10 of schedule 11 to the bill: MPP Park.

Ms. Lindsey Park: I move that section 10 of schedule 11 to the bill be amended by adding “and that a copy of the registered repealing bylaw is served on the trust” at the end of subsection 32(16) of the Ontario Heritage Act.

The Chair (Mr. Parm Gill): Further debate on this amendment? Seeing none, all those in favour of government amendment number 69, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

The Ontario Liberal Party recommends voting against section 10 of schedule 11 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: For the same reasons.

The Chair (Mr. Parm Gill): Same reason—please note—

M^{me} Nathalie Des Rosiers: And I apologize.

The Chair (Mr. Parm Gill): No worries. Please note that the subsequent notice filed by the Ontario Liberal Party is a duplicate notice.

Shall schedule 11, section 10, as amended, carry? Carried.

Moving on to amendment number 70, from the Liberal Party, on section 11 of schedule 11 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 11 of schedule 11 to the bill be amended by striking out “registered under clause 29(12)(b) or subsection 29(19), as the case may be” in subsection 33(1) of the Ontario Heritage Act and substituting “registered under sub-subclause 29(14)(a)(ii)(B)”.

The Chair (Mr. Parm Gill): This motion is consequential to a previous motion which was ruled out of order. I therefore rule the amendment out of order.

We’re going to stand down Liberal motion 71 as this amendment is dependent on Liberal motion 72 carrying.

M^{me} Nathalie Des Rosiers: I move that section 11—

The Chair (Mr. Parm Gill): Sorry, MPP Des Rosiers; just one second. I will let you know when I want you to read this into the record.

We’re moving on to the Liberal amendment number 72, on section 11 of schedule 11 to the bill: MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 11 of schedule 11 to the bill be amended by adding the following subsection to section 33 of the Ontario Heritage Act:

“Restriction on right to appeal

“(9.1) The owner may appeal the council’s decision to the tribunal only if the proposed alteration under the application is designed to repair the designated property or to allow it to be used for community housing or another community benefit.”

The point here—

The Chair (Mr. Parm Gill): Go ahead.

M^{me} Nathalie Des Rosiers: The point here is to protect a little bit the heritage possibility so that there is no appeal unless there is some real community benefit or an alteration of some kind.

I think one of the issues that was raised was that they don’t want to have constant appeals of heritage designations unless—and that’s why I’m suggesting this—at times it is appropriate, if someone wants to be accommodated, but not to change the heritage designation for any reason.

The Chair (Mr. Parm Gill): Further debate? Seeing none, all those in favour of Liberal amendment number 72, please raise your hands. All those opposed, please raise your hands. I declare the amendment lost.

We will now return to motion number 71—

M^{me} Nathalie Des Rosiers: Which is withdrawn.

The Chair (Mr. Parm Gill): —which is withdrawn by MPP Des Rosiers.

Moving on to amendment number 73, from the government, on section 11 of schedule 11 to the bill: MPP Romano.

Mr. Ross Romano: I move that section 11 of schedule 11 to the bill be amended by adding the following subsection to section 33 of the Ontario Heritage Act:

“Notice of tribunal’s decision

“(13.1) The council shall serve notice of the tribunal’s decision under subsection (11) or (12) on the trust.”

The Chair (Mr. Parm Gill): Further debate on this amendment? Seeing none, all those in favour of government amendment number 73, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

The Ontario Liberal Party recommends voting against section 11 of schedule 11 of the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: For no consultation.

The Chair (Mr. Parm Gill): Thank you. Shall schedule 11, section 11, as amended, carry? Carried.

Moving on to amendment number 74 by the Liberals—

M^{me} Nathalie Des Rosiers: Withdrawn.

The Chair (Mr. Parm Gill): Withdrawn? Withdrawn.

The Ontario Liberal Party recommends voting against section 12 of schedule 11 of the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: There was no consultation, and that’s the reason why we shouldn’t vote for schedule 11.

The Chair (Mr. Parm Gill): Further debate? Seeing none, shall schedule 11, section 12, carry? Carried.

Moving on to schedule 11, section 13, we’re going to deal with government amendment number 75, subsection 13(2) of schedule 11 to the bill. MPP Romano.

Mr. Ross Romano: I move that subsection 13(2) of schedule 11 to the bill be amended by adding the following subsection to section 34.1 of the Ontario Heritage Act:

“Notice of tribunal’s decision

“(8) The council shall serve notice of the tribunal’s decision under subsection (5) or (6) to the trust.”

The Chair (Mr. Parm Gill): Further debate? Seeing none, all those in favour of government amendment number 75, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

The Ontario Liberal Party recommends voting against section 13 of schedule 11 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: Same reasoning.

The Chair (Mr. Parm Gill): Shall schedule 11, section 13, as amended, carry? All those in favour, please raise your hands. All those opposed, please raise your hands. Carried.

Moving on to schedule 11, section 14, the Ontario Liberal Party recommends voting against section 14 of schedule 11. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: Same reasoning.

The Chair (Mr. Parm Gill): Same reasoning. Shall schedule 11, section 14, carry? Carried.

Moving on to schedule 11, section 15, the Ontario Liberal Party again recommends voting against section 15 of schedule 11 of the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: No consultation.

The Chair (Mr. Parm Gill): Further debate? Seeing none, shall schedule 11, section 15, carry? Carried.

Schedule 11, section 16: The Ontario Liberal Party recommends voting against section 16 of schedule 11 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: There was no appropriate consultation on schedule 11.

Interjection.

The Chair (Mr. Parm Gill): No problem. Thank you. Shall schedule 11, section 16, carry? Carried.

Moving on to schedule 11, section 17: The Ontario Liberal Party recommends voting against section 17 of schedule 11 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: Same reasoning: no consultation.

The Chair (Mr. Parm Gill): Shall schedule 11, section 17, carry? Carried.

Moving on to government amendment number 76, subsection 18(5) of schedule 11 to the bill: MPP Babikian.

Mr. Aris Babikian: I move that subsection 18(5) of schedule 11 to the bill be struck out and the following substituted:

“(5) Subsection 41(5) of the act is amended,

“(a) by striking out ‘to the clerk’ in the portion before clause (a); and

“(b) by adding ‘and that a copy of the registered bylaw is served on the trust’ at the end of clause (b).”

1530

The Chair (Mr. Parm Gill): Further debate? Seeing none, all those in favour of government amendment number 76, please raise your hands. All those opposed, please raise your hands. Carried.

Moving on to government amendment number 77, section 18 of schedule 11 to the bill: MPP Hogarth.

Ms. Christine Hogarth: I move that section 18 of schedule 11 to the bill be amended by adding the following subsection:

“(8) Subsection 41(10.1) of the act is amended by adding ‘and that a copy of the registered bylaw is served on the trust’ at the end.”

The Chair (Mr. Parm Gill): Further debate? Seeing none, all those in favour of government amendment number 77, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

The Ontario Liberal Party recommends voting against section 18 of schedule 11 to the bill. MPP Des Rosiers?

M^{me} Nathalie Des Rosiers: Same reasoning: No consultation.

The Chair (Mr. Parm Gill): Thank you.

Shall schedule 11, section 18, as amended, carry? Carried.

Moving on to schedule 11, section 19: We’re going to deal with amendment number 78 from the government, subsection 19(1) of schedule 11 to the bill. MPP Romano.

Mr. Ross Romano: I move that subsection 19(1) of schedule 11 to the bill be amended by striking out paragraphs 3 and 4 of subsection 42(1) of the Ontario Heritage Act and substituting the following:

“3. Demolish or remove, or permit the demolition or removal of, any attribute of the property if the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district in a bylaw registered under subsection 41(10.1).

“4. Demolish or remove a building or structure on the property or permit the demolition or removal of a building

or structure on the property, whether or not the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district in a bylaw registered under subsection 41(10.1).”

The Chair (Mr. Parm Gill): Further debate? Seeing none, all those in favour of government amendment number 78, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

Moving on to government amendment number 79, section 19 of schedule 11 to the bill: MPP Romano.

Mr. Ross Romano: I move that section 19 of schedule 11 to the bill be amended by adding the following subsection:

“(4) Section 42 of the act is amended by adding the following subsection:

““Notice of tribunal’s decision

“(8.1) The council shall serve notice of the tribunal’s decision under subsection (8) on the trust.””

The Chair (Mr. Parm Gill): Further debate? All those in favour of government amendment number 79, please raise your hands. All those opposed, please raise your hands. I declare the amendment carried.

The Ontario Liberal Party recommends voting against section 19 of schedule 11 to the bill. MPP Des Rosiers?

M^{me} Nathalie Des Rosiers: Same reasoning: No consultation.

The Chair (Mr. Parm Gill): Thank you. Shall schedule 11, section 19, as amended, carry? Carried.

Schedule 11, section 20: The Ontario Liberal Party recommends voting against section 20 of schedule 11 to the bill. MPP Des Rosiers?

M^{me} Nathalie Des Rosiers: Same reasoning: No consultation.

The Chair (Mr. Parm Gill): Shall schedule 11, section 20, carry? Carried.

Moving on to schedule 11, section 21: The Ontario Liberal Party recommends voting against section 21 of schedule 11 to the bill. MPP Des Rosiers?

M^{me} Nathalie Des Rosiers: Same reasoning: No consultation.

The Chair (Mr. Parm Gill): Please note that the subsequent motion filed by the Ontario Liberal Party is a duplicate notice.

Shall schedule 11, section 21, carry? Carried.

Moving on to schedule 11, section 22: The Ontario Liberal Party recommends voting against section 22 of schedule 11 to the bill. MPP Des Rosiers?

M^{me} Nathalie Des Rosiers: Same reasoning.

The Chair (Mr. Parm Gill): Thank you. Shall schedule 11, section 22, carry? Carried.

Schedule 11, section 23: The Ontario Liberal Party recommends voting against section 23 of schedule 11 to the bill. MPP Des Rosiers?

M^{me} Nathalie Des Rosiers: Same reasoning: No consultation.

The Chair (Mr. Parm Gill): Shall schedule 11, section 23, carry? Carried.

Moving on to schedule 11, section 24: We're going to deal with government amendment number 80, subsection 24(1) of schedule 11 to the bill. MPP Romano.

Mr. Ross Romano: I move that subsection 24(1) of schedule 11 to the bill be amended by adding the following clauses to subsection 70(1) of the Ontario Heritage Act:

“(p) requiring additional records to be forwarded to the tribunal for the purposes of parts IV and V, including specifying the circumstances in which a record must be forwarded, who is required to forward the record and the timeframe in which it must be forwarded;

“(q) prescribing the material and information that must be included in a record required to be forwarded to the tribunal by this act or the regulations;

“(r) providing for exceptions to a requirement to forward a record to the tribunal set out in this act or in the regulations.”

The Chair (Mr. Parm Gill): MPP Romano, can I ask you to just repeat, starting from “(q)” to the end?

Mr. Ross Romano: “Prescribing the material and information that must be included in a record required to be forwarded to the tribunal by this act or the regulations made under it;”

The Chair (Mr. Parm Gill): MPP Romano, can you read “(r)” as well?

Mr. Ross Romano: “Providing for exceptions to a requirement to forward a record to the tribunal set out in this act or in the regulations made under it.”

The Chair (Mr. Parm Gill): Thank you. Further debate? Seeing none, all those in favour of government amendment number 80, please raise your hands. All those opposed, please raise your hands. Carried.

The Ontario Liberal Party recommends voting against section 24 of schedule 11 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: Same reasoning: no consultation.

The Chair (Mr. Parm Gill): Shall schedule 11, section 24, as amended, carry? Carried.

Moving on to schedule 11, section 25, the Ontario Liberal Party recommends voting against section 25 of schedule 11 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: Yes, I know it's tedious, but the point that I wanted to make is that I think people felt disrespected Friday, and I think it would be valuable to delay the process and ensure that they are fully heard.

The Chair (Mr. Parm Gill): Thank you. Shall schedule 11, section 25, carry? Carried.

Schedule 11, section 26, the Ontario Liberal Party recommends voting against section 26 of schedule 11 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: Same reasoning.

The Chair (Mr. Parm Gill): Shall schedule 11, section 26, carry? Carried.

The Ontario NDP recommends voting against schedule 11 to the bill. MPP Burch.

Mr. Jeff Burch: Recorded vote.

The Chair (Mr. Parm Gill): Shall schedule 11, as amended, carry?

Ayes

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

Nays

Burch, Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): Carried.

Moving on to schedule 12, we are dealing with schedule 12, section 1. Shall schedule 12, section 1, carry? Carried.

Moving on to schedule 12, section 2, we're going to deal with amendment number 81 from the Liberals, subsection 2(2) of schedule 12 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 2(2) of schedule 12 to the bill be amended by striking out subsections 16(5) and (5.1) of the Planning Act and substituting the following:

“Same

“(5) An official plan of a municipality that is not prescribed for the purpose of subsection (4) may contain the policies described in that subsection in respect of an area in respect of which a development permit system is adopted or established in response to an order under subsection 70.2.2(1).

“Adoption of inclusionary zoning policies

“(5.1) The policies described in subsection (4) may be adopted in respect of an area described in subsection (5) as part of an official plan or an amendment to an official plan that includes policies that must be contained in an official plan before the development permit system described in subsection (5) may be adopted or established.”

1540

The Chair (Mr. Parm Gill): Further debate?

M^{me} Nathalie Des Rosiers: Yes. Throughout the day, on Friday, I think I suggested several times that the definition in the bill of where inclusionary zoning may be put—that is, major transit stations—is too restrictive. Certainly, we would want inclusionary zoning where there are major transit units, but other places where there are no major transit units—smaller towns, for example—may want to benefit from inclusionary zoning, may want to impose it. That is permissive legislation, and they should have the ability to do so.

The Chair (Mr. Parm Gill): Further debate? Seeing none, all those in favour of Liberal amendment number 81, please raise your hands.

M^{me} Nathalie Des Rosiers: Recorded vote.

Ayes

Des Rosiers.

Nays

Babikian, Burch, Hogarth, McDonell, Morrison, Park, Romano, Sarkaria, Taylor.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Moving on to number 82 from the NDP: subsection 2(2) of schedule 12 to the bill. MPP Morrison.

Ms. Suze Morrison: I move that subsection 2(2) of schedule 12 to the bill be struck out.

The Chair (Mr. Parm Gill): Further debate? MPP Morrison.

Ms. Suze Morrison: I'd like to request a recorded vote. And also, just to clarify: As we understood the previous Liberal amendment, it would replace the overly restrictive PC inclusionary zoning laws with another overly restrictive Liberal inclusionary zoning law. So what we've done with this amendment is keep the current law, which gives the municipalities the flexibility to apply inclusionary zoning bylaws wherever they're needed.

The Chair (Mr. Parm Gill): Further debate? Seeing none, all those in favour of NDP amendment number 82, please raise your hands.

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Moving on to amendment number 83 from the Liberals: section 2 of schedule 12 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 2 of schedule 12 to the bill be amended by adding the following subsection:

“(3) Section 16 of the act is amended by adding the following subsection:

“Electric vehicles charging infrastructure

“(14.1) An official plan shall contain a requirement that zoning bylaws that apply to buildings or structures containing more than two residential units shall require the buildings or structures to contain the necessary infrastructure for charging electric vehicles.”

The Chair (Mr. Parm Gill): Further debate? MPP Morrison.

Ms. Suze Morrison: We'll be supporting this amendment. We feel like it addresses the fact that the government has recently removed a building code requirement that new homes have EV charging infrastructure. As a result of the government's change, infrastructure that might cost a builder \$50 to install during construction will now cost homeowners upwards of \$1,000 to install later on.

The Chair (Mr. Parm Gill): Further debate? All those in favour of Liberal amendment number 83, please raise your hands.

Ayes

Burch, Des Rosiers, Morrison, Taylor.

Nays

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): I declare the amendment lost.

Shall schedule 12, section 2, carry? Carried.

There are no proposed amendments to sections 3 through 8 of schedule 12. I propose that we bundle these sections. Is there agreement from committee members? Thank you. Shall sections 3 to 8 of schedule 12, inclusive, carry? Carried.

Moving on to schedule 12, section 9, we are now on to schedule 12, section 9. We are going to deal with amendment number 84 by the Liberals, section 9 of schedule 12 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 9 of schedule 12 to the bill be amended by adding “or because of increased needs for services arising from that development or redevelopment” at the end of subsection 37(2) of the Planning Act.

The Chair (Mr. Parm Gill): Further debate?

M^{me} Nathalie Des Rosiers: This is to ensure that community benefits charges bylaws are responsive not only to development, but really to increased needs of all sorts of types that may arise for the municipality.

The Chair (Mr. Parm Gill): Further debate? Seeing none, all those in favour of Liberal amendment number 84, please raise your hands. All those opposed, please raise your hands. I declare the amendment lost.

The Ontario Liberal Party recommends voting against section 9 of schedule 12 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: I think this morning I expressed how I think the divisions between hard and soft services is just antiquated, and we should be moving forward to having a more inclusive and holistic view of looking at charges so that growth pays for growth.

The Chair (Mr. Parm Gill): Further debate? Seeing none, shall schedule 12, section 9, carry? Carried.

Moving on to schedule 12, section 10: The Ontario Liberal Party recommends voting against section 10 of schedule 12 to the bill. MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: It's the same argument. We are opposed to creating a community benefit at a time where it's perfectly legitimate to not maintain distinctions between soft services and hard services. All services are needed for a community.

The Chair (Mr. Parm Gill): Further debate? Seeing none, shall schedule 12, section 10, carry? Carried.

Moving on to schedule 12, section 11: Shall schedule 12, section 11, carry? Carried.

We are now on to schedule 12, section 12. We're going to deal with NDP amendment number 85—subsections 12(1) to (8) of schedule 12 to the bill be struck out. MPP Burch.

Mr. Jeff Burch: I move that subsections 12(1) to (8) of schedule 12 to the bill be struck out.

The Chair (Mr. Parm Gill): Further debate? MPP Burch.

Mr. Jeff Burch: As written, schedule 12 would drastically reduce the amount of land made available for parks in new developments. Parkland would be dedicated based on the area of land under development and not the number of new residents. This will shortchange new

residents in densifying urban areas, because it means 500 people living in a tower on small area of land will receive much less parkland than 500 people living in single detached homes on a much greater area of land.

Toronto's city planner pointed out that under the current rules, the city was able to secure 2.2 acres of parkland for a new residence in a midtown development. Under Bill 108, those residents would only get 0.4 acres of parkland, a loss of over 80%.

Parks are not frills, and the government should not shortchange urban residents who need parks too. If the government agrees that parks are not frills, they should support this amendment.

The Chair (Mr. Parm Gill): Further debate? Seeing none, all those in favour of NDP amendment number 85, please raise your hands. All those opposed, please raise your hands. I declare the amendment lost.

Moving on to Liberal amendment number 86, subsection 12(2) of schedule 12 to the bill: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 12(2) of schedule 12 to the bill be struck out and the following substituted:

“Subsection 42 (1) of the act is amended by adding ‘located in the municipality’ after ‘require that land’.”

1550

The Chair (Mr. Parm Gill): Further debate? MPP Burch.

Mr. Jeff Burch: The NDP will be voting against all of Bill 108's changes to parkland dedication rules, which are not salvageable. But this amendment is supportable, so we'll be supporting it.

The Chair (Mr. Parm Gill): Thank you. Further debate? Seeing none, all those in favour of Liberal amendment number 86, please raise your hands. All those opposed, please raise your hands. I declare the amendment lost.

Moving on to Liberal amendment number 87, subsection 12(2) of schedule 12 to the bill: MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: Withdrawn.

The Chair (Mr. Parm Gill): Withdrawn.

Shall schedule 12, section 12, carry? Carried.

There are no proposed amendments to sections 13 through 14 of schedule 12. I propose that we bundle these sections. Do we have agreement from the committee members? Thank you.

Shall sections 13 to 14 of schedule 12, inclusive, carry? Carried.

Moving on to schedule 12, section 15, we're going to deal with Liberal amendment number 88.

M^{me} Nathalie Des Rosiers: Withdrawn.

The Chair (Mr. Parm Gill): Withdrawn?

M^{me} Nathalie Des Rosiers: Yes.

The Chair (Mr. Parm Gill): Withdrawn.

Shall schedule 12, section 15, carry? Carried.

Moving on to schedule 12, section 16: Shall schedule 12, section 16, carry? Carried.

The next item we're dealing with: Liberal amendment number 89.

M^{me} Nathalie Des Rosiers: Withdrawn.

The Chair (Mr. Parm Gill): Withdrawn? Withdrawn.

Shall schedule 12, section 17, carry? Carried.

There are no proposed amendments to sections 18 through to 21 of schedule 12. I propose that we bundle these sections. Is there agreement? Thank you.

Shall sections 18 to 21 of schedule 12, inclusive, carry? Carried.

The Ontario NDP recommends voting against schedule 12 to the bill.

Mr. Jeff Burch: Recorded vote, Chair.

Ayes

Babikian, Hogarth, McDonell, Park, Romano, Sarkaria.

Nays

Burch, Des Rosiers, Morrison, Taylor.

The Chair (Mr. Parm Gill): Carried.

Moving on to schedule 13, there are no proposed amendments to sections 1 to 3 of schedule 13. I propose that we bundle these sections. Do we have a consensus from the members? Thank you.

Shall sections 1 to 3 of schedule 13, inclusive, carry? Carried.

Shall schedule 13 carry? Carried.

We will now return to sections 1 to 3 of the bill, followed by the preamble. Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 108, as amended, carry? All those in favour, please raise your hands. All those opposed, please raise your hands. Carried.

Shall I report the bill, as amended, to the House? Carried.

Thank you, colleagues. It seems like we've done well today. Therefore, we are done, and this committee is now adjourned. Thank you.

The committee adjourned at 1556.

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