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**Official Report
of Debates
(Hansard)**

G-23

**Journal
des débats
(Hansard)**

G-23

**Standing Committee on
General Government**

Trust in Real Estate
Services Act, 2020

1st Session
42nd Parliament
Monday 3 February 2020

**Comité permanent des
affaires gouvernementales**

Loi de 2020 sur la confiance
envers les services immobiliers

1^{re} session
42^e législature
Lundi 3 février 2020

Chair: Goldie Ghamari
Clerk: Jocelyn McCauley

Présidente : Goldie Ghamari
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 3 February 2020

Lundi 3 février 2020

The committee met at 0900 in room 151.

**TRUST IN REAL ESTATE
SERVICES ACT, 2020**

**LOI DE 2020 SUR LA CONFIANCE
ENVERS LES SERVICES IMMOBILIERS**

Consideration of the following bill:

Bill 145, An Act to amend the Real Estate and Business Brokers Act, 2002 / Projet de loi 145, Loi modifiant la Loi de 2002 sur le courtage commercial et immobilier.

The Vice-Chair (Mr. Daryl Kramp): Good morning, everyone. I call this committee meeting to order. Welcome back. I know that everybody is just excited to be here today, Super Bowl frivolities aside and everything like that.

We're here today for public hearings on Bill 145, An Act to amend the Real Estate and Business Brokers Act, 2002. Just a quick note for you here today that there have been a few changes to today's schedule. I should maybe bring this to your attention for timing and for witness preparation: Michael Collins, president of the Toronto real estate board, will be appearing in place of Brian Torry. As well, Joe Vaccaro, chief executive officer of the Ontario Home Builders' Association, will no longer be appearing today at 10 a.m. due to an illness—so if you have that noted on your book.

Mr. Sheref Sabawy: Point of order.

The Vice-Chair (Mr. Daryl Kramp): Yes.

Mr. Sheref Sabawy: I think the submissions from 11 a.m. are here and ready, so can we move that to the 10 a.m. slot so that we can leave early?

The Vice-Chair (Mr. Daryl Kramp): We'll see how the meeting is going at that particular time, but I'll have to check with the Chair on that.

Interjection.

The Vice-Chair (Mr. Daryl Kramp): Okay. We're aware that other people cannot move up. Thanks for the suggestion, though, but it's not going to happen.

**TORONTO REGIONAL
REAL ESTATE BOARD**

The Vice-Chair (Mr. Daryl Kramp): We will now call our first witness: the Toronto real estate board; Michael Collins, please. Thank you, Mr. Collins. You will have up to 10 minutes for your presentation, followed by

20 minutes for questioning, with eight minutes allotted to the government, eight minutes allotted to the official opposition and four minutes allotted to the Green Party independent member. Please state your name for Hansard, and after that, your 10 minutes will begin, sir.

Mr. Michael Collins: Good morning. My name is Michael Collins. I'm the president of the Toronto Regional Real Estate Board and I am here on behalf of over 56,000 realtor members from across the greater Toronto area.

I'd like to begin by thanking the government, Minister Thompson and all MPPs for moving forward with the Trust in Real Estate Services Act, or TRESA. This is a very important piece of legislation that accomplishes many long-sought-after objectives for both consumers and the realtors who serve them. We applaud you for taking this action.

Our comments today will be focused on three key themes: firstly, and most importantly, preserving consumer choice and consent; secondly, creating a more fair and efficient business environment; and finally, third, enhancing professional standards.

I'll begin with our views regarding consumer choice and consent. In this regard, I would like to stress that we strongly believe that consumer choice and consent must be preserved in all aspects of this legislation, and that these should be the guiding principles on which this legislation is based. By taking necessary steps to ensure adequate disclosure and fair business practices, consumer protection can be a balance with consumer choice, especially when consumers are given the right to consent when necessary and appropriate.

With this in mind, we applaud the government for continuing to allow consumers the right to work with the real estate professional of their choosing, including allowing multiple representation situations. With that said, we support the efforts to ensure consumer protection, and in that regard, we believe that additional disclosure requirements for multiple representation situations is worthwhile. We look forward to working with the government and the Real Estate Council of Ontario on this, should the TRESA law become law.

We're also encouraged that the government is taking an approach to allow consumer choice and consent with regard to transparency in the offer process. We strongly believe that any open offer process that allows for disclosure of competing offers must be at the choosing and with the consent of both the buyer and the seller. In this regard, we've advised the government, which indicated

that such disclosure would be allowed at the seller's discretion to ensure full consumer protection and fairness by also requiring the consent of the buyer.

The government is open to making sure the language in the regulations provides buyers with clear disclosure if offer details are being disclosed to other parties, and to ensure their participation in such a process is voluntary. We respectfully request clarification of this in the legislation to ensure the privacy rights of all parties are respected and subject to clear consent and choice.

I'd like to move on to our views on this legislation's important steps towards creating a more fair and efficient business environment. Specifically, we applaud and thank the government for including provisions to allow real estate professionals the ability to form personal real estate corporations. Allowing realtors to incorporate will put them on a level playing field with other professionals who invest more money into their business, allow for better retirement planning and support the economy as small businesses through hiring. Six other provinces allow for this and this change is long overdue.

Finally, I will comment on the steps taken in the legislation to enhance professional standards. We are encouraged that TRESA will enable the ministry and the Real Estate Council of Ontario to make regulatory changes with regard to the code of ethics applying to our members. We look forward to consulting with the government and the Real Estate Council of Ontario on any forthcoming changes to the code of ethics.

I'd like to close by recognizing the co-operative work that has brought this legislation to fruition. There has been repeated and consistent all-party support in the Legislature for many of the proposed changes and updates, and we appreciated the many opportunities for consultation with this and previous governments. TRESA is a true reflection of what can be accomplished by working together. Thank you, and we're happy to answer any questions.

The Vice-Chair (Mr. Daryl Kramp): Thank you very much, Mr. Collins. Certainly, you were brief. The first round of questioning goes to Mr. Glover. You have eight minutes, sir.

Mr. Chris Glover: Thank you for your presentation. I just want to get some clarification. The last paragraph of the first page, you're talking about, "The government is open to making sure the language in the regulations provides buyers with clear disclosure if offer details are being disclosed to other parties, and to ensure their participation in such a process is voluntary." You're asking for a clarification of that in the legislation.

One of the debates that we often have in committees is: What should be in legislation? What should be in regulation? What specifically would you like to see in this through your request here? What is your ask?

Mr. Von Palmer: Sure. My name is Von Palmer. I'm the chief communications and government affairs officer at the Toronto Regional Real Estate Board.

If you look at the act right now and the way it's written, there is very clear language. It says that the seller, at their choosing, can actually disclose offers.

Let me just walk you through a scenario: Here I am, selling my house. I've got five buyers who are interested in the property. As a seller, I can now disclose what you are willing to pay and the content of your particular offer. Right now, the way the Real Estate and Business Brokers Act is written, you can't do that. You can disclose the number of offers but not the details. So we're okay with transparency, it's okay to give the seller that choice, but there is also a buyer, and there are privacy rights.

What we're saying is, the buyers' consent has to be acknowledged in this process. For instance, as a buyer, if I don't want my details out there, should I have that choice—and I think you should get the buyers' consent at least ahead of time, and I think the ministry is open to this—but the legislation is silent on that point as to the buyers' consent rights. If you're walking into a process and you know, or at least the seller knows, that the details of my offer will be disclosed, I should be given a heads-up. At least you'll have a choice as to whether or not to continue.

Mr. Chris Glover: Right. So one of the challenges with purchases when the details of the offers are not disclosed is that you don't know what you're dealing with. So if a house is selling for \$1 million and you don't know what you're up against, but you really want the house, you might offer \$1.1 million or \$1.2 million, and the next nearest offer may have been just the \$1 million. So you may be \$100,000 over what's necessary.

What are the potential drawbacks to having disclosure? There are always both sides, so what would the potential drawbacks be to full disclosure?

0910

Mr. Von Palmer: Yes, we hear that debate. Usually the argument goes something like this: If we allow for full disclosure—disclosure of the offer details—that will somehow temper price inflation; it will bring the price down. That's not necessarily the case. Going into a negotiation, if I know what four or five other buyers are willing to pay, I will try to outbid the other person. It wouldn't necessarily control the price, but our concern is this: The buyer should also have the right, whether or not their offer details are disclosed. Why? When you go into a multiple offer negotiation—if there are 10 multiple offers, only one person gets that deal, that property. The other nine: The chances are they're out there competing in the same neighbourhood. But guess what? I know what you're willing to pay, so that will put the buyers at a disadvantage. They should have that right.

Mr. Chris Glover: Okay. Thank you very much.

The Vice-Chair (Mr. Daryl Kramp): We will now go to the government side. No. Mr. Schreiner. Excuse me.

Mr. Mike Schreiner: Thank you, Chair.

The Vice-Chair (Mr. Daryl Kramp): My apologies, sir.

Mr. Mike Schreiner: No worries. You don't want to skip me.

Thanks, Mr. Collins, for coming in today. I just want to follow up on some of these questions. I think what I'm hearing you say is that you believe the legislation should

be amended to clarify the buyer's consent around disclosure.

Mr. Michael Collins: Yes. Currently, it only speaks to the seller, saying the seller has the option to consent to release that information. We're suggesting that the buyer should have that opportunity to speak to that as well.

Mr. Mike Schreiner: And could you just elaborate a little bit more—I know you've given a couple of examples—on why that consent around disclosure is so important?

Mr. Von Palmer: Sure. I'll just take a step back. The Real Estate and Business Brokers Act, the way it's written right now, says that I am obligated to disclose—required to disclose—the number of offers. As a seller, if I get 10 offers, I will now have to disclose to the other buyers, and the other realtors involved in the transaction. But it prohibits me from disclosing the details of that offer. And the reason why that has been the case is just privacy rights and personal information and confidentiality. There has been a push from some to say, "No, it should be wide open." In fact, if you look at certain places around the world where they have auction-style real estate dealings, everything is on the table. But we have strong privacy laws in this country, and we shouldn't move away from that. It's the seller's property, and that's fine. The seller should have a right to market their property and negotiate in a way that they think works for them.

However, when you have buyers coming to the transaction and if now the legislation is requiring the buyers to disclose their details because a seller wants that to happen, then I think the buyers should at least know what they're walking into. If I'm walking into a deal and there are five other buyers and I wish to keep my personal information private, then I should know that ahead of time. It's really what we're asking for: clarification.

Some would say, "Is what you're saying then that the buyer should still be allowed to proceed with that transaction but keep their details private?" That may be the other extreme, because it's the seller's property, after all, and you can't tie the seller's hands.

Mr. Mike Schreiner: Okay. As a follow-up to that: Where do you think we find the balance in the legislation around disclosure, transparency and privacy protection?

Mr. Von Palmer: I think that at a minimum what you can do is just say—the way it's written right now, the seller has that right to disclose the details. I think, at a minimum, whether it's in the regulations or in the act itself, a buyer walking into a multiple offer transaction should know ahead of time what the seller's intentions are in terms of negotiating and marketing that property. As a seller, if your intent is to disclose all offers, then all buyers coming in should know that ahead of time, and what the consequences are. As a buyer, if I choose not to disclose my offer, does that mean I can no longer proceed with this transaction? Well, the rules should be clear ahead of time. Right now, the legislation is silent on that point. So if it's not clear, potentially what could happen is, you can have four, five or 10 buyers walking in, fully committed, put an offer and then have their offer details disclosed to other

buyers with absolutely no say, no consent. That's their personal information, so I think they should know ahead of time. If they choose to walk away from that transaction, then that's their choice.

The Vice-Chair (Mr. Daryl Kramp): Okay. Thank you. Time's up. Now to the government side for eight minutes.

Mr. Robert Bailey: Yes, thank you Mr. Collins and Mr. Torry. Can you hear me there? Okay. Thank you very much for coming and presenting today. It's a privilege to have you here. Could you elaborate a little more about the importance of the ability to incorporate? The second part of that: How many realtors, do you think, out of the thousands that are here in Toronto and across Ontario, may take advantage of that?

Mr. Michael Collins: Obviously, it's not for everybody. There are costs and there are obligations for reporting and what have you. So there will be some that will choose not to do that. We're seeing an awful lot of teams that are popping up where realtors will incorporate as a group of realtors to work with their clients. This, obviously, is being done through the current act, which means that everything has to get paid through the broker to the individual. Obviously, with an incorporation, they would be able to pay it into the corporation and pay it out that way, which would be a much more efficient way of doing things. For sure, it's a much better way to do that.

It's much better for retirement savings, because obviously, as you are probably quite aware, the real estate business is very cyclical. It's not a regular amount you're continually making. So being able to put away some money for retirement and also being able to smooth out the peaks and valleys is certainly a big thing. As far as the numbers go, I don't know if we have an exact number, but it certainly would not be a major thing. It would just be an option for those that want it.

Mr. Von Palmer: Yes. Most realtors, like other business people, aspire to do well. When we first struck this taskforce back in 2005—I should say thank you to MPP Bailey. This is an issue that is, as we know you, as a parliamentary assistant—you've had a private member's bill and it has had all-party support. So a lot of hard work went into this, and thanks for the role that you played in that.

Most realtors will aspire to be successful. If you look at our membership right now, we've got 56,000 members in the GTA, as the Toronto Regional Real Estate Board. Across the province, it's about 78,000. So we're about 70% of the province. We know that anywhere from 5% to 10% of our members will likely take advantage of incorporation: Put the money back into the business; you hire people; it's good for the economy. Some would say, "Well, why would you bother, if it only 5% or 10%?" Actually, that's a high number. That's 5% or 10% that we know today, but when you get into the business, everyone aspires to get to that point. So eventually, you will get to that.

Mr. Robert Bailey: Okay, a second question—unless? Do you have—go ahead.

Mr. Sheref Sabawy: Thank you very much for your submission. I just would like to go back to the point about

the disclosure of the details of the offers for the seller. My understanding is that the legislative decision of the bill does not actually go into those details. It opens the way. But that will be going into regulations after that, and your organization will be part of the consultation on the regulations of what the bill allows or disallows.

The bill opens the door, but it doesn't mean that the details of who signed for disclosure of information or permits the information to be disclosed can be regulated after that. So I just wanted to make sure: Do you understand that it's not a must that this will happen? It does need amendment afterwards.

Mr. Von Palmer: That's a fair point, and you're right. Even further to that point, it doesn't mean that the seller will choose to exercise that right. When we asked for you to take a look at this, it was an acknowledgement in the act itself in terms of buyers' consent rights. But you're quite right. We're more than happy to flesh that out in the regulations. We've had communication with the minister's office, and they're very open to that as well.

Mr. Sheref Sabawy: This goes with our decision and making things be much more flexible, but up to the professional authority or the profession controlling it to choose what exactly they would like to enforce.

The other thing is for the buyer. He still has the right to—either he walks into that deal if he likes the way that the set-up is or he chooses not to put in an offer and get into this competition, right?

Mr. Von Palmer: Right, and back to the earlier point in our conversation: as long as the buyer is aware of that, walking into the offer process. There are two things that can happen here: If they're not aware that their details might be disclosed, then they're at a disadvantage. Walking in, I think that the rules should be clear. If I'm a seller, I should disclose to all buyers putting in offers, "Guess what? For this transaction, I'm about to make your offer details public to the other buyers." That should be disclosed ahead of time so buyers know what they're walking into.

Mr. Sheref Sabawy: Can I ask a quick question? From your professional point of view, what is the percentage of sellers who would like to have that option?

Mr. Michael Collins: It depends on the market, obviously. When you can get into multiple offers, there are some challenges that go with that, as far as how much do I put in as an offer. In a heated market, transparency is something that does not—usually, you can't go too wrong with transparency. But it's not for everybody, and the idea is that—it's not likely to happen as much out in the rural parts of the province; it's more in heated markets.

The Vice-Chair (Mr. Daryl Kramp): You have a minute and half left. Mrs. Wai.

Mrs. Daisy Wai: I will just thank you, Mr. Collins, for coming in and giving a very full, good report. I appreciate that you know what this bill is for and the benefits it brings. For the sake of the record, would you still state what you know and what you see as the benefits that it will bring to the buyers, sellers and realtors? Just very quickly; I know my time is running out. Thank you.

Mr. Michael Collins: From the perspectives of the three points we put forward, obviously one is the consumer protection we talked about. That's straightforward. The more protection that's there for the consumer, the better. It's also good for our members to understand exactly what the obligations are.

The corporation obviously is a fundamental thing for running businesses and hopefully to grow the economy and to encourage the hiring of outside people. It also goes to help with their retirement.

The third one obviously is the professional standards. We're very supportive of trying to raise that bar and to make sure that everybody is well served.

The Vice-Chair (Mr. Daryl Kramp): Thank you very much. Our time is up now. That is the end of our witnesses' presentations and, of course, the time for questioning. Now we will go on to the next witnesses.

Mr. Michael Collins: Thank you.

The Vice-Chair (Mr. Daryl Kramp): Thank you very kindly for coming.

Colleagues, our witnesses for 9:30 are not here yet, so we will just recess briefly and wait until the 9:30 time.

The committee recessed from 0924 to 0930.

MS. MUNIRA RAVJI

The Vice-Chair (Mr. Daryl Kramp): Okay. We'll call our next presenter to the table, please. We have Munira Ravji at the presentation table now. You will have 10 minutes for your presentation, followed by 20 minutes for questioning, with eight minutes allotted to the government, eight minutes to the official opposition and four minutes to the Green Party independent member. Please, in case I missed the pronunciation in that, state your name for the Hansard, and you certainly may begin.

Ms. Munira Ravji: Sure. My name is Munira Ravji. You pronounced it perfectly. I'm here today to talk about the Trust in Real Estate Services Act.

I, myself, am a realtor. I just wanted to thank the government, the committee and especially my personal MPP, Chris Glover, for bringing this voice to the table. I truly appreciate it. I know that you're going to be hearing from my colleagues at OREA and you'll be hearing from TRREB, but I wanted to take a different approach and talk about what's happening on the ground, from the realtor voice and perspective. I also wanted to talk about how this act is going to impact the most important people in the transaction, which, really, at the end of the day, are our clients, the consumers.

I'll just get started. I've been a real estate agent coming up on about four years. Funnily enough, I used to work here with all of you. I really miss it, but it's actually exactly the same in terms of the pace of life, the pace of business and listening to what's actually happening on the ground and being nimble enough to address what's happening on the ground, because we're seeing changes every single day.

Like I said, I've been in the industry for about four years, and the market has changed exponentially. When I

first got in the market, it was a hot market. We couldn't stop selling. Now we're in a situation where I can't even get my buyers to the table, based on their mortgage rules or on the fact that they don't qualify, or that the competition is so rough. We're looking at 27, 30, 40—multiple—offers on one property in Brampton; I can't even begin to describe what's happening in Toronto.

With that level of transaction that could potentially happen now, there's a whole lot of work that's happening, actually, before we even get to the transaction. That's where I think this act is really going to support the whole industry and our consumers.

The first piece of it that I think is really extremely important is making sure that we get that high level of education that's required by any professional who's dealing with someone's life circumstances. The decisions that our clients make impact them for years and years to come. They could actually make or break their family. It's an extremely important milestone that they're experiencing in their lives.

For me, as a representative actually holding that extremely important transaction in my hands and negotiating on their behalf, I need the proper tools to make sure that there is a standard level of service that I can provide and a standard level of knowledge that I have access to. That's straight across the board so that I know that when I'm working with the listing brokerage or with the co-operating brokerage, I'm going to be on the same page as them. It doesn't just impact the level of negotiations; it impacts what the outcome is.

The second piece that I think is extremely important, along the lines of having that higher education and those designations, is being able to enforce them. We do need our regulatory bodies to have more power to say, "This is an unethical situation. It's an infraction of our standards." We need to be able to enforce that disciplinary action, to make sure that we have a standard of care that's consistent across the board; that we're all saying the same thing. There are about 90,000 of us just in Ontario, so making sure that we're all speaking in the same language, in the same voice, is extremely important.

Third, which is one of the most important things that I think could actually impact our industry, is giving us the opportunity to incorporate. We're one of the only professions where a specialist designation is required where we aren't able to incorporate. I think that this will have a huge impact on not only the work that we do and the level of service that we can provide to our clients but our communities as well. When we talk about being able to incorporate, we talk about, as business owners, being able to take those tax savings and reinvest them in our business. Now we talk a lot about this, and you're going to hear a lot about this today, but what does that actually mean? What does it mean for me as an individual real estate agent to reinvest in my business? Well, maybe not for me, but maybe for my husband it means investing in that Mercedes new G-class—just joking; that won't be us. What we actually are spending our money on and what we're spending it out of pocket on is professional development. At the beginning

of the year, we had a little bit of a surplus coming in from 2019. So what did I do? I invested in two courses that could help me be better informed for my clients and help them achieve their goals, so that's extremely important.

Another way that we reinvest anything that's coming to us is by giving back to our communities. An example of this is really my relationship with MPP Chris Glover; it's how I actually got here. As a real estate agent, I'm actually almost synonymous with being a community expert; I'm expected to be. If I'm selling a property in a certain area, my clients want to know everything that's going on in that area, including future developments, including crime, including safety, just even with development that's happening in our area, safety for pedestrians. So being that person on the ground allows me to actually have that line of communication with my local MPP to say, "These are important issues."

I really thank you, MPP Glover, for giving us that opportunity to have that conversation with you, and that's why I'm here.

It has also given me an opportunity to open up lines of communication directly with my city councillor. Now, when my clients in my neighbourhood, which is the CityPlace neighbourhood that you may have been hearing about recently in the news—my clients say to me, "Hey, what are we doing about safety? There's crime. There's murder. There are all of these things happening in our neighbourhood. How are we addressing that?" Instead of just having a conversation about it online, my clients are talking to me about it, and I've been able to go back to my political representatives and say, "Hey, we have got to do something about this." This might have been a conversation that could have been lost if it wasn't for someone who was right on the ground, knowing exactly what's happening. Yes, it's affecting property values, so I definitely need to be on top of it, but I also want to know that, wherever my clients are investing, wherever they're going to bring their kids, wherever they're going to have their businesses, they're going to be safe, they're going to feel comfortable walking across the street and they're going to feel comfortable being in those neighbourhoods. So that's where some of that reinvestment goes to as well.

Now there's so much more that I could say, but I just want to end my presentation on two important points. One of them is going to be a recommendation that's brought forward by OREA, and that's to change our name, our title, in the act. Currently our title is sales representative; we really want to flip that on its head. I'm not just a sales representative; some days I could be a therapist, most days I'm a project manager, but most days also I'm someone who understands what's going on on the ground, understands what's happening with development and our political system and really understands the needs of my clients. It's much more than just selling them a property; it's actually investing in their future, their dreams and their hopes.

Lastly, I just want to make sure that our industry stays as nimble as possible. Our forms are changing stupendously every year. I think last year we had 145 changes on

just our standard forms, which we use every single day, whether it's a transaction that's successful or not. If we're going to get caught up in the bureaucracy of having another regulatory body have to review and approve all of these changes, it could hold us back. It could hold our clients back as well. So I just wanted to bring light to that. We really need to stay nimble in this industry, and whatever we can do to ensure that we can stay nimble is going to push us forward.

The Vice-Chair (Mr. Daryl Kramp): Thank you very much. Thank you for your presentation and welcome back to the people's place.

Ms. Munira Ravji: My pleasure. Thank you.

The Vice-Chair (Mr. Daryl Kramp): We will start off with Mr. Schreiner of the independent Green Party. You have four minutes, sir.

Mr. Mike Schreiner: Thank you, Ms. Ravji. Thank you for coming in today. I appreciate it.

Ms. Munira Ravji: My pleasure.

Mr. Mike Schreiner: Could you elaborate a little bit more—because I've heard OREA's concern about the use of the term "salesperson" and what that means for a realtor. Can you maybe elaborate as somebody who's on the ground living that every day?

0940

Ms. Munira Ravji: Yes, for sure. I actually call myself a realtor. I don't call myself a real estate agent. I don't call myself a salesperson, but I am a salesperson. I am considered that by our regulatory body. Where I think the name takes away from our profession is it undermines the work that we actually have to do. It's not just selling; it's much more than that. It's understanding the needs of that individual family and knowing that whatever I sell them could potentially have them house poor. So I have to make ethical decisions while I'm working. That's not just what sales is about.

The other thing is I think it takes away from the trust that we build with our clients. If we're coming to them as just a salesperson, they're approaching us a totally different way than what I actually am, which is sometimes a life coach. So I think that that name puts us in a very narrow category, where I think actually expanding the name to real estate representative would give a broader picture of all of the things that we do, but all of the services we can provide to our clients.

Mr. Mike Schreiner: You talked about professional standards and the enforcement of professional standards. We don't actually have a lot of people who come here and say, "Regulate us more and enforce it more."

Ms. Munira Ravji: Yes.

Mr. Mike Schreiner: And there may be people who come before us and say, "Don't do that," and take an opposite approach. Could you discuss why you think the enforcement of professional standards is so important?

Ms. Munira Ravji: Absolutely. As I mentioned before, there are almost 90,000 real estate agents in Ontario, and just imagine if we were all doing something different. I think that's where we're going to have a negative impact on the industry, if we don't have a level of standards that

we all need to meet. And to ensure that we're all meeting it, our regulatory body is watching over us and disciplining us.

Now, I don't want to be micromanaged in any way. That's true, but I am in this profession because I really care about people and I understand the impact that that purchase or that sale would make on their lives. At the end of the day, I want to make sure that whatever I say to them is going to be the same thing that they hear across the board. I think that's actually going to strengthen the trust that we have amongst the industry as well.

Mr. Mike Schreiner: Great. Thank you. I yield my time.

Ms. Munira Ravji: You're welcome.

The Vice-Chair (Mr. Daryl Kramp): Now to the government side: Mr. Coe, you have 10 minutes.

Mr. Lorne Coe: Thank you, Chair, and through you, thank you very much for your presentation. As you know there are a couple of features in the legislation that is before us. One is to enhance consumer protection and the other is to strengthen the overall professionalism of the industry.

Ms. Munira Ravji: Absolutely.

Mr. Lorne Coe: And you're satisfied that the bill does that?

Ms. Munira Ravji: Yes. I do feel the bill puts the right accountability onto the right stakeholders within the industry as a whole.

Mr. Lorne Coe: Yes.

Ms. Munira Ravji: There are so many different parties that touch a transaction, and we need to make sure that our consumers, at the end of the day, know exactly what's going on—they know what they're in for and they know what they're committed to because, at the end of the day, these transactions are legally bound. So we need to make sure in the front end, they're getting the right level of service and that that's the same across the board.

Mr. Lorne Coe: Good. Your presentation also spoke to education and the importance of education and the broader context of that term. I'd like to hear from you what particular features you think that should take on in terms of communicating with your colleagues—what layering of education and at what point should that occur?

Ms. Munira Ravji: Absolutely. We focused especially on the act. In some of our recommendations, we focused specifically on designations. I think those designations are extremely important. For example, I recently invested in getting the Seniors Real Estate Specialist designation.

Now, real estate agents work with a variety of individuals across the board. Right now I'm working with an entrepreneur. I just finished working with a senior citizen, and I'm going to be helping a young mom now move into a new home. All of these people are so different. They require something totally different. They have totally different values. The reason why I invested in getting the designation for seniors was because their experience in the real estate cycle is completely different and it does require specialized knowledge. I walked into a day when my elderly client needed to have her photos done. Now, she

spent the last three weeks putting everything into boxes, which was really, really hard for her. I was ready to take pictures a week ago, but she wasn't ready. So we took that time, we took that three weeks, and by the time I got there, she was sitting on her bed crying. I said, "This is something so exciting. We should be so revved up about this." She was feeling so many emotions that she couldn't move forward.

That's the kind of stuff we need to know. We need to understand the experiences of our clients so we can serve them better. I'm not going to service my elderly client the same way that I'm going to service my entrepreneur client. But I need to know—pencils and crayons—exactly what each of them needs and what the differences are.

Having that designation will highlight to people that this individual is really going to understand and has taken the steps to educate themselves on what your specific needs are as a client, and I think that's truly important. We need to separate those different qualifications.

Mr. Lorne Coe: Thank you for your response. Chair, those are my questions. I'm sure my colleagues have some as well.

The Vice-Chair (Mr. Daryl Kramp): Mr. Sabawy.

Mr. Sheref Sabawy: Thank you very much for your submission. As I can see, you are very passionate about your profession and the specifics of serving the people, which I think this legislation could move forward. At some point, we can talk about expanding the experience of the end-user and protect the customer.

Can you elaborate a little bit for me about the point of enforcing designations and how that would impact opening for business, basically? We are, as a government, talking about opening Ontario for business. More flexible legislation actually gives a competitive edge to the people who do the job right and can differentiate themselves in specific areas. Can you elaborate a little bit for me as to how, by closing or enforcing some of these designations, that would impact the selling and buying process?

Ms. Munira Ravji: Yes, absolutely. A real estate agent or—I want to start using the term I want to use—a real estate representative is really a jack of all trades. We are a generalist community; we can work with a variety of different types of individuals. But I think that once we specialize and niche ourselves, it's actually scary, because we come from a huge pond of anyone that sticks. I live in a community. I could have seniors; I could have entrepreneurs. Anyone that wants to work with me wants to work with me.

If I set up a designation and say that I'm actually a specialist in seniors, I'm scared to lose business. But actually I think the opposite is true. I think that by saying, "This is something I've invested my time and my knowledge in," it's actually going to support the industry as a whole. If we're talking about opening up business—Ontario is open for business—one of the most growing concerns is: Are we going to have enough housing?

I don't think we're going to put ourselves in a position where we're getting designations and we're having a higher standard of service that's expected—I don't think

that's going to take away from the opportunities that present themselves. I think it's actually going to make each individual experience that much better. If you have someone that is investing in property from Kuwait, they're going to go back to their country and say, "Ontario is a great place to invest."

We're looking for skilled professionals. There are so many different aspects that this ties into. Me, myself, as one individual real estate agent—I actually just hired someone from an employment centre, from Evergreen Employment Services. I was able to hire a youth that wasn't able to find a job. That's just one person. If there are 90,000 of us and we all hire someone, you can see the different impacts that it would have on our industry.

Mr. Sheref Sabawy: Thank you.

Mr. Robert Bailey: I'd just like to make—

The Vice-Chair (Mr. Daryl Kramp): You still have another minute. Mr. Bailey.

Mr. Robert Bailey: Okay. I'd just like to make a comment. No questions, really; I wanted to commend you on your presentation and being so passionate. I heard a different side of—it's one thing to hear from the industry itself and the government relations people, but to hear from someone on the ground that's actually dealing with seniors every day, and youth. My daughter just went through the same exercise—she and her two children buying a home. We were involved, of course—still. Anyway, we were there to help, and the agent was more than helpful. We worked with a lot of different agents over the last six or eight months looking at houses. I've seen so many houses.

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But anyway, I really liked what you said about further education and for the industry to keep making it possible and setting the standards high enough, whether you're dealing with seniors, young people, that entrepreneur you talked about or new Canadians. I think it's important, so I just wanted to commend you on your presentation today. Thank you.

Ms. Munira Ravji: Thank you.

The Vice-Chair (Mr. Daryl Kramp): And now to the official opposition. Mr. Glover, eight minutes.

Mr. Chris Glover: Thank you very much for being here, Munira, and thank you for also raising that issue. I don't know if the people of the committee know, but the shooting that took place was in a condo building in our area. It's something that we need to look at in all different ways, and all of us need to pool our resources to figure out how to prevent that kind of thing from ever happening again.

I want to follow up on some of the questions that have already been asked. You talked about mandatory education and enforcement of regulations. You gave us the one positive example of dealing with the emotional part of buying or selling a property. Can you tell us a few more examples of where the mandatory education has helped you, and maybe some negative examples, without naming names, of things where some further education may have helped an agent to serve a client better?

Ms. Munira Ravji: Yes, absolutely. Starting with the first question of how it would impact me positively—

sorry. As I was thinking, I lost my train of thought a little bit.

Mr. Chris Glover: Yes, the further education: How has it helped you? What are some incidents or examples where it has helped you, and where you've seen it may have helped or would have helped somebody else?

Ms. Munira Ravji: Okay. One thing that is really dependent on the knowledge and understanding of the agent, for example, is the clauses that we insert into all of our standard forms. We do get standard forms, but schedules A and B are really determined by what we include as agents. I think having the knowledge of how, for example, housing works, even down to the bricks and mortar, or understanding how a condo closes and understanding the regulations around that, and constantly keeping on top of all those changes—that is extremely important, because those clauses that I craft and put into an agreement actually protect my client, and they protect the transaction, so we know that this is black and white. We know exactly what the agreement is stating and what we're getting into.

That kind of knowledge is sometimes missed. When we have standard education, there's so much to learn. It's information that we could easily miss, and at the end of the day we could help get our clients bound into something that they didn't understand or that we didn't do our due diligence to correctly protect them on.

Having a higher level of education and understanding all of those aspects of an agreement is essential. At the end of the day, I'm going to be accountable to my client. If I forget even to put in that my client gets an extra visit, it makes a difference in the transaction. It is a purchase, so our clients should be protected by all of those clauses that we insert.

Now, using that same exact example, if we don't include the proper clauses, if we don't protect our clients, as I said, they could be bound into a contract that they were not fully prepared for. That trickle-down effect of legal action just really slows us down. It impacts the buyers. It impacts the sellers. Everyone is impacted by a single mistake that really could have been prevented if I just understood my clauses better. It's a small thing, but it makes a huge difference.

Mr. Chris Glover: Thank you. Those are all my questions.

The Vice-Chair (Mr. Daryl Kramp): Mr. Rakocevic?

Mr. Tom Rakocevic: Thank you so much for your presentation today, and thank you so much for beginning it by talking about your clients and how important it is to have legislation to support them, as well.

I'm curious: Are there any things that you think could be potential future next steps, what the government in the future should be looking at? Or are there any further enhancements that you as a realtor would like to see in the legislation?

Ms. Munira Ravji: Absolutely. I think it's borne out of what we're talking about here, and that's just to evolve our industry. Unfortunately, the act hasn't been updated to align with what's happening in today's industry.

Technology, for example: I would love to see us be able to use technology in a way that improves accountability,

whether it be some way that we can connect to messaging that is on the same level of government, is on the same level as OREA, trickling down all the way to the same level as TRREB. I think that communication and having it standard across the board is really going to help everyone.

I have to say that it's not that way now. Even taking, for example, some of the changes that happened over the last couple of years to legislation around the rental market, every day for months, and almost up to a year, I was hearing a different interpretation of that legislation, and it really has impacted our clients who are investors, but our clients who are in the rental market, as well. Seeing that evolution come up right into real time with what's happening in our industry today is extremely important. I don't think we're there yet.

Mr. Tom Rakocevic: Thank you. I know you began your presentation by saying that just within the four years of being a realtor—I believe you said four years, yes?

Ms. Munira Ravji: Yes. Feels like 20.

Mr. Tom Rakocevic: It feels like 20? Where do you think we're going, that way things are going now?

Ms. Munira Ravji: Wow. The opportunity is endless, the potential is endless, but where are we going now, in terms of the market, or how we portray ourselves as—

Mr. Tom Rakocevic: Both, for sure.

Ms. Munira Ravji: Okay. This is a question I get asked every day. I'm know I'm on the official record, but I have to say that with the market, Toronto property values continue to increase and I think we have to be very cognizant of that, that people are being priced out of the market, that people are investing in opportunities they don't have the full picture of because there's such a rush to just get your foot in the door these days. I do feel that there is a lot of opportunity in the future, especially for our city and for our province to be strengthened through the real estate industry. But along the way, I think we really have to make sure that we're crossing the t's, dotting the i's, that we're all on the same page.

In terms of our own professional standards, I think it's just going to build a lot of trust in our industry. Right now, when you talk about real estate agents, it doesn't have the same connotation as you would talk about with a doctor. Now, I'm not saying that you can compare those professions in any way, but I am saying that the name of your title or what your image is of your industry will ultimately determine if you're going to be trusted. If I can just get past that layer of distrust that's already embedded in people's perceptions of real estate salespersons, it can actually get me forward to finding out what the real heart of the matter is. I can spend more time on investigating what our political situation is or what is happening in terms of development, and I can spend my time elsewhere supporting my client.

The Vice-Chair (Mr. Daryl Kramp): Thank you very much. Time is up now. Colleagues, our next witness, Mr. Vaccaro, is away due to illness.

Thank you for your attendance here today. We will just dismiss and we will reconvene at 10:30.

The committee recessed from 0959 to 1030.

The Chair (Ms. Goldie Ghamari): Thank you, everyone. We're now going to resume the hearings.

ONTARIO REAL ESTATE ASSOCIATION

The Chair (Ms. Goldie Ghamari): I will now call upon the Ontario Real Estate Association to please come forward. We have Tim Hudak, chief executive officer; Karen Cox, president; and Michael Douglas, chair of the government relations committee.

You will have up to 10 minutes for your presentation, followed by 20 minutes for questioning, with eight minutes allotted to the government, eight minutes allotted to the official opposition and four minutes allotted to the Green Party independent member. Please state your names for Hansard and you may begin.

Mr. Tim Hudak: Well, thank you very much, Chair. I'm Tim Hudak, the CEO of the Ontario Real Estate Association. I'm really excited to be back here at the Legislature before the standing committee. I'm joined by Karen Cox—as you indicated, she's our president, so the head elected realtor in the province of Ontario, and owner and broker at Sea and Ski Realty in Kimberly; that's in Grey county—and Michael Douglas, our government relations chair, who is from Barrie, Ontario, with Re/Max Hallmark Chay Realty. Both Karen and Michael will be giving remarks about the bill. I just wanted to make some quick introductory comments.

I wanted to say to members of the committee that we really appreciate how far this legislation has moved, and how quickly. This has been an ask of Ontario realtors, in many respects, since 2005—so 15 years looking to do this: ensure that the realtor at your side, when you're making the biggest transaction of your life, has the highest professional standards, the best training and modern real estate tools, like personal real estate corporations, to do even better for their clients. We certainly see this legislation, if passed, to be a leader in North America.

I want to thank Premier Ford, Minister Lisa Thompson, and I want to give a shout-out to Bill Walker, the previous minister, too, who have been fantastic to work with.

If I could, Chair, just indulge me, there are three members of the committee in particular I want to give a direct thanks to: Bob Bailey, as parliamentary assistant, got the ball rolling with his private member's bill that is now incorporated for personal real estate corporations, so I'm thrilled he's here today. Tom Rakocovic has done an awesome job as the NDP critic. We really appreciate how Tom has reached out to OREA and our members—very, very constructive in this discussion. And Mike Schreiner, who's the leader of the Green Party, it's great to see you. You've been a long-time champion of a number of these initiatives and were at our government relations committee just last week, talking to us about these matters.

I'll stop at this point and turn it over to my president and my government relations chair. I'm happy to answer any questions later on. But the bottom line is, if this legislation does pass, the Ontario government and members of this committee can proudly say that when people

are making the biggest transaction of their lives, this will raise the bar to “leaders in North America” when it comes to trust in your real estate services. Thank you, Chair.

Ms. Karen Cox: Thank you. With the need for change being clear, Ontario realtors got to work. Our REBBA review task force consulted with our members for over two years before presenting to the government with OREA's recommendations for updates to the legislation and our vision for a more modern REBBA. Our recommendations were grounded in a belief that Ontario needs to cut red tape, increase choice for consumers and enhance professionalism across the Ontario real estate sector.

We are pleased to see that many of our recommendations have been incorporated into this bill. For example, if passed, TRESA will finally allow Ontario realtors to form personal real estate corporations. Most other professionals in Ontario can incorporate, and realtors in six other Canadian provinces are allowed to incorporate as well. PRECs are a modern business tool that will allow us to reinvest savings back into our businesses and create jobs, which is why we are thrilled that Bill 145 will finally provide tax fairness for Ontario realtors.

I do want to mention that our members appreciate the support we have gotten from MPPs from all parties in the Legislature on this issue. Consumer confidence in the real estate market is essential to the ability for Ontario families to achieve the dream of home ownership and for realtors to succeed in our business. That is why we are pleased to see that TRESA will fix the broken real estate disciplinary system by giving the regulator, the Real Estate Council of Ontario, a greater ability to suspend or revoke the licences of those who violate the code of ethics.

TRESA will maintain the increases in fines for those who break the rules, including maximum penalties of \$50,000 for registrants and \$100,000 for brokerages, in addition to allowing administrative monetary penalties for minor infractions. OREA supports these measures that will increase consumer protection for Ontario families when buying and selling a home.

OREA also applauds the sections of TRESA that will allow for higher education standards for our members and, in turn, help consumers. This includes specialty certification designations for realtors specializing in specific types of real estate like commercial or agriculture. This will allow consumers to identify realtors who have training or expertise in different areas of real estate, and we are pleased to see these provisions included in the bill.

Although we support Bill 145 in principle, there are two areas where we are requesting changes through formal amendments to the legislation.

I'm going to turn it over to you, Mike.

Mr. Mike Douglas: Thank you, Karen.

The first change we ask you to consider is to amend the legislation by replacing the term “salesperson” with “representative” wherever it appears in the act. The concern with salesperson is it suggests that a sale is the most important goal, which is not the case, in a real estate transaction. In fact, the relationship between a realtor and their client is best characterized by the trust and the robust

relationship and representation of that client's best interests. We educate, we advise, we conduct research and we advocate on behalf of our clients.

Realtors must also complete training before they receive a licence and they must abide by a code of ethics and rightly face disciplinary measures should they break the rules. In other words, Ontario realtors do so much more than facilitate a sale. It's important to remember that titles and words do matter, particularly when enshrined in legislation, as the title by which we are known helps to inform public perception of what the government considers to be the most important part of that relationship between the realtor and the client. It is also important that our members feel that their title reflects the value they provide to their clients, which is why we recommend that "salesperson" be replaced by "representative."

The term representative is commonly used in legislation in other jurisdictions such as British Columbia, and we feel that representative more accurately and more clearly reflects the comprehensive and highly valued role that realtors play in support of their clients.

The second change that we respectfully ask this committee to consider is the removal of the section requiring the registrar to approve any changes to our standard forms of agreement before they could be utilized. Quite frankly, and with the greatest of respect, providing RECO with this authority would create a burdensome layer of red tape and prevent our industry from timely response to societal, legal and economic developments.

The approval of new forms and revised forms by the registrar would require a process which could take months to complete, effectively reducing consumer protection and certainly increasing red tape. This is particularly problematic when one considers in 2019 alone 205 individual standard forms were used, including the creation of 11 new forms and 189 revisions. So imagine the bureaucratic nightmare if each of these changes required the registrar's approval before they could take effect. This radical new power is an example of extreme intervention, which would certainly impact the nimbleness and the flexibility that is currently the hallmark of Ontario's real estate market.

Currently, OREA has a standard forms committee which has a great track record of considering the needs of all stakeholders when contemplating the changes to our forms. Since that committee's inception, RECO has had a seat on that committee, providing input before any changes were made. Only recently have they declined to participate in that process, although they do have an ongoing invitation and are welcome to return at any time.

With the greatest of respect, Chair, we urge the government to consider removing or amending this part of TRESA, as it would only serve as a dramatic piece of red tape on Ontario's real estate sector.

Buying or selling a home is a significant decision for Ontario families and one that should not be taken lightly. When making this decision, Ontario families deserve to be aided by the expertise of a realtor with the highest possible professional standards. That's why we believe the Ontario government has delivered with Bill 145, the Trust in Real

Estate Services Act, and realtors believe that TRESA will make Ontario the North American leader when it comes to professional standards, training and practices.

So provided the two changes we've discussed are made, OREA will offer Minister Thompson our full support of Bill 145 and we encourage all members of this committee to also do the same.

Thank you, Chair, thank you, members of the committee, for your time. We're happy to answer any questions.

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The Chair (Ms. Goldie Ghamari): Thank you very much for your informative presentation. This round of questions will begin with the government side. MPP Wai.

Mrs. Daisy Wai: Good morning, and thank you very much for the presentation. Thank you very much for supporting the bill and seeing the importance of cutting red tape. We are in full agreement with the presentation you just made.

Just now, we do have some—I would not call them "salespeople" anymore; they are real estate representatives. They also agree that incorporation is so important for them because they can have those—when they make extra profit or money on that, they can put it back into either taking different courses or hiring more people. That is great for our economy as well as for our customers. They also agree about the training and education for them.

One thing that they pointed out, which I think I would like to hear your response on—they were saying: Is there anything that we can do to update the technology so that we have the standards across the board with the use of the new technology that makes things faster, easier and better? Can I have some input from you on that?

Ms. Karen Cox: When they're saying "technology," are they saying like electronics—

Mrs. Daisy Wai: A tool.

Ms. Karen Cox: A tool? What sort of tool are they looking for? Because we have electronic signatures, we have an MLS that is digital and online, and we have portals. There is a lot of technology used in our profession, so I'm not sure exactly what they're looking for.

Mr. Tim Hudak: Maybe MLS, too. Maybe access to various MLSs—they tend to be divided up by boards.

MPP Wai, I think you make an excellent point. Your question is, "What can be done?" One of the features that we have as an association is that we host a conference that really is the best place to get a sneak preview of what's going to happen in Canadian real estate. It does feature new technologies and how a realtor can do an even job servicing her clients with accuracy of information, speed, anticipating their needs before they even need to have them.

We do have set-aside money through OREA to help bring together the MLSs to share data. So if you're a realtor in Sarnia, in Thornhill or in Fort Erie, you'd have access to that information to serve your clients anywhere in the province.

What can the government do? I think: just stay out of the way. The more red tape that encumbers new technologies, the more red tape that slows down our members, or

if there's a new form we're trying to get out—that kind of red tape will actually hurt the customer and the client at the end of the day. So I appreciate what you said about the red tape reduction.

As our chair of the government relations committee, Michael Douglas, said, the regulator is going to play a very important role to maintain and raise the bar, but the function of the regulator is not to try to approve every one of our forms or any kind of new technology that comes forward.

Mrs. Daisy Wai: Thank you very much for your great answer. Not being a real estate representative myself, I do not fully understand what her request is, but perhaps she may not know a lot of the tools that are available. Thank you very much for the information. We can follow that through with her and direct her to you so that you can help her there. Thank you very much

Mr. Tim Hudak: For sure.

The Chair (Ms. Goldie Ghamari): MPP Kramp.

Mr. Daryl Kramp: Thank you very much. I particularly like the title of the bill. I think it's tremendously important in terms of that key word, "trust": the Trust in Real Estate Services Act. That has to be a two-way street; there's no doubt about it. The consumer and the realtor both have to feel that there is trust in this.

In order to have trust—if there is either a malfeasance or somebody hasn't operated maybe to the extent of the criteria that they should, are there teeth in there in that bill somewhere to ensure that somehow there is compliance? Could you comment on that?

Mr. Mike Douglas: There sure are—and the more, the better, frankly. Our understanding of the bill is that the regulator would have a lot more power, a lot more ability to react quicker, to be proactive in investigating issues, increasing fines and penalties, and revoking licences as required—just better teeth in the regulations so that someone who does want to walk the line or step over the line is not going to get away with it. It's better for the whole industry and it's definitely better for the consumer.

Mr. Daryl Kramp: The one point that I really, really like about this bill, though, is that, as you have said and everybody realizes, 90% of the time this is the biggest investment that people will ever have in their lives. It's critical. It will demonstrate not only their asset value, but quite frankly the future of their families and where they're going. It is their future, their investment. So it's tremendously important that when that happens, they have an availability of choice.

The amendments that are put into this bill to allow the public to be able to see more and have it more transparent so that they have the opportunity to be able to evaluate different prospective offers—quite frankly, I think that's a key point in this bill from the consumer's perspective. Are you comfortable with that perception?

Mr. Tim Hudak: It's one of the most attractive features of the bill, MPP Kramp; there's no doubt about it. It gives the regulators, as our chair Michael Douglas said, the ability to suspend and revoke licences when deserved; to deny licences to people who are not qualified to get into

the business in the first place; and administrative monetary penalties, which act like traffic tickets for more minor things, so they can focus on the bigger things. It gives our regulator greater flexibility to pursue investigations. Across the board, this is an A+ checklist on making sure there is a strong disciplinary system in the province to reinforce trust when it comes to real estate.

I want to say, on behalf of our 80,000 members—and I know that my president and government relations chair would agree: The realtors have been demanding this for some time. The realtors want to see this, and we're really pleased the government responded.

I'll note for the committee Chair: Maybe you're aware that the CEO of RECO, the Real Estate Council of Ontario, has been kind enough to spend his time with the committee today. He's in the audience. He's really good to work with. I believe that this legislation, Mr. Kramp, reflects a lot of what the regulator has been looking for as well.

Mr. Daryl Kramp: Thank you. On your recommendation from the salesperson to representative, I think that's tremendously important. It sounds like a little word, but little words have big meanings. But "to represent" means that what you're doing is actually bringing forth the issues that concern both parties in this. It's not a simple sale; it's a contract, and a contract requires both sides, and representation is key. So thank you for that.

The Chair (Ms. Goldie Ghamari): Thank you, MPP Kramp.

MPP Sabawy, you have about one minute left.

Mr. Sheref Sabawy: Okay. A quick question in regard to: You are asking for the authority to revoke the licences or reinstate the licences, and having disciplinary actions to make sure that everybody is doing their job in the right standards. Will you commit on the record to have some sort of log so that anybody can check on the regulator to see if they have been suspended before, and the history of a realtor, in records, that we have that ability? Authority comes with duties. What's your opinion about having something like that exposed to the public?

Mr. Tim Hudak: I agree 100%. We think that you have to have even greater transparency, because you're making a big choice and such an important investment, financially and to your family.

The regulator does have this authority. I think the bill will help them do an even better job there. I know that sometimes for consumers it's hard to find the different infractions, but the Ontario Real Estate Association's position has been that if there is an offence by a realtor member, the public should know about it. It should be very clear and easy to find.

Mr. Sheref Sabawy: So as an authority, you are committed to that?

Mr. Tim Hudak: Yes, absolutely. We'll work with the regulator to put it in the best spot in the most transparent way possible; absolutely.

Mr. Sheref Sabawy: Thank you.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the official opposition. MPP Rakocevic, you have the floor.

Mr. Tom Rakocevic: First off, Mr. Hudak, I want to thank you for the very kind words. And to all of OREA, throughout the process, you have been very informative. I know that the government and everyone must have relied very heavily on your recommendations. They were very thorough. You make our job very easy, so thank you for that.

Mr. Tim Hudak: Thank you.

Mr. Tom Rakocevic: I'm just curious. We all looked at the legislation and we saw some of those changes with regard to forms. Was any of that discussed with OREA when they were proposing legislation about these changes to forms?

Mr. Tim Hudak: It's a great question. Through you, Chair, to MPP Rakocevic: No, it's a surprise. We actually work very well with the regulator; I think the new CEO is doing an outstanding job. We basically laid our cards on the table: "Here's what we're asking for." We knew what their big issues were to resolve, and we probably found about an 85% commonality. I think pretty well everything is in the bill.

This was an outlier. I don't think the regulator actually asked for this specific provision. I could be corrected, but I don't think they asked for it.

Certainly, our position representing 80,000 realtors is that the regulator should have the authority to say, "Okay, that language isn't clear; fix it," or, "Take that out. It's not good for consumer protection." But the notion of having to go through the regulator for every 205 forms that may change if there's a new legal case or new legislation that comes forward would really slow things down. That means that the realtor on the street helping to close a deal won't have the latest information in forms that will protect that consumer. I'm sure the government staff will check with the regulator, but I believe they agree that those first two positions are important, but the notion of a red tape jam or backlog would not be in the interest of consumer protection.

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Mr. Tom Rakocevic: Right. So you believe that that would not have a positive effect overall, neither for realtors nor for prospective sellers nor buyers, the clients?

Mr. Tim Hudak: It would lower the bar considerably on consumer protection. It makes sense for the regulator to look at particular aspects—maybe they don't like something that's in a standard form—and work with us to correct those. It's much better than lining everything up at the door on January 1 every year, and waiting months and months for them to be approved. I don't think they want to deal with that red tape either, and I'd strongly recommend the government do not go down that path.

Mr. Tom Rakocevic: Okay. Thank you for that.

With regard to the name—so it's been said, "What's in a name?" And we self-define by what we are. The things that come out of our mouths to define ourselves are important. I can understand fully that, from the perspective of realtors themselves, to be referred to as a "representative" over a "salesperson," I think, does more to engender trust in people.

Do you have anything more to say on that? I know that you've spoken a little bit. But again, why is it so important for the representatives to be called that, which is what they are?

Mr. Mike Douglas: Go ahead

Ms. Karen Cox: Okay. I was just going to say, I think when I'm working with a client, we have a relationship, and we're much more than a salesperson. We advocate for them, we do research, we educate them so they can make an informed decision. I think "salesperson" does not represent the education, because we go through a lot of training to be able to bring that expertise to the table. "Salesperson" just doesn't reflect that to the consumer: what we bring to the table and the relationship that we have with them in a real estate transaction.

As was mentioned earlier, it is probably the largest financial acquisition they're going to make. It's life-changing for them. It's their retirement planning. It's their investment. So you want to make sure you have adviser on your side.

Mr. Tom Rakocevic: And it makes perfect sense, considering that we're discussing increasing professionalism in the industry. To be referred to as "representatives," I think, goes hand in hand, absolutely.

I guess the last thing I just wanted to talk about was the disciplinary system. Could you talk about what it's like today, and if there are any tips on how to implement these proposed changes to get it right so that we get it right, hit the ground running?

Mr. Tim Hudak: I'll start, if one of my colleagues wants to talk about it.

Look, members get really frustrated when they see somebody who badly broke the rules, who egregiously took advantage of somebody, and they get a slap on the wrist. The unfortunate reality is when this bill was done in 2002—I'm going to put some asterisks around this—by a minister named Tim Hudak, at the time—it seemed like a good idea—it deferred a lot of these decisions to the Licence Appeal Tribunal, which has a role within government, but they're not experts in real estate. Too often, it is a light touch.

So this bill will give the ability of the regulator, through its disciplinary committee, to suspend and revoke licences, and also deny licences, too, if they had something in their past that would make them not a good person to be involved in a real estate transaction—criminal fraud, that type of stuff. So those types of fixes are powerful—higher fines, as well. This means that people with real estate expertise, who understand what's happening in the marketplace and can see tricks happening, can shut them down. It's a much better approach than they had in the old version of the legislation.

Ms. Karen Cox: I agree with that. I think the fines need to be stronger, because the fines have to be more than the cost of doing business for anybody who is practising unethically in doing things. As a realtor, I get really upset when I see somebody breaking the rules, and I don't want them to be thinking that's just the cost of doing business to get that deal. They should be representing their clients to the fullest extent and not looking out for themselves.

Mr. Mike Douglas: Just to add to that: Rarely are professionals asking for more and more regulation. As a broker-owner, years ago, I had a salesperson in my office, an older gentleman who didn't want to be well-informed. He didn't keep up with the information. He did something that was improper, and because he was in my brokerage, I let him go. After that, RECO sent a complaint about what he did. It was something I knew nothing about. I said to them, "When you're done with this guy, let me know so I can get my pound of flesh out of him. Because hang him high, this is terrible."

The result, at the time, was, in my opinion, so little in their reaction. I thought, "This needs to be stronger." This is from the brokerage office, saying, "We want stronger regulation. We don't want to have people in our office who are not abiding by the rules and are not playing fair." The consumer is at risk, and so is my business. I don't want it. So I want RECO on my team, getting rid of this stuff.

Mr. Tom Rakocevic: Thank you very much. If there's time, my colleague had a quick question. Thank you.

The Chair (Ms. Goldie Ghamari): MPP Glover, you have the floor.

Mr. Chris Glover: Okay. How much time is there?

The Clerk of the Committee (Ms. Jocelyn McCauley): A minute and 30.

Mr. Chris Glover: A minute and 30? Okay.

This morning we heard from the Toronto real estate board, and they were asking for a couple of additional amendments to the legislation. They wanted to change the legislation so that the buyer can decide if his offer will be disclosed to other buyers, and the seller must disclose whether offers will be released. Do you support those amendments? Right now, the government is talking about putting it in regulation, but they would like to see it in the actual legislation.

Ms. Karen Cox: You're talking about mandatory disclosure of all contents of offers in a multiple offer situation?

Mr. Chris Glover: Yes. Instead of blind offers, there would be open offers, but only if the buyer approves of the contents of his offer being disclosed.

The Chair (Ms. Goldie Ghamari): Sorry, you have 45 seconds.

Mr. Tim Hudak: If I could, through you, Chair: Mr. Glover, what I think is an important feature of this legislation is that it provides a framework. The 2002 legislation was very detailed, and as business practices evolved, the price of real estate, it fell badly behind. I think that the more things left on the regulatory side will give the government of the day greater flexibility to react to the situation at the time.

This is also a very complex issue about opting in and who participates in an auction process and what have you. I think that's going to take a lot of detailed work. I'd worry a lot that if you tried to craft legislation around that, you're going to delay legislation even longer, and you'll be unable to respond to developments down the road. To me, it seems very clear that this is something that should be done through regulation with the regulator, working with

the association, the Toronto real estate board as well, and the government as the ultimate arbitrator.

The Chair (Ms. Goldie Ghamari): Thank you very much. That's time.

We'll now turn to the independent Green Party member. MPP Schreiner.

Mr. Mike Schreiner: Thanks, OREA, for being here today. I also want to echo the compliment around the work I feel like you've done in consulting with all parties, and the acknowledgement of the consultation you've done with all parties on this bill. So thank you for that.

I want to follow up: I share your concerns around the regulator having the authority to approve every form and how that could create a backlog and unnecessary red tape. Are you aware of any other jurisdictions where the regulator has this kind of authority?

Mr. Mike Douglas: Not me, that's for sure.

Ms. Karen Cox: No, I'm not aware.

Mr. Tim Hudak: Not to our knowledge.

Mr. Mike Schreiner: Do you have any sense of why the regulator would need to have this level of detailed authority?

Mr. Mike Douglas: That's a really good question. I'd love to know the answer to it, but I don't know the answer, and we haven't been able to find out yet.

Ms. Karen Cox: Yes, and I'm thinking back—three or four years ago, I was the chair of standard forms at OREA, and at that point in time, we had a representative from RECO at our committee when we were reviewing any of the changes to the forms, any new clauses, any new forms. They had input into what was happening and whatever changes were going to happen during that year.

Mr. Mike Douglas: If I could just add to that: Frankly, I chaired that committee as well a few years ago, and in every situation, RECO was consulted on their position on the potential change. Quite often, it was massaged and adjusted, or we saw it from their perspective—and it worked. It worked very well. It's a really good process. There's no need for the secondary process.

Mr. Tim Hudak: I'll add to that real quick. I'll defend the regulator here, too. I think the regulator's point of view is that by sitting on the committee, that could create a look of conflict, but there are other ways to resolve this. If we have a new form, we could run it by the regulator and work in a co-operative way to make sure we're hitting their standards and those of our members. There are ways of doing that. It's far better than lining them all up at the regulator's door, which I think would be a lot of time wasted and a considerable amount of red tape.

My guess on your question, Mr. Schreiner, is that there's probably bureaucratic overreach by the civil servants in the design of the legislation. I don't know if anybody asked for this.

Mr. Mike Schreiner: It's my understanding—correct me if I'm wrong on this—that you're fine if the regulator has the authority to come back to you and say, "Hey, this form needs a massage," or, "This wording is incorrect"; that's different than saying the regulator has to approve every single form change. Am I correct in saying that?

Mr. Tim Hudak: That's 100% accurate.

Mr. Mike Douglas: Yes, for sure.

Mr. Mike Schreiner: Okay, great.

Mr. Mike Douglas: And that would happen any time. It could happen now. We don't need a new piece of the puzzle added to it.

Ms. Karen Cox: I think it would just make delays to getting the changes to the market, to reflect things that are happening in the market at the time. You might need a new clause because something has happened in the market-place, to reflect what's happening. If you have to wait to get more and more approvals, it's delayed. Then the realtors, our members, don't have it to use to protect consumers.

Mr. Mike Schreiner: Okay. Thank you. All of my other questions have been answered, so I'll yield the rest of my time, Chair.

The Chair (Ms. Goldie Ghamari): Thank you very much. This concludes our round of questioning. Thank you very much for presenting today. You may step down.

Mr. Tim Hudak: Thank you.

Ms. Karen Cox: Thank you.

MS. NINA DEEB

The Chair (Ms. Goldie Ghamari): We'll now call upon Nina Deeb. Please come forward. You will have up to 10 minutes for your presentation, followed by 20 minutes for questioning, with eight minutes allotted to the government, eight minutes allotted to the official opposition and four minutes allotted to the Green Party independent member. Please state your name for Hansard, and you may begin.

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Ms. Nina Deeb: My name is Nina Deeb. I am a real estate broker. I've been a full-time real estate broker since 1996. The reason I came here today is that I have some things I'd like to discuss about this legislation, about this bill.

A concern I have is that the regulator, RECO, is a private, not-for-profit delegated authority that is not subject to audit by the Auditor General of Ontario, and it is shielded from oversight by the Ontario Ombudsman. There are no system checks and balances. RECO has been allowed free rein for far too long, and they have abused their powers. That's the first point I make.

The second point I make is that it is inappropriate to grant even more unchecked power to RECO when they don't lawfully and ethically use the power they currently have.

The third point I make is that RECO consistently misapplies the legislation, and does so with impunity. A quick review of decisions where RECO was held to have proceeded in a vexatious manner with no evidence whatsoever is evidence of the way RECO operates. For this, you can see the Peter Dégroot decision and the Helmut Klingel decision, to begin with. There are many others.

Giving more power to the discipline panel is a horrible decision. The panel members receive no legal training, and

some have stated publicly that they think they work for RECO and should follow RECO's positions. The discipline panel—realtors like myself, and one member of the public—that's what it consists of: two realtors and a member of the public.

RECO's own employees and lawyers—this is my fifth point—do not understand the law. This has been made clear by the cases where RECO was found to have proceeded improperly, with no evidence whatsoever.

The sixth concern I have is that it is a slap in the face to the ideal of fairness and the tenets of natural justice to allow RECO to issue a \$25,000 fine, an administrative monetary penalty, after a complaint is filed, without even affording the registrant to see, let alone respond to, the complaint. This is a shoot-first, guilty-until-proven-innocent process. This cannot be allowed. Someone needs to watch the watcher.

RECO has gone so far as to charge and fine a registrant with an offence that could not even apply to him. When the issue was brought to light, RECO was forced to retract a \$20,000 fine.

Further, since the registrar and RECO continue to apply the act improperly, as they have admitted in the past, not only should they not be given more power, but the powers they currently have should be subject to strict reporting mechanisms, as well as the decision-making authority of an independent ombudsman.

To provide even more unfettered power to an organization that cannot act within the bounds of tenets of natural justice is inappropriate. The new act would give RECO the unchecked power to administer a \$25,000 fine, an administrative monetary penalty, without even being required to deliver the complaint to the registrant, let alone have a hearing. This is unequivocally against the tenets of natural justice. Allowing such fines strikes at the very core of the idea of being innocent until proven guilty. In the words of Professor Jacob Ziegel, "This troubles me"—Professor Ziegel, in his written submission on parent Bill 180, written by four law professors.

When I go back in time, wondering, "How does this come to be? How does this bill come to be moving so quickly?" I went back to Bill 180. I'm very, very troubled with the transcripts, for what I see here, from October 31, 2002, Bill 180; from November 19, 2002. This is very, very troubling. I'm not quite sure how it is that the real estate industry deserved to be treated this way, why we deserve to be treated this way.

Bill 180 moved just as quickly. It moved so quickly that they choked out debate, just as they did November 25 when the critic did not even know that this bill was coming to a second reading that day. That's very troubling to me.

I'm just wondering who is representing realtors. I'm the realtor voice. I work full-time, yet I'm here today as a private individual to say I don't understand what this bill—how this amount of power can be given to a not-for-profit, private, delegated authority, that self-polices. There is no accountability.

Transparency and trust: we speak about it like it's something that—are we not entitled to transparency and

trust? We speak about changing this act to trust in the real estate—what about us? Can we trust as well? Can we trust?

When you look at how many bad apples there really are out there—I believe last year there were 23 convictions out of 86,283 or so of us. That's 0.0026%. It's a very, very low number. For the most part, most realtors are out there operating their businesses, working hard.

What's proposed in this bill is unacceptable to me. I don't accept this. I don't think that it's acceptable to any industry. I'm not sure how it is that we deserved—maybe because we're generally commissioned salespeople who count on OREA to come here and be our voice.

When I refer to these transcripts that I speak of, there are some very, very serious concerns about floor crossings and who's who, and multiple representations and conflicts of interest. There are some very, very serious problems with the way this bill has come this far this quickly. There are some very serious problems with the system, when I get seven days' notice to come here to plead my case like this.

The fact that nobody even has the time or has bothered to go through the fine print; we're realtors, we go through the fine print. That's what we're supposed to do. But sometimes we're represented and we expect other people to do that, and that's a mistake. I didn't make that mistake, I read the fine print. I don't like it. I don't like it one bit. It really troubles me. This is very bothersome, very bothersome.

I would like to quote something from, first of all, October 31, 2002, from the Bill 180 transcript: Bill 180 “combines six pieces of consumer protection legislation and three sector-specific statutes,” including my industry's statute, the Real Estate and Business Brokers Act.

But this does nothing. “There's nothing in this bill.”

But what's very, very concerning to me is Mr. McDonald actually said in the transcript, “I know Minister Hudak was very concerned, that he had to put some teeth into this legislation, and I think we should stop and talk about enforcement for a moment....”

“Those are pretty tough penalties.”

That was in 2002.

Later on, “It is Halloween night... You can't have opposition members here speaking to an empty House.”

The fact that Professor Ziegel—who is known, who was known then—the fact that he had to submit his—

The Chair (Ms. Goldie Ghamari): You have one minute left.

Ms. Nina Deeb: —almost for free he was willing to do this work, he and three other professors, and they pretty much weren't spoken to. The experts were not—they had to come here on their own after they discovered that bill.

And history repeated itself again. It repeated itself again. On November 19, this bill was forced through really, really quickly. One of the quotes from that is: “I have come to the conclusion that this must be the most undemocratic Legislature in the Dominion of Canada.” And this is a strangulation motion: “those motions that come forward to choke off debate,” which is exactly what

happened when the NDP critic, was not ready on November 25. He didn't know it was being tabled. I have a problem with this.

How can we debate when we don't have an option to submit anything to even the critic? I didn't have a chance to submit any information to the critic to be able to say, “Here are some issues from some people in the industry.” It was too late. November 19, and then six days later, second reading? November 25? This moved very, very quickly. I'm not against everything—

The Chair (Ms. Goldie Ghamari): Thank you, Ms. Deeb. That concludes your time.

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Ms. Nina Deeb: Sorry.

The Chair (Ms. Goldie Ghamari): That's okay. We'll now turn to questioning. This round of questions will begin with the official opposition. Who would like to begin? MPP Glover.

Mr. Chris Glover: You mentioned in your deputation, on the second page, the Degroot and Klingel decisions. Can you give the details of those decisions, or an overview?

Ms. Nina Deeb: Which ones? The Degroot and the—

Mr. Chris Glover: And Klingel.

Ms. Nina Deeb: I actually do have them. Degroot was—that file is from November 17, 2010. If I'd realized, I would have printed them and brought them with me. But the registrar, in reference to this—so here, with no evidence whatsoever—I'm sorry, I don't have it with me. I do have it on my phone.

Mr. Chris Glover: Oh, okay.

Ms. Nina Deeb: This is the Klingel one. So you're asking about the Degroot one?

Mr. Chris Glover: Sure.

Ms. Nina Deeb: Okay, the Peter Degroot decision: That decision said—it's very long—

Mr. Robert Bailey: Madam Chair, if she can't find it, can she submit it after?

The Chair (Ms. Goldie Ghamari): Yes.

Ms. Nina Deeb: I will submit that after. I do have it printed. I just don't have it immediately.

Mr. Chris Glover: Sure.

Ms. Nina Deeb: But it is a decision that I refer to that I would like to be looked at. Please look at this decision. Please look at the Helmut Klingel decision.

There are many others. Two weeks ago, I went to a judicial review just a few blocks away from here, at Osgoode. Three judges ruled in favour of the registrant and quashed RECO's—that is very significant. I find that very significant in what's happening and what the registrant's options are.

Not having an ombudsman is a real problem for us. They're not reportable. The Real Estate Council of Ontario is not reportable, other than to themselves.

Mr. Chris Glover: That's good. Those are all my questions. Thank you.

The Chair (Ms. Goldie Ghamari): MPP Rakocevic.

Mr. Tom Rakocevic: I guess we don't have a lot of time, but are there a couple of things that you'd like to see

changed within this legislation? Let's say that it was tabled from scratch and you had that power. What kind of change are you looking for? Or are you happy with status quo?

Ms. Nina Deeb: I'm not happy with status quo. There actually are things in the bill I like. I like the transparency of the offer process. A lot of times I find that right now it's just a blind system, where people just make an offer. They don't know if they're the best. Maybe they would have been willing—sometimes you hear from somebody after: "Oh, well, maybe I would have paid more." The fact that you hear that from a buyer client when they're out there trying to buy over and over and over again in a tight market—it would be better for them to have the option, I think, to walk away at a certain point, to say, "Okay, I wasn't going to pay that"—for there to be some disclosure so you don't have people just blindly offering. The way it is right now does need to be corrected. It's not correct for the type of market that we have.

Mr. Tom Rakocvic: Okay.

The Chair (Ms. Goldie Ghamari): Seeing no further questions, we'll now turn to the independent Green Party member. You have four minutes.

Mr. Mike Schreiner: Thanks, Ms. Deeb, for coming in. If I could just ask the Clerk, maybe: What's the deadline for written submissions to the committee?

The Chair (Ms. Goldie Ghamari): The deadline is Tuesday, February 4, at 6 p.m.

Mr. Mike Schreiner: So my recommendation would be that some of the materials, if you would like to submit before the written deadline—

Ms. Nina Deeb: I can submit those, yes.

Mr. Mike Schreiner:—you now know the deadline for that and can make that submission.

Ms. Nina Deeb: Yes, I have them on my phone.

Mr. Mike Schreiner: That would be great.

We've had a number of realtors come to committee asking for more regulation and more professional standards. If I'm understanding, you're actually suggesting that you would prefer less regulation for the industry?

Ms. Nina Deeb: Regulation, yes. Education, no. I'd like more education. I'd like less regulation. I'd like less red tape for realtors to operate their businesses.

Right now, the regulator controls the educational requirements as well, so our mandatory continuing education—we used to be able to get continuing education from multiple sources. There were accredited educational providers who could give you mandatory continuing education. CE Network is one of them. You had better choices in what you wanted to educate in for your continuing education.

For example, if I wanted to take a title search course, I could include that in my continuing education. The current system is a click program that anyone can do. There is no pass system to it. It's just another system of the regulator. I feel they reduced our education drastically when they took over the mandatory continuing education and only allowed themselves to be the delivery tool of the mandatory continuing education, so that's an issue I have.

I'd like to get my education from someone other than my regulator.

In the REBBA legislation right now, it's mandatory that the education must be through RECO. I don't like that. I really don't. I should be able to educate myself in something within the industry relative to my business, to the real estate business. If I want to take, say, a home inspection course, just to know a little bit more about the framework and the structures, I should be able to explore different educational options other than just the regulator. The regulator shouldn't be the only educator approved.

Mr. Mike Schreiner: From a client perspective, could you see that a person either purchasing a home or selling a home, which is probably the most important investment most people are going to make in their life would want to have strong professional standards and ensuring those standards are enforced properly to build trust among the public?

The Chair (Ms. Goldie Ghamari): You have one minute left.

Ms. Nina Deeb: Again, I think that there needs to be trust, but I think that the trust needs to be with all parties. We need to trust as well.

Mr. Mike Schreiner: Okay. Thank you for your time. I'm done.

The Chair (Ms. Goldie Ghamari): Thank you, MPP Schreiner. We'll now turn to the government side. We'll begin with MPP Sabawy.

Mr. Sheref Sabawy: Thank you very much for your submission. I really can see the passion in your speech. I have, actually, multiple questions for you.

The first question: You said in your testimony that there's no overseeing, there's no control over RECO actions, there's no regulation over what they rule out. Then in the later part of your submission, you said that the court, three judges, reverted something. The case got reverted; they disagreed with the RECO decisions and they revoked it. Right? Is that correct? I understand correctly?

Ms. Nina Deeb: Yes.

Mr. Sheref Sabawy: So there is oversight.

Ms. Nina Deeb: Oh, no, that went to judicial review. That actually left the RECO tribunal, and that went to judicial review. The registrant applied for judicial review of the decision of the tribunal.

Mr. Sheref Sabawy: So there is a way or appeal route for the decisions from RECO, so it's not like totally absolute power.

Ms. Nina Deeb: I'm going to just explain: That registrant had already been through—by the time you get to that point, it's years down the road, by the time you can actually leave the RECO tribunal to go to any other option. It gets dragged out for years. A complaint can get dragged out for years, and with what this bill is imposing now, you don't even need a complaint. You can just go on anything, just "He said, she said," or nobody said at all: "I just want to investigate you because I don't like whatever it is."

It's almost like a witch hunt. I don't agree with these changes. This is too much power. Too much power. It should have been debated and looked at a lot closer than

this. I feel that it has been pushed through way too quickly, and I'm very disappointed that Bill 180, its parent, was also pushed through just the same way. It was the exact same way—very disappointing.

Mr. Sheref Sabawy: I'm just putting my question here about Bill 145. What do you see in Bill 145 adding power to the current situation? From my reading of the bill, it's about removing the red tape. It didn't say anything about changing the balance of powers or anything. Do you see anything in Bill 145 adding to—I'm not discussing now Bill 180; Bill 180 is history. I'm just saying currently, Bill 145, do you think that this is adding any powers to the existing power? It's not revoking something, but I'm saying, did it add something? Can you please point it?

Ms. Nina Deeb: Absolutely. There's an extreme amount of power being added in this bill—extreme.

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Mr. Sheref Sabawy: Point it, please.

Ms. Nina Deeb: The fact that you no longer need a complaint, the fact that the registrar, based on his opinion alone, can refuse somebody registration. Just off the top of my head, Maryam Asadi in 2013-14 took her real estate courses. To take your real estate courses to be a registrant—it will take you approximately a year right now. After she finished her real estate courses, she was refused. She had to go to the Licence Appeal Tribunal and she also went to judicial review, just to get registered, just to become a registrant.

If you look at that case, it's very, very troubling that the registrar can have that much power on someone's livelihood. The registrar is just one person and the registrar, in his sole opinion, can refuse a registrant their livelihood. After you go to school for a year, they can just refuse you and then you can be forced through the system—or even on reinstatement, when you're doing your renewal. It's not fair the way it's set up.

Mr. Sheref Sabawy: I have one more question for you, but before I say that, I need to maybe, for the record, state that this is the case with all the professionals—like the registrar of the College of Physicians, the registrar of the college of pharmacists, the registrar of the lawyers, any of the colleges have the exact same power.

Ms. Nina Deeb: In his sole option? In the registrar's sole option?

Mr. Sheref Sabawy: I'm kind of sure that he has the right—

Ms. Nina Deeb: That's too much power for any one person to have.

Mr. Sheref Sabawy: But I'm just stating that for the record.

The second question I have for you—you mentioned something about pushing the bill faster than expected or faster than usual. The fact that you are talking about things you saw needed to be changed from Bill 180 of 2002—that's 18 years.

Ms. Nina Deeb: Yes.

Mr. Sheref Sabawy: And you think that was not good enough time to raise awareness in the Legislature, your representative, about the issue, and you needed six days to

come up to speed on that when there's 18 years of, according to you, struggle?

Ms. Nina Deeb: I wasn't aware until I started looking into this of how quickly Bill 180 went. I was shocked. How can this happen so quickly? I started looking into the history and how this came to be, and that's when I discovered that. So I discovered that maybe a week ago.

I would have complained if I'd known.

Mr. Sheref Sabawy: No comment on that. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you, MPP Sabawy. We'll now turn to MPP Wai. I know you had a few questions.

Mrs. Daisy Wai: Thank you very much, Ms. Deeb, for coming over and making this presentation this morning. I know time is tight, but you still made this effort. With your passion—I agree with MPP Sabawy that we can see it, we can tell it, from what you were just saying. We want to say that this is why we have been revisiting this bill very quickly: Because there have been a lot of things that should have been done for the last 15 years that have not been addressed.

I agree with you that we're working on a lot of things as well. Just now, we had a presentation from OREA also highlighting the few things that some of our presenters highlighted. According to the name, which should be called real estate representatives—

The Chair (Ms. Goldie Ghamari): You have one minute left.

Mrs. Daisy Wai: This is also one of the things that is highlighted: They're also saying that we should reduce the authority on RECO because they're also creating a burdensome layer of red tape.

Cutting red tape is part of what our government wants to do as well, so what you advocate will be heard and we'll review into that as well. Thank you for coming.

Ms. Nina Deeb: Thank you.

The Chair (Ms. Goldie Ghamari): MPP Bailey, I know you had a question. You have 30 seconds.

Mr. Robert Bailey: Okay. Well, not a question, but I'll be brief. It's just something I want to get on the record as far as what the ministry will do. We review and assess RECO's annual reports, business plans and audited financial statements; we will appoint a minority of the directors to RECO's board of directors; order legislative, regulatory or operational reviews as necessary; and we also retain control over the legislation and regulation.

I wanted to get that on the record, that there is oversight by the administrative authority appointed through the minister.

The Chair (Ms. Goldie Ghamari): Thank you very much. That's right on time. That concludes our business today. Thank you for your presentation. You may step down.

I would like to remind the committee that the deadline for written submissions is 6 p.m. on Tuesday, February 4, 2020. Additionally, the deadline for filing amendments on the bill with the Clerk of the Committee is 12 noon on Friday, February 7, 2020.

I understand that MPP Coe would like to say something.

Mr. Lorne Coe: Yes, thank you, Chair. Through you, I move that the committee meet on February 19, 2020, for clause-by-clause consideration of Bill 145 instead of on the originally scheduled date of February 10, 2020.

The basis for this motion is to give committee members more time to go through the amendments that we anticipate. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you, MPP Coe. Is there any discussion? Seeing none, all those in favour, please raise your hands. All right. All those opposed? Seeing none, I declare the motion passed. Thank you.

Now we are adjourned.

The committee adjourned at 1127.

STANDING COMMITTEE ON GENERAL GOVERNMENT

Chair / Présidente

Ms. Goldie Ghamari (Carleton PC)

Vice-Chair / Vice-Président

Mr. Daryl Kramp (Hastings–Lennox and Addington PC)

Mr. Robert Bailey (Sarnia–Lambton PC)

Ms. Jessica Bell (University–Rosedale ND)

Ms. Goldie Ghamari (Carleton PC)

Mr. Chris Glover (Spadina–Fort York ND)

Mr. Mike Harris (Kitchener–Conestoga PC)

Mr. Daryl Kramp (Hastings–Lennox and Addington PC)

Mr. Sheref Sabawy (Mississauga–Erin Mills PC)

Mr. Amarjot Sandhu (Brampton West / Brampton-Ouest PC)

Mr. Mike Schreiner (Guelph G)

Mrs. Jennifer (Jennie) Stevens (St. Catharines ND)

Mrs. Daisy Wai (Richmond Hill PC)

Substitutions / Membres remplaçants

Mr. Tom Rakocevic (Humber River–Black Creek ND)

Clerk / Greffière

Ms. Jocelyn McCauley

Staff / Personnel

Ms. Pia Anthony Muttu, research officer,
Research Services