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SP-26

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SP-26

**Standing Committee on
Social Policy**

Building Transit Faster Act, 2020

1st Session
42nd Parliament
Monday 15 June 2020

**Comité permanent de
la politique sociale**

Loi de 2020
sur la construction plus rapide
de transport en commun

1^{re} session
42^e législature
Lundi 15 juin 2020

Chair: Natalia Kusendova
Clerk: Tonia Grannum

Présidente : Natalia Kusendova
Greffière : Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Monday 15 June 2020

Lundi 15 juin 2020

The committee met at 1000 in committee room 1 and by video conference.

BUILDING TRANSIT FASTER ACT, 2020

LOI DE 2020

**SUR LA CONSTRUCTION PLUS RAPIDE
DE TRANSPORT EN COMMUN**

Consideration of the following bill:

Bill 171, An Act to enact the Building Transit Faster Act, 2020 and make related amendments to other Acts /
Projet de loi 171, Loi édictant la Loi de 2020 sur la construction plus rapide de transport en commun et apportant des modifications connexes à d'autres lois.

The Chair (Ms. Natalia Kusendova): Good morning, everyone. The Standing Committee on Social Policy will now come to order. We are here today for clause-by-cause consideration of Bill 171, An Act to enact the Building Transit Faster Act, 2020 and make related amendments to other Acts.

I see that MPP Thanigasalam has joined us. Could you please introduce yourself and state the city from which you're calling?

Mr. Vijay Thanigasalam: Hi, this is Vijay Thanigasalam, MPP for the riding of Scarborough–Rouge Park, calling from the town of Ajax.

The Chair (Ms. Natalia Kusendova): Wonderful. Good morning. Also, MPP Babikian has joined us in the room. We are joined by Ralph Armstrong, legislative counsel, as well as staff from Hansard, and broadcast and recording.

To make sure that everyone can follow along, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. Since it could take a little time for the audio and video to come up after I recognize you, please take a brief pause before beginning. As always, all comments are made through the Chair.

Before we begin, I propose that consecutive sections with no amendments or notices be grouped together, unless any members would like to vote on a section separately. Do members agree?

Ms. Jessica Bell: I would like a recorded vote on all of the amendments.

The Chair (Ms. Natalia Kusendova): Okay. So MPP Bell is proposing that—what I'm suggesting is that if there are no amendments to certain sections, that we group them together and we vote for them together, but the ones that

do have amendments, we will review one by one. So everyone agrees? Great. Thank you very much.

Any questions before we begin?

Are there any brief comments on the bill as a whole before we proceed to section 1?

We will begin with section 1. There are no amendments. Shall section 1 carry? All those in favour, please raise your hands. All those opposed, please raise your hands. Section 1 carries.

Section 2: Ms. Bell?

Ms. Jessica Bell: Thank you, MPP Kusendova. I have an amendment to move in section 2. Shall I read it out now?

The Chair (Ms. Natalia Kusendova): Yes, please.

Ms. Jessica Bell: I move that section 2 of the bill be amended by striking out the definition of “municipal service and right of way access order”.

The Chair (Ms. Natalia Kusendova): Is there any debate? Go ahead, MPP Bell.

Ms. Jessica Bell: The reason why we want to remove this section of the bill from the Building Transit Faster Act is because any part of the legislation that seeks to take away municipal rights is of concern to us.

It is important to remember that the city of Toronto is Canada's largest city. It has democratically elected politicians who do a decent job at allowing access and building transit. Unfortunately, this definition, along with additional elements of the bill, gives Metrolinx and the Ontario government extraordinary power to close off roads or shut off water, or even take over sections of the TTC, without the consent of the municipality. That could create problems for communities. Many of the witnesses who came in during committee expressed considerable concern about the impact of construction, especially construction that was being done without proper consultation.

We also have considerable concern around whether this would actually lead to transit projects being expedited in a quicker fashion. The reason why I say that is because when you look at why there are delays with transit projects, it's not because a municipality is putting up a stop sign and saying, “No, we're not going to allow you access to that road.” The main reason why transit projects get delayed is because the time it takes for the transit plan to be finalized is often the reason why transit projects don't move forward in a timely fashion.

The additional reason why is because it often takes a while for the money to be handed over to construction

companies, the city or whoever is going to be doing the work, to begin doing work. That's the primary reason why, for example, the subway extension to Vaughan was delayed. It wasn't because the municipality said, "No, thank you; we don't want you to take over this road." Municipalities have, on the whole, been very good at coordinating with the Ontario government to build transit, so we don't see the reason why this definition needs to be there.

I'd like to hand it over to MPP Tabuns to see if he has any additional comment.

The Chair (Ms. Natalia Kusendova): Any further debate? I recognize MPP Tabuns.

Mr. Peter Tabuns: I think MPP Bell has set out the arguments very clearly. There is no reason for these extraordinary powers. As she said, when you actually look at what has happened and is happening with the Eglinton Crosstown, there's no mention at any point that things have been held up because municipalities have not been co-operative. I don't see the reason for these extraordinary powers either.

The Chair (Ms. Natalia Kusendova): Any further debate? Go ahead, MPP Thanigasalam.

Mr. Vijay Thanigasalam: Good morning, everyone. I recommend voting against this motion because removing the definition would reduce the clarity of the provisions, thus pre-empting the minister's authority to issue an order for municipal services and right-of-way access in the bill.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will now move on—

Ms. Jessica Bell: I was looking for a recorded vote on each amendment.

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The Chair (Ms. Natalia Kusendova): Okay, so we will have a recorded vote. Are members ready to vote? Shall the amendment to section 2 carry?

Ayes

Bell, Tabuns.

Nays

Babikian, Blais, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): The amendment is lost.

We will now proceed to government amendment 2 on page 2. Go ahead, MPP Karahalios.

Mrs. Belinda C. Karahalios: Thank you, Madam Chair. Can you hear me okay?

The Chair (Ms. Natalia Kusendova): Yes.

Mrs. Belinda C. Karahalios: Thank you. I move that the definition of "utility company" in section 2 of the bill be amended by striking out "electricity or artificial or natural gas or oil" and substituting "any substance or form of energy".

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Karahalios.

Mrs. Belinda C. Karahalios: I recommend voting for this motion because it ensures the definition of "utility company" is appropriate for the purposes of the act.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, are members ready to vote? Just to clarify, would MPP Bell like recorded votes on all amendments or just the NDP amendments?

Ms. Jessica Bell: I would like recorded votes on the independent and NDP amendments—and one government one, but not this one.

The Chair (Ms. Natalia Kusendova): Okay, thank you very much. Mrs. Wai, do you have a question? No. Thank you.

We will proceed with a non-recorded vote. All those in favour, raise your hand. All opposed, please raise your hand. I declare the amendment carried.

Shall section 2, as amended, carry? All in favour, raise your hand.

Ms. Jessica Bell: This is for the entire section, right?

The Clerk pro tem (Mr. Eric Rennie): Yes.

Ms. Jessica Bell: So I would like a recorded vote.

The Chair (Ms. Natalia Kusendova): So we're going to do a recorded vote.

Ayes

Babikian, Blais, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare section 2, as amended, carried.

We will now move on to new section 2.1 on page 3. Go ahead, Ms. Bell.

Ms. Jessica Bell: I will read the motion in its entirety. I move that the bill be amended by adding the following part:

"Part I.1

"Restrictions re Contracts to Deliver Transit Project

"Community benefits agreement

"2.1(1) The minister shall enter into a community benefits agreement that addresses how a priority transit project delivers community benefits, being the supplementary social and economic benefits arising from the project that are intended to improve the well-being of a community affected by the project, such as local job creation and training opportunities (including for apprentices), improvement of public space within the community, and any specific benefits identified by the community.

"Same

"(2) The agreement shall be between the minister and such persons as the minister determines are appropriate to represent the affected communities.

"Conformity with the agreement

"(3) The terms of a contract to deliver a transit project shall conform to the community benefits agreement, and

shall establish consequences or remedies if any person does not comply with the agreement.”

The Chair (Ms. Natalia Kusendova): Any debate? Go ahead.

Ms. Jessica Bell: Thank you. The reason why we want to introduce a community benefits agreement into this transit project and the four transit priority projects is because community benefits agreements ensure that communities that suffer the pain of construction should also benefit and gain from the construction as well.

In addition, community benefits agreements are a very useful way to move forward with sensible economic recovery. We are moving through a very difficult economic time, and economic recovery will need to be part of the Ontario government’s plan moving forward; there’s no question. We already have a very high unemployment rate.

When we introduce community benefits agreements, it means that any kind of infrastructure project that we move forward with has immediate benefits to the community. Often that looks like hiring locally, hiring marginalized communities into good apprenticeship jobs, so that they can have good union jobs in a trade moving forward. It often means replacing park space that has been impacted by construction. It can mean noise walls for communities that live very close to the GO expansion tracks, as well as the Ontario Line. It could mean a whole host of things. It is useful not just for economic recovery, but it also softens the pain of construction, as I mentioned.

You would think that Metrolinx ideally would move forward on this without the need for a motion, just do it out of the goodness of their heart, but what we have found with Metrolinx is that when we have taken the approach of, “We will just trust them,” community benefits agreements that they promise don’t actually arrive. That has happened with the Davenport Diamond, a construction project in the west end of Toronto. Metrolinx promised a number of community benefits agreements as part of that construction project, including artist murals and more walking space, but those benefits have essentially disappeared.

It’s similar with the Eglinton Crosstown. There was a legislative commitment to move forward with community benefits agreements with the Eglinton Crosstown. The challenge is that the contractor is behind on all of its targets when it comes to hiring locally and hiring people from marginalized backgrounds, which is a concern. That’s why we are calling for a community benefits agreement to be introduced into this bill, so that the communities can have benefits not just in terms of transit, but also in terms of quality of life.

MPP Tabuns, do you have anything additional to add?

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Tabuns.

Mr. Peter Tabuns: Thanks to MPP Bell, who set out the essential arguments. No one can look at what has happened on Eglinton Avenue without feeling great sympathy for the community that lies along that route. Their lives have been disrupted quite profoundly, and I think it makes sense when a community is, in any given process, going to

sacrifice a lot more than the larger society, that they get some kind of support in return.

Negotiating and putting in place a community benefits program does not eliminate the losses that the local community will suffer. There’s no doubt in my mind that many of the businesses that will be forced to close down along Eglinton will never come back, and the individuals who put those businesses together will suffer substantial losses. But with a clause like this, some balance can be achieved, allowing the local community to recover some greater benefit to reflect the greater sacrifice that they’ve had to make.

There’s no doubt in my mind that part of this is that as communities see transit projects disrupt other communities, there will be political resistance to a particular route or a particular project. An element like this in the legislation increases political support for getting transit done right, and so I think that it’s a benefit to the province, a benefit to Metrolinx and a benefit to those communities affected to have this put in place in legislation.

With that, Chair, I’ve finished my remarks.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Hogarth.

1020

Ms. Christine Hogarth: Thank you, Chair, and thank you to MPP Bell for bringing this forward. Our only concern is that requiring some of these in this amendment will probably cause more delays, which is not really the intent of this bill. It will also limit flexibility, and it really isn’t aligned with the intent of the overall bill.

But I understand that what you’re talking about is that you need to have some balance. We heard the committee loud and clear. We do know that Metrolinx already does have an established approach to delivering the community benefits programs for their rapid transit projects. What we can do, and what we will do, is that the minister can have a ministerial direction to Metrolinx if it is required in those cases. So we can continue to get the project moving, but also, if there is a problem, the minister can direct Metrolinx to [*inaudible*].

For that reason, because we can have ministerial direction, I will not be supporting this motion.

The Chair (Ms. Natalia Kusendova): Any further debate? Go ahead, MPP Tabuns.

Mr. Peter Tabuns: I appreciate the intervention on the part of MPP Hogarth. If in fact the minister can do it already, if in fact it’s seen as something beneficial, then the earlier argument that this provision would slow down the whole process doesn’t seem to hold together. If people recognize that this is a useful thing for a transit project, it makes every bit of sense to put it in the legislation so that communities don’t depend on the mood and the priorities of the minister of the day, but that these projects have to reflect an ongoing provincial commitment to make sure that those communities that are the, I’ll call them, hosts of such megaprojects are given as much support as they possibly can get.

The Chair (Ms. Natalia Kusendova): MPP Hogarth?

Ms. Christine Hogarth: Metrolinx, actually, already does an established approach to delivering a community

benefits program for rapid transit. We have that one system in place, and then we have ministerial direction if something goes wrong or [*inaudible*].

The Chair (Ms. Natalia Kusendova): Any further debate? Are members ready to vote?

We will do a recorded—MPP Tabuns, do you have a question?

Mr. Peter Tabuns: A recorded vote—that’s all I wanted to ask, and you’ve given us a recorded vote. I’m happy. Thank you.

The Chair (Ms. Natalia Kusendova): So we will have a recorded vote.

Ayes

Bell, Blais, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare new section 2.1 lost.

We are now moving on to new section 2.2 on page 4. MPP Bell?

Ms. Jessica Bell: I would like to move motion 4. I’ll read it out now, right?

The Chair (Ms. Natalia Kusendova): Yes.

Ms. Jessica Bell: Okay. I move that the bill be amended by adding the following section:

“Publication of impacts

“The minister shall, before construction begins, publish a detailed description of the likely impacts of a priority transit project on residents, businesses and any other stakeholder the minister believes may be affected by the construction of the project, including the duration and timing of any impacts.

“The minister shall promptly update the description whenever the likely impacts of the project change.”

Interjection.

Ms. Jessica Bell: Shall I read out the numbers?

The Clerk pro tem (Mr. Eric Rennie): You need to read out the section numbers and subsection numbers.

Ms. Jessica Bell: Yes. Okay. Should I start again or just keep going?

The Clerk pro tem (Mr. Eric Rennie): Yes, please start again from “Publication of impacts.”

Ms. Jessica Bell: Yes.

“2.2(1) The minister shall, before construction begins, publish a detailed description of the likely impacts of a priority transit project on residents, businesses and any other stakeholder the minister believes may be affected by the construction of the project, including the duration and timing of any impacts.

“Same

“(2) The minister shall promptly update the description whenever the likely impacts of the project change.

“Same

“(3) In determining the likely impacts to include in the description, the minister shall have regard to the following:

“1. Safety.

“2. Noise.

“3. Vibration.

“4. Access to businesses, homes, municipal services, rights-of-way and utilities.”

The Chair (Ms. Natalia Kusendova): Any debate? MPP Bell.

Ms. Jessica Bell: This amendment came up primarily because so many of the witnesses that came and spoke to us in committee spoke about their fear, the fear of the unknown. Many of them already have Metrolinx going in doing soil samples, parking trucks and moving forward with construction, and they do not know why. It’s creating a lot of fear and uncertainty. It’s very reasonable why it’s creating that level of fear and uncertainty. These are people’s homes. This is their life. This is their neighbourhood. This is where their children go to school. It’s where their kids go to play, where their kids learn to skate, where they learn to swim.

They want to know what’s going to happen to their community before it happens. That is a very reasonable request. Some of the concerns that were raised in committee were upsetting to me. There was one individual who lives in Fontbonne Ministries who talked about what would happen if she was evicted, because she is a low-income senior, and she doesn’t know where she’s going to go. It is reasonable that people who live on this line, and the additional lines that will be built, know what is going to happen before it actually happens. It is also reasonable that the plans are made public so that other people who might move into that area, might start a business in that area, also have an understanding of what is going to happen.

Now, I have been to the communication briefings, the open houses that Metrolinx has presented, explaining what the Ontario Line could and should look like, and I can safely say that it is a public relations exercise. I asked very simple questions to the staff who were at the open house: “What is the route? How much is it going to cost? Where are the stations going to be? When will construction begin?” These are questions that people on this route want to know the answers to, and that information was not forthcoming at that open house. So to say that Metrolinx is doing a good enough job in publicizing the impacts is simply not true. That is why we have introduced this amendment, to make it very clear what the impact of these new transit lines would be and what the construction would be, before it is done.

MPP Tabuns, do you have anything additional to add?

The Chair (Ms. Natalia Kusendova): Any further debate? Go ahead, MPP Sabawy.

Mr. Sheref Sabawy: Thank you to the opposition for bringing some valid points from the point of view of the residents around the project area. It’s understandable that safety is number one. It’s stated in all kinds of other legislation and licensing around the project, in the permits

and everything. Why would you like to have an extra layer of redundancy into a bill which was meant to and wishes to accelerate and open the way to get the projects done? Thanks to the opposition member who brought in the Eglinton project as an example of how a project can continue going on and on and on, because there is no mechanism to get things done and get the project moving.

The second point is the way the proposed section 2.2 was written, it is actually making the minister the project manager, basically, so if any changes to any parts of the projects need to be taking place, the minister has to update the description. This is going to be very difficult for the ministry to handle. Not only that, it's not the right spot in this legislation to put it in; duties like following the projects going on—the government's job is not to monitor the projects which are going on.

1030

There are the contractors. There is Metrolinx. There are many other checks and balances in place to make sure that any of these barriers—safety or noise or vibration or any actions to be taken on the field—have to be reported or, in a way, let the residents around the area know. I think that for the majority of the projects, this is always done as part of the city bylaws and everything.

I don't see any value in adding an extra layer of duties on the ministry, when the ministry is not the one who is driving the project as a contractor or is responsible for the day-to-day jobs of the project, the duties of the project. This is going to be above and beyond the capabilities even of the ministry to do. That's my opinion. Thank you.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Tabuns.

Mr. Peter Tabuns: Thank you very much, Chair. I'm sorry; I had to pop out there for a minute.

I just listened to MPP Sabawy on this. The reality is that the minister sets the conditions and sets the framework within which things are carried out. Obviously, the minister, his staff and his chief of staff are not going to be hanging around on the construction project. But they can, through legislation, set the framework within which contracts are carried out and, I think, need to do that.

At this point, leaving things to contractors—and I've been seeing this with the preliminary work that's happening in my riding in preparation for the Ontario Line. We've had private property chewed up by the trucks of the contractors. We've had an ugly confrontation on one street between contractors and a resident. We're in a situation where I don't have a lot of confidence that, as things are currently structured, contractors will be kept under control and communities respected.

It's interesting to me that a number of my constituents, I've recently found out, moved into my riding to get away from what was going on on Eglinton and are completely flipped out at the idea that they're going to have to go through it all over again. They learned a lot of bitter lessons up in that part of the world.

I think that this amendment reflects the need to protect all people who live in an area where a major construction project is going on. I think it's reasonable that the minister,

who has responsibility for seeing things are carried out correctly, should be required, as is put in this amendment, to set those parameters right at the start and make sure those parameters are respected.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Sabawy.

Mr. Sheref Sabawy: Just for bringing the idea in, to the respected members of the committee—if, for example, the project is to conduct two weeks of digging and that will cause noise for the surroundings of the residency, surrounding this specific area, by the standards of the project, you have to maybe let the residents know. If we put the section 2.2, that means that if this project is to conduct this, they have to notify the ministry and the ministry has to approve that, and then the project needs, instead of four weeks, eight weeks. Now, the project has to apply again for the minister to update the description and make it, "Oh, we are not needing it for a month; we need it for three months."

This is too much micro-management on the ministry, which they are not capable of, from a technical point of view, from a resources point of view—even for the project itself, by taking the process of getting the ministry involved in such an activity, it could take months, to be honest with you. So I don't see that as even a valid point, to put the ministry in the driver's seat for something like that.

There are bylaws for the noises, bylaws for the zoning and licensing and permits to conduct projects. The municipalities on the ground are much more capable in having oversight on the project and in the field than the very high level of the ministry. This is my two cents. And I don't see this as the right spot, even, to put something like that, even if I can agree with you or disagree with you on the validity of the request. I don't think Bill 171 is the right spot to add this oversight when it's not even available to the ministry. Thank you.

The Chair (Ms. Natalia Kusendova): Thank you. Any further debate?

Ms. Jessica Bell: Thank you for your comments and concerns, MPP Sabawy. The reason why we have chosen to introduce this amendment is because we have seen how Metrolinx has dealt with the Eglinton Crosstown. We have seen that information around timing, impact and duration—basic information—has not been conveyed to residents or businesses. It is simply not being done. In theory, one might think that it is being done and that legislation is protecting people who live in the Eglinton area, but in practice it is not, which is why we are introducing this motion.

In addition, I sat on public accounts and listened to the Auditor General express her concern around Metrolinx's behaviour during the Eglinton Crosstown. It became very clear that Metrolinx either wasn't trying or had a lot of difficulty reining in contractors to do what they said they were going to do, from things as basic as finishing on time to listening to community concerns. That is why we need to make sure the legislation is very clear, so that residents and businesses know what they're getting into. It is absolutely necessary.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will have a recorded vote. Are members ready to vote?

Ayes

Bell, Blais, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this amendment lost.

We will now be moving on to new section 2.3 on page 5. Go ahead, Ms. Bell.

Ms. Jessica Bell: I move that the bill be amended by adding the following section:

“Community member rights during construction

“2.3(1) The minister shall consult with representatives of any community that may be affected by the construction under a contract to deliver a transit project, and shall establish and enforce reasonable standards to govern disruptions and nuisances during construction, including standards for the following:

“1. Safety.

“2. Noise.

“3. Vibration.

“4. Access to businesses, homes, municipal services, rights-of-way and utilities.

“Same

“(2) The minister shall establish procedures to receive and investigate complaints from the community regarding failures to adhere to the standards referred to in subsection (1), and to establish consequences for such failures and prompt remedies for affected community members.”

The Chair (Ms. Natalia Kusendova): Is there any debate? Ms. Bell.

Ms. Jessica Bell: The reason why we introduced this amendment is because, not only is it important for the public to be aware of what the likely impact will be, but it’s also important for community members, residents and businesses to have some basic standards and rights that they have during construction. The big one that we keep hearing about is around noise, because persistent loud noise can have very significant effects on people’s mental health and is often a consequence of endless construction.

I would like to read out a letter that Sabina Sormova sent to me. She’s involved with the Lakeshore East Community Advisory Committee. She has been dealing with the regional express rail expansion, which is happening very close to the Ontario Line, so she will have a double whammy when it comes to construction. She described what it’s like to live next to a construction project that Metrolinx is working on.

She writes: “With no warning, deafening noise and earthquake-like vibrations woke residents and their children up to two blocks far from the corridor.” That’s the

regional express rail Lakeshore East corridor. “Metrolinx gave us zero notice and proceeded with this work for two weeks (between 11 p.m. and 5 a.m.). We had children calling 911 because they believed a train had hit their house while none of us knew what was happening, things were falling off shelves (due to sizable vibrations), dogs were barking in panic.” Metrolinx never addressed it—no let-up, no notice. That’s not the way to do construction.

1040

It’s pretty concerning to hear about stories like that that are happening right now, and that’s why we think it is necessary to set basic standards for residents and businesses so that they can continue to have at least a reasonable quality of life during the construction, especially since the construction could take seven, eight, nine, 10 years. That’s a generation. There does need to be some quality of life maintained during that. That’s why we are introducing this amendment.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Wai.

Mrs. Daisy Wai: I recommend voting against this because this motion is actually placing constraints on construction and does not support the intention of this bill, which is to reduce the risk of transit project delays.

I’ve been hearing from people around me how much we need to have the transit done. This bill is to really help to get these projects going on. We have already had different meetings and agreement and understanding with Metrolinx, and I understand noises can be a nuisance. They understand this. Metrolinx will work with the community to ensure a comprehensive array of measures will be in place so that these construction concerns will be addressed. In fact, they will be sending out notice ahead of time so that the community can understand it.

So we will do all the precautions and take all the measures, but it does not support anything but delay the bill. So I will vote against this motion.

The Chair (Ms. Natalia Kusendova): Thank you, MPP Wai. I see that MPP Smith has joined us. If he can please introduce himself and state which city in Ontario he’s calling from.

Mr. Dave Smith: Yes, this is MPP Dave Smith, and I am calling in from Peterborough, Ontario.

The Chair (Ms. Natalia Kusendova): Thank you very much.

Further debate? MPP Tabuns.

Mr. Peter Tabuns: I take exception to the comments of MPP Wai. Generally speaking, we are able to work together, but I have to say that I disagree with her here. My very real experience with Metrolinx, as they’ve been doing the geotechnical work here in my riding, is that drilling trucks show up and start doing work in front of people’s houses with people having received no notice whatsoever. People are furious that crews come onto their property with paint, marking up their private property for future construction, and then don’t give any straight answers as to what’s going on. I’ve been pressing Metrolinx very hard to be responsive, and in the last few days they have been. But overall, our experience so far is that people don’t get

notice; they get surprises, and they get very unpleasant surprises.

This is just the preliminary work to do an assessment of the geotechnical conditions that the project will be coping with. If you can't control at this very early stage, I don't have confidence that they'll be controlling them much further down the line.

Again, going back to Eglinton, Metrolinx is running things there. I think if you talk to businesses there, if you talk to the MPPs along those lines, you'll become aware very quickly that the small businesses are being strangled by, in many cases, a cavalier attitude that ignores the need for access to businesses so that those businesses can have customers who will buy goods.

This is not a question of slowing things down. It's a question of setting in place, before construction starts, parameters that will allow the local businesses and local residences to survive—not without discomfort, but to survive with some amount of stability a construction process that can literally go on for a decade. I don't think it's unreasonable to ask that the minister set parameters and set up a mechanism for enforcing those parameters.

The Chair (Ms. Natalia Kusendova): Further debate?

Mrs. Daisy Wai: Thank you to the opposition side. MPP Tabuns, I want to say that Metrolinx has a very clear understanding with our minister and with the ministry already, and they will definitely provide the public with advance notice, so that a community impacted by this will know and will have all the information that they will need. They are going to minimize the effects of the construction impacts, such as, they will make sure the noise levels are reduced, and they will be working with the community.

We want this motion to be defeated, because we just want to make sure that the projects can go on as soon as we can and as fast as we can.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Bell.

Ms. Jessica Bell: Thank you, MPP Wai, for your comments. It is important—I understand the value of building construction quickly. The GTHA has been starved of transit for many years, but it is important to remember that the main reason why transit has not been built in this region is because plans have been changed. There is already a transit plan in place through this area that has community support. In addition, the transfer of money to the contractors to build the line is often delayed as well. These are the main reasons why transit gets delayed.

I have spoken to experts on Ontario's ability to build construction projects in a timely fashion, and Ontario, once the transit project has been approved, is generally pretty good at building transit projects within a reasonable timeline. That's not where we fall short.

It is also important to remember that we can't just build transit; we also have to build transit well, and we have to build it right. Communities should not become sacrifice zones on the altar of construction. When I hear statements such as, "Let's just trust Metrolinx to do it well. Let's just trust Metrolinx to uphold these standards," my fear is that when I look back at how Metrolinx has treated communities that live along the Union-Pearson Express, along the

Eglinton Crosstown line and along the regional express rail expansion, the reality is showing us something very different, which is why we need basic standards on noise and safety to be written in the legislation, so that communities get the rights and the quality of life they deserve.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Wai.

Mrs. Daisy Wai: Thank you, MPP Bell, for your comments. We understand that those are the past experiences with Metrolinx, and our minister and our ministry have been working very closely with them to address these issues. This will not be happening. We understand that they will have to give that advance notice, so the community understands, and we will be working all together in order to get our transit built very quickly.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will have a recorded vote.

Ayes

Bell, Blais, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We will now be moving to page 6: new section 2.4, as proposed by the opposition. Go ahead, MPP Bell.

Ms. Jessica Bell: Thank you. I move that the bill be amended by adding the following section:

"Construction working group

"2.4(1) Before construction begins under a contract to deliver a transit project, the minister shall establish a construction working group to exchange advice and information about the construction and to coordinate responses to mitigate public concerns about the construction.

1050

"Members

(2) The following shall be members of the construction working group:

"1. Representatives of Metrolinx.

"2. The construction contractors.

"Same

"(3) The minister shall invite any of the following who may be affected by the delivery of the priority transit project to participate in the construction working group:

"1. Local businesses and residents affected by the construction.

"2. The municipality.

"3. The TTC.

"4. Utility companies.

"5. Anyone else the minister believes should be represented."

The Chair (Ms. Natalia Kusendova): Thank you, MPP Bell. Is there any debate? MPP Bell.

Ms. Jessica Bell: Thank you, Chair. The reason why we have introduced this motion to establish a working group that would operate throughout the entirety of the construction is because this idea came from the Eglinton BIA and TABIA, the association that represents business improvement associations across Toronto. They came up with this idea because they found that during the Eglinton Crosstown process, contractors would do things and act in a certain way, and they simply just didn't know what was going to happen.

For instance, a business would turn up in the morning to find that their water had been turned off and they couldn't operate for the day; or their electricity had been turned off, and they were not made aware that that was going to happen; or they found that their parking—businesses like having parking, obviously, right in front their business because it attracts customers. They would find that their parking had been taken away because there were trucks parking in it for an undetermined period of time—days, weeks; they didn't know.

They found that some of these sudden changes and access to their utilities could have been mitigated and life made a little bit easier if they could negotiate directly with the contractor to find times that would work. So, for instance, if there was a big festival coming up on a Saturday, the contractor would know about it, and the community and the businesses would work together to try and find ways to mitigate some of the worst and hardest impacts of construction.

A lot of the consequences of construction can be mitigated if there is a conversation first. That is why we are introducing this amendment.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Tabuns.

Mr. Peter Tabuns: Thank you, Chair. Thank you to MPP Bell for putting out the argument as well as she has. There are a few points to make here: one, that this was an issue that came up pretty strongly in the presentations that we got last week about the bill and what was needed to actually bring the community into the process to minimize disruption in their lives; I think, as well, probably to expedite the process, because everyone has an advantage when they know what the other stakeholders in an area are going to be doing. It reduces surprises.

I think that if you look at the Eglinton experience and the recommendations of the businesses there, they're pretty strong on this for precisely the reasons that were set out by MPP Bell. They know that the construction is going to go on, but they see the advantage, and they warn all of us of the advantage of having a working group in place early on to minimize conflicts of schedule and conflicts of timing.

I also have to say that as a former city councillor in the city of Toronto, when I dealt with construction projects being brought forward by the TTC, it was standard practice for me to convene a working group of the contractors, the TTC, the local businesses and residents to meet on a regular basis throughout the construction, precisely to do what's outlined in this motion. It doesn't

slow things down, but it does make it easier for residents to understand the problems the contractors are having, and the contractors to take mitigating steps when they understand the issues that the residents are dealing with.

I don't think the government can argue that this will slow down the process. It's simply a question of making sure that there's a coordination between all the bodies who are involved with a construction project in a particular geographical location, and I urge the government to support it.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will have a recorded vote.

Ayes

Bell, Blais, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We will now move on to new section 2.5, on page 7, as proposed by the NDP. Go ahead, Ms. Bell.

Ms. Jessica Bell: I move that the bill be amended by adding the following section:

“Coordination with city of Toronto

“2.5 The minister shall coordinate with such persons or groups that the councils of the city of Toronto and any other municipality in which transit corridor land is located determine is appropriate with respect to all decisions relating to construction permits under part II, utility work under part IV, municipal services and rights of way access under part V, and stop-work orders under part VII.”

The Chair (Ms. Natalia Kusendova): Is there any debate? Ms. Bell.

Ms. Jessica Bell: The reason why we introduced this amendment to encourage and allow for coordination between the minister, Metrolinx, contractors and the city of Toronto is because that's currently how things are done.

I spoke to the TTC at length around what the purpose of this coordinating committee is, and it instantly struck me in that conversation how valuable it is to have coordination around construction instead of having a situation where one project can trump everyone else. The reason why is because construction is complicated and there are a lot of competing needs. It's hard to say what is more important: fixing 100-year-old water pipes and sewage lines, upgrading telecommunications lines, building a transit project or upgrading a road that has a lot of potholes. The reason why it is hard to say is because there are a lot of considerations that have to go into it. The city of Toronto already has an established coordinating committee to determine that.

What happens, if you move one project up to the front and you've got an international consortium deciding when they are going to move forward with their transit project

and they don't have to coordinate with anyone else, is that you are likely going to have a situation where the construction company is going to say, "Okay, well, we need to rip up this road in order to move forward with this transit project, and we're just going to do it. We know that the water pipes and the sewage lines need to be replaced in two years, and we could coordinate with the city of Toronto, but we don't have to because we're under a deadline."

What that means, then, is a road is ripped up, the community experiences the pain of construction, and then two years later other important work that needs to happen gets done again, which means that the road gets ripped up again. As someone who lives on Bloor Street and has seen Bloor Street ripped up three times in six years, it is very tough for local residents and businesses to see construction work happen again and again. It is important that that work is coordinated in a careful and thoughtful fashion and priorities are determined collectively. That is why we are introducing this amendment.

The Chair (Ms. Natalia Kusendova): Any further debate? Go ahead, MPP Thanigasalam.

Mr. Vijay Thanigasalam: I recommend voting against this motion because the province has committed to engage with impacted municipalities and work collaboratively on the implementation of the proposed measures. Coordination frameworks are already established through the Ontario-Toronto transit partnership preliminary agreement and also the Ontario-York region transit partnership preliminary agreement.

The bill, as drafted, contemplates negotiation and coordination with impacted municipalities to occur. Also, to strictly commit to coordinate all decisions with municipalities would run counter to the purpose of this bill of providing a legislative backstop to expedite project delivery.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will now have a recorded vote for new section 2.5.

1100

Ayes

Bell, Blais, Tabuns.

Nays

Hogarth, Karahalios, Sabawy, Dave Smith, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We will now be moving on to new section 2.6 on page 8, as proposed by the NDP. Ms. Bell.

Ms. Jessica Bell: I move that the bill be amended by adding the following section:

"Information for public
"2.6(1) The minister shall,

"(a) ensure that a person is available to provide information to the public and answer questions from the public about any construction activity related to a contract to deliver a transit project, including any related restriction of access to a business, home, municipal service, right-of-way or utility;

"(b) ensure that the person is accessible to the public by telephone and any other prescribed means at all times during active construction or a restriction of access; and

"(c) ensure that the person referred to in clause (a) has the authority to promptly and adequately respond to and mitigate concerns about the construction or restriction of access.

"Same

"(2) A contract to deliver a transit project shall establish consequences or remedies if a person is not available as required under subsection (1)."

The Chair (Ms. Natalia Kusendova): Any debate? Ms. Bell.

Ms. Jessica Bell: The reason why we have introduced this amendment is because we are already hearing examples of construction happening. Residents attempt to communicate with Metrolinx to find out what is happening and why and they literally get a busy signal, or they leave an answering machine message on a phone line and people don't get back to them in a timely fashion. That's a concern, because sometimes when active construction is happening, there are significant negative impacts on your quality of life. For instance, some instances that we have heard about include:

—shining a light in your window or there is 24/7 construction;

—you can't access your house or business because the road is blocked and you don't know why or for how long;

—the examples that Eglinton Crosstown businesses gave of water being shut down, and you have no number to call to even find out when the water will be turned back on; or

—you can't get your car out, because there's a truck blocking your way.

You don't think this happens, but it does. There needs to be a number to call where residents and businesses can get access to a decision-maker to find out what is going on, why and what can be done about it, so they can have some quality of living during this construction time. Sometimes, it can be as simple as moving a truck.

Right now, that process does not exist with the Eglinton Crosstown, and it should exist with these four priority projects.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Tabuns.

Mr. Peter Tabuns: I'd like to reinforce the commentary made by my colleague. This doesn't slow the project for a minute, but it does give people who live close to the construction that is projected to be done some way of dealing with the immediate problems, which they currently don't have, ensured in the approach that Metrolinx has set up.

It was said earlier that the city of Toronto has bylaw enforcement and they can deal with issues. Well, I'll tell

you this: City of Toronto bylaw officers are not operating through the night, and yet the construction on these projects often goes through the night. I have talked to my residents along the rail lines who at 2 or 3 in the morning are awake, precisely as MPP Bell was saying, because of bright lights shining through their windows, heavy-duty noise of trucks backing up, and there is no one for them to contact. This is a situation for which the city of Toronto doesn't have people available. In that case, Metrolinx needs to have people available who can deal with concrete problems that residents encounter in the course of this construction.

I look forward to anyone in the government saying that having this system in place will slow down the construction. I may have overlooked something, but I have great confidence, actually, that I haven't, that this won't slow down the project. If they're concerned about being done quickly, they don't have any problem with this amendment. But if they're concerned about making sure that the residents have as manageable an experience as can possibly be accommodated within the construction project, then they should be in support of this.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Smith.

Mr. Dave Smith: Thank you, Madam Chair. I appreciate that.

I think that we're going to have to oppose this one. What we're talking about is communication and communication measures, but what this motion would do is open up the possibility for litigation. If you don't believe that you're responded back to in a timely fashion, then you can sue, and really, that is not an appropriate way of dealing with this.

There are a lot of ways that you can have community engagement. There are a lot of ways that you can deal with the communications side of it, and it doesn't have to—in fact, it shouldn't—be something that's legislated; it should be something that is worked out with the community, with each individual project, and then you make adjustments as the projects are going on, because you'll find that there are different ways to communicate and there are different effective ways to communicate. What might work very, very well in one stage of the project may not work very, very well in another stage, and you need to make adjustments to it. So for that reason, I think that it's inappropriate to try to put something like this in legislation.

The Chair (Ms. Natalia Kusendova): Further debate? Mr. Blais.

Mr. Stephen Blais: I think that the intent of the amendment is certainly in the right place. I think the problem is in the execution, in the writing, of the amendment. Ensuring that someone who has the authority to mitigate a problem is available 24 hours a day, seven days a week, on email or on the phone, to speak to any number of complaints, I just honestly think is unrealistic. As I think MPP Smith said, to then codify it as a requirement—I think the intention and the outcome of what the mover is intending is a very good one; I just don't think that it has been worded quite appropriately. Unfortunately, the rules

of how the government have drawn this don't allow us to amend the proposed amendment.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Tabuns.

Mr. Peter Tabuns: Well, it's pretty hard to communicate with an organization at 2 o'clock in the morning if it hasn't assigned someone to deal with communications. It's pretty hard for residents who may not have been informed that something was going on to know who to get in touch with at 2 o'clock in the morning, or 3 or 4 or 5 in the morning, when they've got a truck pointed at their home with lights shining into their window. I don't think it's a problem to have a person who is assigned on an ongoing basis, on a shift basis, to deal with those kinds of problems.

I hear the suggestion that there might be litigation over this. Correct me if I'm wrong, but there are parts of this bill that give the government and its heirs and assigns and everyone connected to it immunity from any lawsuit brought against them for performing their duties under this bill.

I don't understand where the government is going on this. This is not a question of slowing down construction; it is a question of making sure that there's a responsiveness that currently does not exist, has not existed and won't exist unless there's legislation requiring it.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Bell.

Ms. Jessica Bell: Thank you for your concerns. Yes, indeed, MPP Tabuns, you are correct: There is a section of this bill that limits whether someone can sue in relation to this bill.

The second piece is that this section around information for the public primarily concerns the time when there is active construction. So when there's active construction, there are often dozens and sometimes up to 100 people working on a project at a given time. It is perfectly reasonable to have someone who is available in a very dense area—which exists where the Ontario Line is going to be built—to answer people's concerns and address them as best they can. It is very reasonable to have that, and it will soften the pain of construction.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Hogarth.

Ms. Christine Hogarth: Just a comment to go back to when we had the committee hearings early last week, we talked about a community office. Right now, there isn't a community office because of COVID, but once this construction gets going, we will have those community offices on the ground, running, so there will be bodies to go to, places to go, and communications will be set out so they'll know the location. I think we mentioned the addresses in the last session last week, and those certainly would be publicized. As we know, they're not open right now due to COVID, but they will be open.

1110

The Chair (Ms. Natalia Kusendova): Further debate? MPP Tabuns.

Mr. Peter Tabuns: Unless there has been a new development, as far as I know those offices won't be open 24 hours and they won't be open when construction is going on through the night. Certainly, the next day, people, having been deprived of a night's sleep, having been made very aware that their ability to deal with problems is down to zero, can contact that office in business hours and make a retroactive complaint. We're not talking about that. We're talking about having people available to deal with construction problems as they arise. I think you all know, and if you don't, when you're working in a rail corridor, night work is a common part of the process. If you don't have this, then there will be no way to correct problems in the night when Metrolinx's business offices are closed.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Blais.

Mr. Stephen Blais: There's nothing wrong with having someone available 24 hours a day, seven days a week to respond to questions and take concerns. The challenge is clause (c) says that the person, in receiving that information, has to have the authority to mitigate it, which means you have a project manager answering the phone to give direction on-site. As I said, the intention is very good. I think it comes down to the fact that the person answering the phone or their email is likely not going to be the individual who has the authority to make changes in the instant, and that's how it's written.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will have a recorded vote. Shall new section 2.6 carry?

Ayes

Bell, Tabuns.

Nays

Blais, Hogarth, Karahalios, Sabawy, Dave Smith, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We are now moving on to new section 2.7 on page 9. Ms. Bell.

Ms. Jessica Bell: I move that the bill be amended by adding the following section:

“Restriction on contents of contract

“2.7 A contract to deliver a transit project shall not include a provision requiring the minister to exercise any power of the minister under this act.”

The Chair (Ms. Natalia Kusendova): Any debate? Ms. Bell.

Ms. Jessica Bell: The reason why we are introducing this motion is because Bill 171, quite frankly, gives the minister quite extraordinary powers. It means that Metrolinx and the minister can hand over the powers that are included in Bill 171 to a private contractor, including the power to close roads, shut off water supplies or damage property. That's a concern, and the reason why it's a

concern is because, in my experience sitting on public accounts and also following the Eglinton Crosstown construction process very closely, it does seem that Metrolinx, to some extent, has lost the ability to rein in the contractors to ensure that they deliver a project on time, on budget, and that they listen to community concerns.

I think the Ontario government would want to make sure that they retain as much power as they can and not hand over this power to a private contractor because the buck stops with you. If this contractor is doing something that is going to have long-term negative impacts, you want to retain the right to hold this contractor to account and you want to retain the right to close off roads and change utilities and things like that. That's why we're putting in this amendment.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Karahalios.

Mrs. Belinda C. Karahalios: This motion would prevent any contract related to the delivery of a priority transit project from including requirements for the minister or the delegated authority to exercise an authority contained in the bill. This prohibition would limit flexibility in making or entering into contracts for the delivery of the priority transit projects.

This proposal would put legal constraints on contracts entered into for the transit project. This would create a risk of legal review of the contracts entered into, as it could be asserted that a contract requires the minister to exercise an authority and, therefore, conflicts with the act. This could lead to project delays due to litigation.

The motion also refers to a “transit project” instead of a “priority transit project,” which is not aligned with the purpose of the bill, which is scoped to the priority transit projects.

Because of these reasons, I recommend voting against this motion.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will have a recorded vote.

Ayes

Bell, Tabuns.

Nays

Blais, Hogarth, Karahalios, Sabawy, Dave Smith, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We will now be moving on to new section 2.8, on page 10, as proposed by the NDP. Ms. Bell.

Ms. Jessica Bell: I move that the bill be amended by adding the following section:

“Conflicts of interest

“2.8(1) Before a contract for a priority transit project is finalized, the minister shall verify that all public officials, or persons acting on behalf of the public, involved with the

procurement have complied with all policies and requirements concerning conflicts of interest.

“(2) The minister shall ensure that confirmation of the verification referred to in subsection (1) is published on a government website.”

The Chair (Ms. Natalia Kusendova): Is there any debate? Ms. Bell.

Ms. Jessica Bell: The reason why we are introducing this motion is because there have in the past been examples of several Infrastructure Ontario officials who participated in the procurement of P3 projects who failed to fill out their conflict-of-interest declaration forms. Right now, the Ontario Provincial Police, the OPP, is investigating whether they had a conflict of interest there. The OPP is specifically investigating the procurement of a \$300-million P3 project at St. Michael’s Hospital, where a public official involved with the procurement had a business relationship with the owner of the company that eventually won the contract. There have also been allegations of conflict of interest concerning the scoring of bids for the Ottawa LRT P3.

This is a pretty simple change. It would not slow down the construction of the transit project in any way. It would simply be set up to ensure that there is no conflict of interest with the construction of these transit projects. That is pretty important, because there is \$28.5 billion on the line. We need to make sure that that money goes to the best bidder, and not the bidder that has the closest relationship with the government of the day.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Smith.

Mr. Dave Smith: Thank you, Chair. I appreciate that.

I am a little bit confused by this, because we already have the Office of the Integrity Commissioner, which basically was put in place to deal with this, and we have existing laws—the Public Service of Ontario Act, 2006—which deal with this. I don’t think that we should ever be in a position where we’re adding to legislation that has the potential to conflict with other legislation that deals with that exact issue. If MPP Bell wants to make some changes to it, I would suggest that she put forward a private member’s bill that makes adjustments to the Public Service of Ontario Act, 2006.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will have a recorded vote.

Ayes

Bell, Blais, Tabuns.

Nays

Hogarth, Karahalios, Sabawy, Dave Smith, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We will now be moving on to new section 2.9, on page 11, as proposed by the official opposition. Go ahead, Ms. Bell.

1120

Ms. Jessica Bell: Thank you, Chair. I move that the bill be amended by adding the following section:

“No public-private partnership

“2.9 No priority transit project shall be financed through a public-private partnership.”

The Chair (Ms. Natalia Kusendova): Thank you, Ms. Bell. Any debate? Go ahead Ms. Bell.

Ms. Jessica Bell: Thank you. The reason why we’re introducing this amendment is because Ontario’s track record with using public-private partnerships to deliver infrastructure projects is not strong. The Auditor General has found, in its review of P3 projects, that Ontario taxpayers paid an extra \$8 billion on P3s, and there is no evidence that the final product was any better than what could have been delivered using the public sector.

We also find that this track record is true with transit projects as well. With the Eglinton Crosstown, the Eglinton Crosstown is years late and it is considerably over budget. In fact, Metrolinx paid \$237 million, the largest settlement in Ontario’s history, to the Eglinton Crosstown. A chunk of that, \$100 million of that, was an additional carrot for the company to finish the project on time, and now the company has said that they are going to be late again. It remains to be seen whether the company will give that \$100 million that it was promised back. I would be curious to hear what Conservative MPPs are doing to make sure that there’s value for money there.

We’re also seeing that in the case of the Ottawa LRT, where the final product that was produced is very far below the basic standards that a contractor should meet to deliver a project. In short, the project is not working.

So we are introducing this amendment to ensure that the four priority transit projects that are going to be built are built using the public sector and not the P3 model.

The Chair (Ms. Natalia Kusendova): Thank you. Any further debate? Go ahead, MPP Hogarth.

Ms. Christine Hogarth: Thank you. I have to disagree with MPP Bell on this. Right across our province, we’ve had a lot of successful P3 projects. You’ve seen various things built on time and on budget. When you put together these contracts, there will be some agreements in place for the successful bidder to make sure that we are protecting the taxpayers, setting out timelines and guidelines to ensure that we do get the best value for our money.

Also, the goal of this bill, the intent, is to deliver our projects on time and on budget. That’s the most important thing. So I do believe there are many examples of P3 projects across the province that work, and I think that’s the right way to go for this. We certainly don’t want to remove that.

The Chair (Ms. Natalia Kusendova): Thank you. Any further debate? MPP Tabuns.

Mr. Peter Tabuns: Thank you very much, Chair. I appreciate the remarks that were made by MPP Bell. I was around when the Auditor General’s report came out about the multi-billion-dollar overpayment that Ontario engaged in with P3s. The Auditor General pointed out that this was a very expensive way to actually carry out construction.

We are in a situation here in Ontario where using a traditional model—having the province put together a package, a design, putting it out to market, having bids, and then the province borrowing money on the markets at a preferable interest rate that it's able to pay—allows us to save money. The Auditor General was quite correct in pointing out that it's costing us a lot more. If this province is concerned about containing its costs, then obviously going down the P3 route doesn't make any sense.

The big selling point for P3s has been to be able to bring things in on time and under budget. Well, I think Eglinton is a very powerful statement that you don't get it on time and, frankly, because of money that has to be pumped in, you don't get it on budget either. There is no point in us going through another exercise where we are going to overpay for a transit project.

I just want to note as well that recently those large companies that have been proponents of P3s, privately financed and designed construction projects, have been saying they are taking on too much risk. They want to have the amount of risk they take on reduced, without any indication that the premium that we pay here in the public is going to be reduced at the same time.

We have built most of this province on the basis of the provincial government and city governments putting together designs, tendering, getting the best price, arranging their own financing, and proceeding. I think that the P3 experiment has shown itself to be very expensive, not to our advantage, and shouldn't be part of this whole expansion of transit in the GTA.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Hogarth.

Ms. Christine Hogarth: Just, when we're talking about P3s, project agreements can be made for the successful bidder and set up in a way to protect our taxpayers, as I said earlier. You can withhold payments to the successful bidder until the bid is privately financed and a predetermined portion of the construction costs are done. But, also, we want to provide value for our taxpayer, and that's why we believe these four transit projects, based on this procurement method, provide the best method. Again, we want to provide the best value for our taxpayers, and this model has been proven successful in the past.

The Chair (Ms. Natalia Kusendova): Go ahead, MPP Bell.

Ms. Jessica Bell: Thank you, MPP Hogarth. I can think of three examples of the P3 model being used for transit infrastructure projects in Ontario, three recent examples: Presto, Eglinton Crosstown and the Ottawa LRT. The theory is that private companies are paid a premium in order to take on the risk of delivering the project on time and on budget. That is the theory. The challenge, however, is that in reality, that is not what happens.

In the case of Presto, the P3 contract went millions of dollars over budget and anyone who uses transit in Toronto regularly knows that that product is very poor, with the quality rate being far below what they were supposed to do.

In the case of the Eglinton Crosstown, as I mentioned, a significant settlement was paid because the company was behind in schedule and over budget, and that settlement, that \$237 million, was paid by taxpayers. It was actually taxpayers that bore the risk and not the company.

In the case of the Ottawa LRT, the risk was also taken on by residents, who are now dealing with a transit system that is not functioning anywhere near what it should have.

So I have a lot of concern when I hear arguments about P3s, theoretical arguments about P3s that aren't borne out in reality. That's why this amendment is being introduced.

The Chair (Ms. Natalia Kusendova): Any further debate? Go ahead, MPP Blais.

Mr. Stephen Blais: I think to say that P3s are universally good is wrong, and to say that they're universally bad is wrong. You need to look at the situation and exactly the piece of infrastructure you're trying to build. I think eliminating it as a possibility is irresponsible and it should at least be allowed to be considered.

Now, in terms of the Ottawa case, which has been cited repeatedly today and earlier through testimony, unfortunately, while the outcome has yet to achieve its final desired results, taxpayers were ultimately protected insofar as payments were not made to the contractor for nearly a year as construction continued. In a more traditional procurement, had a contractor not been receiving cash, they wouldn't have finished the work because they wouldn't have had the benefit of the equity at the end of the project. Moreover, the city continues to hold the ability to pull equity away from the consortium and effectively take all the equity back.

So there are contractual mechanisms that can protect circumstances that have otherwise been described. In terms of the situation, making a payment early to incentivize clearly didn't work. That's why you handle it in the project agreement and by having a strong contract.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Bell.

Ms. Jessica Bell: Thank you, MPP Blais, for your comments about what is being done to rein in the Ottawa LRT.

When I was talking about consequences and risk, you can look at it in terms of money and delays. That is one way of looking at it, and that is often how these projects are assessed, and I agree with that. But there is an additional way of looking at it, which is to look at it in terms of the impact on people's lives. Who is suffering the consequences of the Ottawa LRT being a project that is not functioning well? It's residents who are now having to find alternative means to get to work. The consequences of that project are being felt in many ways—not just in terms of delays and money, but in terms of the long-term impact of a poor-quality product. We need to look at it from a little bit more of a holistic view. That's where I'm coming from.

1130

The Chair (Ms. Natalia Kusendova): Thank you. Any further debate? Seeing none, we will now have a recorded vote. Shall new section 2.9 carry?

Ayes

Bell, Tabuns.

Nays

Blais, Hogarth, Karahalios, Sabawy, Dave Smith, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We will now be moving on to section 3: Corridor development permit. We have a motion proposed by the government, on page 12. Who would like to read the motion? Go ahead, MPP Sabawy.

Mr. Sheref Sabawy: I move that section 3 of the bill be amended by striking out the portion before paragraph 1 and substituting the following:

“Corridor development permit

“3. No person shall carry out the following work on or near transit corridor land without a permit issued by the minister:”

The Chair (Ms. Natalia Kusendova): Thank you. Is there any debate?

Mr. Sheref Sabawy: Yes.

The Chair (Ms. Natalia Kusendova): MPP Sabawy.

Mr. Sheref Sabawy: As we know, the whole spirit of this piece of legislation is to accelerate and protect the projects, to make sure that we get to finalize the projects on time, to make sure that the projects have no obstructions. Adding this actually aligns the legislation with similar legislation before.

The reason for that is always trying to protect the project flow from another project that could be obstructing the project, running the transit project because of any other construction or else which can cause delays outside the control of the ministry and outside the control of the contractors, even, who are conducting the business. So I think the change is needed to make sure that this piece of legislation works and the spirit of it works to make sure that the project is delivered on time, on budget and exactly as intended. Thank you.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, are the members ready to vote? Shall the amendment to section 3 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare this motion carried.

Shall section 3, as amended, carry? Those in favour, please raise your hand. Thank you. Those opposed, please raise your hand. I declare section 3, as amended, carried.

We will now move on to section 4: Terms and conditions. We have an amendment proposed by the government on page 13. Who would like to read the motion? Go ahead, MPP Wai.

Mrs. Daisy Wai: I move that section 5 of the bill be amended by striking out “the permit” and substituting “a permit”.

The Chair (Ms. Natalia Kusendova): MPP Wai, we are on section 4 right now.

Mrs. Daisy Wai: Oh, right. Okay, sorry.

The Chair (Ms. Natalia Kusendova): On page 13.

Mrs. Daisy Wai: I move that section 4 of the bill be struck out and the following substituted:

“How permits work

“4.(1) The minister may issue a permit for the purposes of section 3.

“Terms and conditions

“(2) The minister may attach terms and conditions to a permit, or change such terms and conditions, at the minister’s discretion at any time.”

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Wai.

Mrs. Daisy Wai: The minister may set terms and conditions on this permit, and that’s why I would propose this. The minister can change the terms and conditions at the minister’s discretion at any time. This motion will update the language to provide clarity that the minister has the ability to issue the permits and, as with the amendment proposed to section 3, it would align more closely with how similar provisions are written in other legislation. There is no change to the intent of the provision.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, are members ready to vote? Shall the government amendment on section 4 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare this motion carried.

Shall section 4, as amended, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare section 4 carried.

We are now moving on to section 5, Cancellation, on page 14. We have an amendment proposed by the government. Who would like to read the motion? Go ahead, MPP Karahalios.

Mrs. Belinda C. Karahalios: I move that section 5 of the bill be amended by striking out “the permit” and substituting “a permit”.

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Karahalios.

Mrs. Belinda C. Karahalios: The current provision states:

“Cancellation

“5. The minister may cancel the permit at the minister’s discretion at any time.”

The motion would update the language to align with the motion to amend section 4, given that sections 4 and 5 fall within the same part of the bill. This motion clarifies and aligns with the motion to amend section 4, and does not change the intent.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, are members ready to vote? Shall this motion carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare this motion carried.

Shall section 5, as amended, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare section 5, as amended, carried.

We are now moving on to sections 6 through to 23. As there are no amendments, we will vote on all the sections

together, as we agreed at the beginning. Is there any debate? No? We will now proceed to vote.

Shall sections 6 through to 23 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare sections 6 through to 23 carried.

We are now moving on to section 24. We have an amendment proposed by the government on page 15. Who would like to speak? Go ahead, MPP Hogarth.

Ms. Christine Hogarth: I move that section 24 of the bill be amended by adding “to enter the property” after “not entitled to use force”.

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Hogarth.

Ms. Christine Hogarth: This is actually just a clarification with respect to restrictions on the use of force. It actually does not change the intent of the bill at all.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, are the members ready to vote? Shall this motion carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare this motion carried.

1140

Shall section 24, as amended, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare section 24, as amended, carried.

We are now moving on to section 25, Obstruction. We have an amendment, proposed by the NDP, on page 16. MPP Bell.

Ms. Jessica Bell: I move that subsection 25(2) of the bill be struck out.

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Bell.

Ms. Jessica Bell: In short, this is what this amendment does: It removes the provision that would take away a person’s right to compensation for damage caused during an obstruction removal if the person interferes in some way with the removal.

The challenge is this: It’s not clear what “obstruction” means. You could have a situation where if someone complains about a contractor damaging their property, they could be accused of interference and be denied compensation for their damages. Or what happens if someone goes to court to contest damages or impacts of a project? Does that mean that they also lose their right to compensation? That’s a concern, because they shouldn’t lose their right to compensation.

These people, as we heard in committee, had very valid concerns about what this construction project could mean to their lives and to their home. They have rights to complain about that, within reason and within law. They shouldn’t be bullied or terrified that their fair right to compensation is going to be taken away from them, because they’re behaving in a lawful way. That is why we are moving to strike subsection 25(2) out of the bill.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Thanigasalam.

Mr. Vijay Thanigasalam: I just wanted to clarify that section 25(2) is, “A person who hinders, obstructs or interferes with an obstruction removal loses any entitlement to compensation under section 18 and subsection 19(3).”

This motion, Madam Speaker, proposes to remove a provision that causes loss of entitlement to compensation for a person who hinders, obstructs or interferes with an obstruction removal. This provision is included as a deterrence for property owners from obstructing work, which could lead to project delays.

Also, the first and preferred approach is always negotiation and partnership, because we always say we are having a collaborative approach with the property owners. However, this bill provides a mechanism for carrying out the work even if an agreement is not reached. Failing to reach a negotiated agreement will not be considered a reason for loss of compensation.

I recommend voting against this motion for these reasons. Even if a property owner hinders, obstructs or interferes, the minister could still choose to compensate, so I recommend voting against it.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Tabuns.

Mr. Peter Tabuns: I’d just like to put in here that MPP Bell has made a reasonable objection. What if someone stands out front of their property holding a sign saying, “This demolition is unfair.” Someone could say, “You’re obstructing my access.” The person is simply standing there holding a sign. Because “obstruction” is not defined in this bill, it could be interpreted very broadly.

I understand the MPP’s suggestion that the minister has some discretion. Well, I have to say to you, unfortunately, in the time that I’ve been at Queen’s Park, I have seen ministers exercise discretion in a way that most of this committee, at times, would not be happy with. I would urge people to support this so that we’re not put in a situation where residents who object to something are forced to accept a lack of compensation simply because their objection is characterized as obstruction.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Thanigasalam.

Mr. Vijay Thanigasalam: I would like to mention that this bill provides recommendations for an obstruction when we were including advance notice to the property owner, and also negotiating in good faith with the property owner on how to carry out the work. Again, as I mentioned in the last answer, we are going with a collaborative approach, negotiating in good faith and partnership with the property owner [*inaudible*].

I recommend voting against this motion.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Bell.

Ms. Jessica Bell: Thank you, MPP Thanigasalam, for your comments.

It is concerning to hear the words “good faith,” “collaborative” and “partnership” in relation to this bill, because there’s nothing in this bill that indicates that. What this amendment very clearly says, and why we want it struck out, is, “We’re going to do whatever we want, whenever we want, to build our transit project. And if you get in the way—in any way, including legally—too bad, so sad, you are going to lose your compensation.” There is nothing

“good faith” about that, and that’s why we want this amendment struck out.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will now have a recorded vote. Shall this motion carry?

Ayes

Bell, Blais, Tabuns.

Nays

Hogarth, Karahalios, Dave Smith, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We are now voting on section 25 as a whole. Shall section 25 carry? Those in favour, raise your hand. Those opposed, please raise your hand. I declare section 25 carried.

We will now be moving on to sections 26 through to 32. Is there any debate on sections 26 through to 32?

Ms. Jessica Bell: Can I ask a clarifying question around process?

The Chair (Ms. Natalia Kusendova): Go ahead.

Ms. Jessica Bell: When we vote for a chunk of the bill, so amendments 28 to 32, and I don’t ask for a recorded vote—I guess this is a question I should more have for Peter Tabuns. Peter, should we be asking for a recorded vote on these sections?

The Chair (Ms. Natalia Kusendova): Just to clarify, we’re not voting on amendments; we’re voting on sections. Because we are not voting on amendments—so no one is proposing any changes to the bill as it was originally written—we are voting on them in bulk. And, yes, we can have a recorded vote, if you guys want a recorded vote.

Ms. Jessica Bell: No, I know. I just don’t know if we should be asking for that. MPP Tabuns, do you have an opinion on that? Should we be asking for a recorded vote? Help me out here.

The Chair (Ms. Natalia Kusendova): Go ahead, MPP Tabuns.

Mr. Peter Tabuns: Thank you very much, Chair. It depends on the content of the sections that have come forward. If they’re objectionable and we want to object, then yes, we should ask for a recorded vote.

Ms. Jessica Bell: So in this case, we won’t, because we have no proposed amendments to this section. Now I get what I’m going to do.

The Chair (Ms. Natalia Kusendova): All righty. We are now on sections 26 through to 32. Is there any debate? Seeing none, are members ready to vote? Those in favour—

Interjection.

1150

The Chair (Ms. Natalia Kusendova): Oh, I’m sorry. Mr. Tabuns, are you seeking a recorded vote?

Mr. Peter Tabuns: Not on this. Thank you very much, Chair.

The Chair (Ms. Natalia Kusendova): No problem.

Mr. Peter Tabuns: I had on the previous 25, but I’m willing to let it pass.

The Chair (Ms. Natalia Kusendova): Thank you.

Shall sections 26 through to 32 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare sections 26 through to 32 carried.

We are now moving on to section 33, Obstruction. We have an amendment proposed by the NDP on page 17. Ms. Bell.

Ms. Jessica Bell: I move that subsection 33(2) of the bill be struck out.

The Chair (Ms. Natalia Kusendova): Is there any debate? Go ahead, Ms. Bell.

Ms. Jessica Bell: The reason why we are asking for subsection 33(2) to be struck out is similar to why we want section 16 to be struck out. It is unreasonable to threaten to take away a person’s right to compensation, or to take away their right to compensation because they’ve got some valid concerns and are hindering in a legal way a construction inspection and elimination. That is bullying behaviour. It is not collaborative, it’s not a partnership and it’s not in good faith. It’s threatening very, very scared people with the threat of taking away their compensation. It’s draconian, and I don’t think it should be in this bill.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will now have a recorded vote. Shall this motion carry?

Ayes

Bell, Blais, Tabuns.

Nays

Hogarth, Karahalios, Sabawy, Dave Smith, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We are now moving on to section 33 as a whole. Shall section 33 carry? Those in favour—

Interjection.

The Chair (Ms. Natalia Kusendova): Recorded vote.

Ayes

Hogarth, Karahalios, Sabawy, Dave Smith, Thanigasalam, Wai.

Nays

Bell, Blais, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare section 33 carried.

We are now moving on to sections 34 through to 39. Is there any debate? Are members ready to vote? Shall sections 34 through to 39 carry? Those in favour? Those opposed? I declare sections 34 through to 39 carried.

We are now moving on to section 40, Use of force. We have an amendment proposed by the government on page 18. Who would like to read the motion? Go ahead, MPP Wai.

Mrs. Daisy Wai: I move that section 40 of the bill be amended by adding “to enter the property” after “not entitled to use force”.

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Wai, go ahead.

Mrs. Daisy Wai: It is for the same reason as we had before. It is just to make it clearer. It provides greater clarity with respect to the restrictions on the use of force and does not change the intent.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, shall the motion carry? Those in favour, raise your hand. Those opposed, please raise your hand. I declare the motion carried.

Shall section 40, as amended, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare section 40, as amended, carried.

We are now moving on to section 41, Obstruction. We have a motion proposed by the NDP on page 19. Ms. Bell.

Ms. Jessica Bell: I move that subsection 41(2) of the bill be struck out.

The Chair (Ms. Natalia Kusendova): Any debate? Ms. Bell.

Ms. Jessica Bell: We are introducing this change for similar reasons for why we expressed concerns about the previous changes. It is concerning to threaten to take away someone’s compensation if they hinder or obstruct in any way, in this case, a preview inspection. If someone goes to court, they should not lose their right to compensation. If someone, as MPP Tabuns mentioned, stands on their lawn and holds up a sign, they should not fear their right to compensation. It is not necessary to have it there. It’s draconian. It’s bullying. It’s not collaborative. It’s not good faith. It’s not a partnership. And it’s why we’re introducing this change.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Sabawy.

Mr. Sheref Sabawy: Thanks to the opposition for bringing their concerns out in the committee. I don’t know what the reasoning or the rationale is behind trying to add this, to totally strike out this section. This section is there to make sure that we protect the project and protect the project timeline. That does not take out the rights of the property owners for compensation. They can still choose to compensate. We’d just like that they cannot stop the project.

I don’t think this is something really the opposition should disagree on, because if we are asking the government to make sure that the project goes on time and on budget, we have to give them, the project managers or the contractors, the authority to continue work and not be forced to stop the project, waiting for some legal action or

anything other than that. Anyway, this is my two cents on this.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Smith.

Mr. Dave Smith: Quite frankly, I am amazed that the NDP are suggesting that you should stop having inspections. Previously, they introduced a motion to stop, or allow people to stop, safety inspections. Now we’re talking about another type of inspection, and they’re saying, “No, no, no, you need to let people stop you from having an inspection.”

The Chair (Ms. Natalia Kusendova): Further debate? Ms. Bell.

Ms. Jessica Bell: The section that we are wanting to strike out doesn’t imply that we do not want inspections at all, MPP Smith. What we are concerned about is that anyone who hinders, obstructs or interferes with the preview inspection, when those terms are not clarified, loses any entitlement to compensation under the section. What that means is that if someone chooses to contest an inspection, maybe by going to court or by contacting their MPP or by expressing their legal rights in some way, they could lose compensation. That’s what we are concerned about. I just read it out. That’s what this change proposes. We are not saying, in any way, shape or form, that we are opposed to inspections.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will have a recorded vote. Shall the motion carry?

Ayes

Bell, Blais, Tabuns.

Nays

Hogarth, Karahalios, Sabawy, Dave Smith, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

Shall section 41, as a whole, carry? Recorded vote? We will have a recorded vote.

Ayes

Hogarth, Karahalios, Sabawy, Dave Smith, Thanigasalam, Wai.

Nays

Bell, Blais, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare section 41 carried.

Seeing it is now noon, we will take a recess until 1 p.m.
The committee recessed from 1200 to 1300.

The Chair (Ms. Natalia Kusendova): Good afternoon, members of committee. We are continuing our

clause-by-clause consideration for Bill 171, An Act to enact the Building Transit Faster Act, 2020 and make related amendments to other Acts.

We are now moving on to section 42, Compensation. There are no proposed amendments to this section. Shall section 42 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare section 42 carried.

We are now moving on to section 43, Municipality or local board. We have amendments proposed by the NDP on page 20. Go ahead, Ms. Bell.

Ms. Jessica Bell: I move that section 43 of the bill be struck out and the following substituted:

“Municipality or local board

“43. An owner that is a municipality or a local board within the meaning of the Municipal Act, 2001 or the City of Toronto Act, 2006 is entitled to compensation in accordance with sections 18, 28, 35 and 42.”

The Chair (Ms. Natalia Kusendova): Any debate? Go ahead, Ms. Bell.

Ms. Jessica Bell: This is a bit of a no-brainer in our view. Municipalities should be entitled to compensation if Metrolinx or a contractor causes damage in some way. To give you some examples, let’s say that a contractor needs to shut down Pape Station for a period of time and there is a significant loss of revenue, or let’s say that a contractor tears up a road in order to do necessary transit expansion work, but then does a poor job or an inadequate job at reconstructing the road, which results in the city having to go in and fix up potholes and so on and so on.

As it stands, this bill does not allow for the municipality to have compensation. The reason why it is important for it to be there is that when the contractor and Metrolinx have a financial incentive to do a good and thorough job, they will do so. This change will ensure that they will do so.

The Chair (Ms. Natalia Kusendova): Thank you, Ms. Bell.

MPP Wai, can you please adjust your camera so that we can see you? Thank you.

Any further debate? MPP Thanigasalam.

Mr. Vijay Thanigasalam: The proposed motion would make compensation for municipalities mandatory instead of discretionary for obstruction removals, preview inspection, and construction danger inspection and elimination. Municipalities will likely be in favour of this motion.

The purpose of this existing provision, which provides for ministers’ discretion, is to allow for compensation to be determined through broader negotiations with municipalities on overall project benefits, costs, roads and other responsibilities. The existing provision also aligns with other parts of the bill, which include ministers’ discretion to offer compensation or resources as a term under a municipal access order.

Having said that, I recommend voting against this motion.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Tabuns.

Mr. Peter Tabuns: Chair, I heard the argument made by the MPP. I think the reality is, though, that if the project, under the direction of Metrolinx, causes damage to the municipality, I don’t think this is a question of ministerial discretion. I think it’s a question of ministerial responsibility. If you cause damage in this society, you have to pay for it. If you break something in a store, you pay for it. In this case, I don’t see why paying compensation is left up to ministerial discretion.

What should be a ministerial responsibility is taking every step to avoid damage that will result in claims of compensation. If a minister, or a contractor pressing a minister, feels that they can avoid paying compensation, their care and due diligence with regard to protecting a municipality or local board from damages and losses are undermined. I think that if you’re going to protect municipalities and local boards, you need to have this piece of amendment passed by this committee and incorporated in the bill.

The Chair (Ms. Natalia Kusendova): Any further debate? Go ahead, MPP Thanigasalam. Unmute, please.

Mr. Vijay Thanigasalam: The province has entered into historic transit partnerships with the city of Toronto and York region to support the delivery of priority projects. The principles, including rules and responsibilities related to cost-sharing, for these priority projects have been outlined in the Ontario-Toronto transit partnership preliminary agreement and the Ontario-York region transit partnership preliminary agreement, which were signed by the city of Toronto and York region in early 2020. The province has committed to establish further details specifically on cost-sharing and compensation which will be established.

There are yet-to-be-negotiated downstream agreements under this partnership. Therefore, providing for the minister’s discretion on compensation for municipalities would allow for broader negotiation of project responsibilities and costs with municipalities through the established transit partnerships framework.

The Chair (Ms. Natalia Kusendova): Further debate? Ms. Bell.

Ms. Jessica Bell: The reason why we are introducing this amendment now is because this is the perfect place to clarify that municipalities are entitled to compensation, just like businesses and just like homeowners. This is the perfect place for it. If we allow it to be determined by a minister’s discretion, then there is every opportunity that it won’t happen at all. If the minister is interested in giving municipalities some kind of compensation in the future, during the negotiations, then we should just support it here, because it’s very clear and the legislation is in front of you.

The Chair (Ms. Natalia Kusendova): Further debate? Ms. Hogarth.

Ms. Christine Hogarth: Just further to MPP Thanigasalam: These agreements have already been made. We’ve already done the work with the municipalities, each individually, York region and Toronto. So these agreements have been made, and they’ve already discussed

issues surrounding responsibilities relating to cost-sharing etc. This work has already been done, so to me this is a duplication.

The Chair (Ms. Natalia Kusendova): Further debate? Ms. Bell.

Ms. Jessica Bell: I sat through the city of Toronto hearings on the terms of reference that were decided between the city of Toronto and the Ontario government on the subway upload and the four priority transit projects. I can safely say that there is no redundancy here. The entitlement of compensation is not in the agreement that the city of Toronto and the Ontario government made. This is new, and it is valuable and important.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will now have a recorded vote. Shall this motion carry?

Ayes

Bell, Blais, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We will now move on to another amendment, to section 43, as proposed by the NDP on page 21. Ms. Bell.

Ms. Jessica Bell: I move that section 43 of the bill be struck out and the following substituted:

“Board of management for business improvement area
“43. An owner that is a board of management for a business improvement area, within the meaning of the Municipal Act, 2001 or the City of Toronto Act, 2006 is entitled to compensation in accordance with sections 18, 28, 35 and 42.”

The Chair (Ms. Natalia Kusendova): Is there any debate? Ms. Bell.

Ms. Jessica Bell: The reason why we’re putting this amendment in is because, as the bill is currently written, there is compensation for residents and there is compensation for businesses, but there isn’t any compensation entitled to BIAs.

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The reason why that is very important is because, in our experience with the Eglinton Crosstown line—we did reach out to the BIAs along that line. BIAs spend thousands of dollars to recruit and attract business to the area. If Metrolinx or a contractor goes in and digs up an area and causes significant changes, then a lot of that work could be lost.

We had someone—MPP Tabuns would know the name—who was the executive director of a BIA that is affected by the Ontario Line, who mentioned that they had spent \$250,000 in street works recently. They came in because they expressed the concern, “What happens if all the work that we’ve done to recruit people to our small business

area is lost? We deserve compensation too.” That also seems reasonable to us, and that’s why we’ve put that amendment in.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Tabuns.

Mr. Peter Tabuns: Thank you, MPP Bell. You’re referring to the Riverside BIA, which has raised substantial funds from its member businesses and spent substantial funds to beautify the area and make it more attractive for tourists and to try and boost the economy of Ontario.

I want to note that the Ontario Line—I can’t speak to the Scarborough subway extension or the Yonge line extension. I’m sure that representatives from those areas can talk about business activity there. But I know that Greektown on the Danforth, which many people are familiar with, has spent extensively on beautification and improvements. This line runs right through the middle of Greektown. It also runs through Pape Village BIA, further north on this line. So we’re talking about at least three BIAs—and I imagine the fourth, Leslieville—also having some potential risk here for damage and not currently being eligible for any compensation should their assets be damaged.

I think it’s entirely reasonable. They are not covered by that agreement with the city that MPP Hogarth was referring to, should it, in fact, have addressed this. I think that the government, given its concern about the health of business and restoration of business after this pandemic, should be supportive of allowing BIAs to claim compensation for damage to assets they’ve invested in, as they are currently excluded.

Thank you, Chair, for that opportunity.

The Chair (Ms. Natalia Kusendova): Any further debate? Go ahead, MPP Wai.

Mrs. Daisy Wai: Thank you very much to the members opposite. I can understand the contribution from BIAs, and I can understand your concern. However, this will remove the minister’s discretion on compensation for municipalities, which would allow the broader negotiation of project responsibilities and costs with municipalities through the established transit planning and framework, which is why I recommend voting against this motion.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will now have a recorded vote. Shall this motion carry?

Ayes

Bell, Blais, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We are now moving on to vote on section 43 as a whole. Shall section 43 carry? We will have a recorded vote.

Ayes

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Blais, Tabuns.

The Chair (Ms. Natalia Kusendova): Section 43 is carried.

We will now move on to section 44, No hearings of necessity. We have an amendment proposed by the NDP on page—

Interjection.

The Chair (Ms. Natalia Kusendova): So it is not an amendment; it's a notice. Any debate? Go ahead, Ms. Bell.

Ms. Jessica Bell: So we don't need to read it out? We just start debating; is that right?

The Clerk pro tem (Mr. Eric Rennie): That's right.

Ms. Jessica Bell: Okay. This section of the bill refers to the taking away of the right to a hearing of necessity for an expropriation. As many of you know, in committee, many witnesses came forward to express deep concern on quickening up the process of expropriation. Ontario already has very powerful expropriation laws. People deserve their day in court, because expropriation really cuts to the heart of where government's power ends and where people's rights begin. Having a day in court is something that is very important, given what's at stake.

Chris Morris, a local resident, in the committee hearing said it very well. He said: "When you approach someone to take their home, we have to remember that it's a home. It's not a structure; it's not in the way. It's a place where people have memories, where they've raised their children, where they've evolved and become the people they are, and it is a very delicate, sensitive thing" that is their life and community.

We owe people the right to their day in court to determine if it is truly appropriate to expropriate their home. The reason why this is especially important for the Ontario Line is that, at this point, we still do not know where the stations will be, what the route will be, so we need to make sure that we do it right. We don't want to be in a situation where we move forward with expropriation and then, all of a sudden, we find that we're changing the route, which is what has happened on numerous lines under this government already, including the Hamilton LRT and the Hurontario LRT, where you cut out the Mississauga loop.

This is an extremely important right that homeowners deserve, and it should be kept there. I would be very surprised if you were not hearing from your own constituents about this issue. That's why we are recommending voting against section 44 of this bill.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Tabuns.

Mr. Peter Tabuns: I, of course, echo the comments made by my colleague. I actually dug in a bit further after

our committee meeting last week, and I have to say that MPP Martin was correct in saying that the decisions of a hearing of necessity are not binding on the minister. But it's also a situation in which an expropriation can't go ahead without the hearing. So it is one small straw in the hands of everyday people who are served a notice of eviction.

There were a few things that I was surprised by with MPP Martin's commentary earlier last week, which I think should be of consequence to this committee. She argued that the expropriation process needs to be expedited to allow this project to go forward—in particular, we're talking about the Ontario Line, but I assume it applies to the Yonge North, the Eglinton West and the Scarborough subway extension. She said, with regard to the Ontario Line, that having these hearings of necessity could add five months to the process. Well, we're talking about a 10-year program. I find it hard to believe that one could not proceed with the schedule of expropriations, even if all of the property owners objected—that that could not allow hearings to take place at the same time as construction was going on in the rest of the project.

I find it very strange that this is an area that the government is focused on. I actually took a look at Metrolinx's public statements on the delays on Eglinton West and I looked at the report of the TTC to Toronto city council about delays on the subway line going up to York University and on to Vaughan. Neither Metrolinx nor the TTC, in their assessment of what had caused extensive delays with both of those projects, noted at any point a question of expropriation slowing things down. It was not a factor in those two big projects.

When MPP Martin was talking about the delays on the Eglinton–Lawrence line, she talked about the need to get rid of these hearings of necessity so we wouldn't see the same kinds of delays we saw in Eglinton–Lawrence. Neither the Eglinton BIA report on what caused delays and how it needed to be addressed, out of their experience, nor Metrolinx in their public statements has ever cited expropriation delays as part of the problem.

1320

So I don't see any objective evidence for getting rid of these hearings of necessity if one is concerned about the project going forward. If people have evidence to the contrary, they should present it so that the rest of us can see it. To my knowledge, at this point it does not exist. I really don't quite understand why this issue, which is not a problem for construction, is being brought forward. It certainly raises all kinds of questions for me as to why it is here.

I just want to note as well that, in all of the province of Ontario, with many infrastructure projects going on every year, there are only four projects in Ontario where people's right to a hearing of necessity is being abrogated; that is, the Ontario Line, Scarborough subway extension, the Eglinton West extension and the Yonge line extension. I don't understand why here it's required where it's not required in all the rest of the province.

I urge people to accept this recommendation and vote against section 44.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, are the members ready to vote? Recorded vote?

Ms. Jessica Bell: Yes.

Ayes

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Blais, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare section 44 carried.

We are now moving on to section 45. We have another notice from the NDP. Any debate? Go ahead, Ms. Bell.

Ms. Jessica Bell: The reason why we are concerned about this alternative process to expropriation is because we prefer the process that is currently on Ontario's books where you get a hearing of necessity. When we look at this statement and how it's written, it essentially has no teeth: "The minister may establish a process for receiving comments from property owners about a proposed expropriation and for considering those comments." There are no hard-and-fast rights connected to that statement at all. We already have a very clear expropriation law in Ontario. It's better than this. That's why we're recommending a vote against section 45.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Tabuns.

Mr. Peter Tabuns: I too find that this "alternative process" that's being put forward leaves discretion entirely in the hands of the minister. What the minister is setting up is a method of hearing comments from property owners, which is a far cry from actually having a hearing about the potential for a decision to be arbitrary, unjust and unnecessary.

I want to say to the government members—and I said this to the Liberals when they were the government: You put in place these bills. You're assuming that your people will be controlling the process and you're assuming that your people will be thoughtful and considerate. But governments change. I know that the Liberals never believed that they would be out of power; well, they're out. I want to say to you, the government, that you're in power today, but you may well be out before any of these projects is completed. In fact, any government that gets elected eventually gets de-elected. That's the way life is.

I've seen some pretty arbitrary actions on the part of ministers prior to this last election—I could argue that there have been some pretty arbitrary actions since the last election, but I won't spend time on that—that were denounced thoroughly by the Conservative opposition. Putting up a situation where ministers can act in an arbitrary way sanctioned by legislation is bad news. I don't think you'll like it if you're in opposition, which you may well be, and I don't think you should impose it on the people of Ontario.

The Chair (Ms. Natalia Kusendova): Thank you. Further debate? Go ahead, MPP Thanigasalam.

Mr. Vijay Thanigasalam: First off, I want to mention that the reason we should not remove section 45 is because a removal of the hearings of necessity can save up to five months in the property acquisition process. It would reduce the risk of project delays and it will accelerate the delivery of priority transit projects. That's the main core of this bill: to build transit faster.

This bill will allow for the minister to establish an alternative process that is further streamlined to receive and consider comments on the impact on landowners. That is why I highly recommend we should keep section 45, to save these important five months, because building transit should be effective and efficient. That's why we even thought of this bill. Therefore, I will vote against removing section 45.

The Chair (Ms. Natalia Kusendova): Thank you. MPP Tabuns.

Mr. Peter Tabuns: I ask the MPP to table the evidence showing that. Show us the concrete situations in which expropriation hearings have slowed down the process.

I was around for the development of the relief line project in Toronto. Large numbers of homes in my riding were given expropriation notices for the relief line in the Pape-Danforth area. To my knowledge, there was not a single hearing of necessity with those expropriations—not a single one.

If the member has evidence that in fact this would slow down the project, I ask him to table the evidence, and let the public make a decision for themselves as to whether or not this is a real help to getting this project going forward or some very strange tangent, whose real purpose is not apparent to me.

The Chair (Ms. Natalia Kusendova): Thank you. Further debate? MPP Thanigasalam.

Mr. Vijay Thanigasalam: The hearings of necessity can add approximately five months or, specifically, 150 days to property acquisition timelines. Removing the hearings of necessity could greatly reduce the risk of project delays.

This bill, if passed, would provide the minister with the ability to establish, as I mentioned, an alternative process that is more streamlined than the current process. This bill proposes to remove the hearings of necessity for proposed expropriations on transit corridor lands for priority transit projects. Section 45(1) allows the minister to establish this alternative mechanism to receive and consider comments from all the impacted landowners. That's why I'll be voting against removing section 45.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will now have a recorded vote for section 45.

Ayes

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Blais, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare section 45 carried.

We will now move on to sections 46 through to 55. As there are no proposed amendments, we will be discussing them all together.

Is there any debate on sections 46 through to 55? Seeing none, are members ready to vote? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare sections 46 through to 55 carried.

1330

We are now moving on to section 56. We have another notice from the NDP. Is there any debate? Ms. Bell.

Ms. Jessica Bell: This notice, as well as 56, 57 and 58 all refer to allowing the government to order a road closure or a restriction of access to a municipal service, essentially allowing the Ontario government to move in and take over municipal assets as they see fit. There are a few concerns that we have with this, which is why we are recommending voting against these sections.

Number one, in our conversations with city of Toronto officials and the TTC, we did not receive any good evidence or good examples outlining where the municipality held up the construction of projects. So getting access to a municipal road or getting access to a section of the TTC has not been the reason why a transit project has been delayed.

As I mentioned earlier, in terms of international standards Ontario is actually fairly good at building construction projects on time once the transit project has been approved. I got this information from someone who spends his career as an academic assisting the speed at which transit projects are built, using public procurement as well as P3 procurement.

The main reason why transit projects are being delayed, which this bill doesn't address, is that plans are changed and it takes a long time for the money to appear. In this case, the Ontario government has not put forward any money to these transit projects, and they have changed plans, some of which were shovel-ready. That's the real reason why transit is being delayed in our region. So these are the concerns.

The additional concern I have is that when we're talking about the pain of construction, there's a balance that needs to be had around speed and making sure that community needs are being met and heard. When we have a situation where an Ontario government, an international consortium or an MPP who lives in an area outside the GTHA gets to decide if a local road in a Toronto neighbourhood gets closed or not, it means they are less likely to balance local concerns with the overriding needs of the province, and there needs to be a balance there. That's why we have city councillors whose job it is to address those competing balances and represent the community's concerns, all the while knowing that transit needs to be built in the neighbourhood.

These changes with sections 56, 57 and 58, what they essentially do is say, "Okay, city of Toronto. No, you don't have any say, even though you're a democratically elected body. You don't have any say over how this construction project runs through your community." That's a concern. I don't think that that is healthy, and it's why I don't think we should be voting for these amendments.

The Chair (Ms. Natalia Kusendova): Any further debate? Go ahead, MPP Karahalios.

Mrs. Belinda C. Karahalios: We are committed to working with municipalities to deliver on our shared transit goals. Signing of the Ontario-Toronto transit partnership and Ontario-York region transit partnership preliminary agreements earlier this year showcases our commitment to working together with municipalities to expedite, where possible, the implementation of transit projects by addressing the common drivers of cost, schedule, resource and quality risks.

The proposed measure is intended to be a legislative backstop if negotiations with the municipalities fail. Negotiation is always the government's first and preferred approach and every effort will be made to collaborate and negotiate in good faith with municipalities.

The Chair (Ms. Natalia Kusendova): Further debate? Ms. Bell.

Ms. Jessica Bell: I wish it was that simple, and I hope that that's how it proceeds. The challenge that I have seen over the last two years is, as the government has moved forward with these transit projects, they have shown very little willingness to negotiate in good faith and listen to the city of Toronto.

The city of Toronto and the federal government had approved the relief line plan, as had the Ontario government. You approved the environmental assessment. That was moving forward fairly quickly, and then, without any notice at all, any prior consultation or any negotiation, the Ontario government just changed the plan. That is not an example of good-faith negotiation, which is why we are recommending that we not take away municipal rights when it comes to road closures and controlling their own assets.

The Chair (Ms. Natalia Kusendova): Further debate? Ms. Hogarth.

Ms. Christine Hogarth: I just want to make sure everybody is clear: The city of Toronto is in favour of this project. We want to get transit moving in our city. Anyone who lives in Toronto knows that we've been waiting years and years and years and years to get transit moving. This is a partnership between the city of Toronto and York region. This is just a backstop to make sure that we can continue to get things going.

Anyone who has been on council knows that the planning process sometimes is extremely long. Well, we want to make sure we get this moving, but we are working with the province. We will be working with municipalities, and the minister will be working with them directly, through a partnership that is agreed upon to make sure we get these transit projects moving. It is in the best interest of all Torontonians to get transit moving.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Tabuns.

Mr. Peter Tabuns: Yes, I think it's accurate to say that the city of Toronto backed the Ontario Line, but I will note that that was after the province undermined and threw out the relief line, which had been nurtured over a number of years and was ready to go two years ago. If people were concerned about expediting transit construction, then they could have gone ahead with the plans that were in place in 2018, and we would be under construction today, with houses expropriated and boring machines tunnelling toward the downtown. The city does want construction to happen and it does want transit to happen, and was doing its best to make that go forward.

When you put in place legislation like you've done here, you're saying to the city, "You're our partner, but boy, you're really a junior partner. If we don't like what you're doing we're just going to take over and dictate."

I would say that for a government that considers itself to be the champion of the little guy, trampling all over the little guy is not a good way to—what can I say?—shore up that particular image.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will now have a recorded vote on section 56.

Ayes

Babikian, Blais, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare section 56 carried.

We are now moving on to section 57, Municipal service and right of way access order. We have another notice from the NDP. Any debate? Ms. Bell.

Ms. Jessica Bell: My concerns with sections 57 and 58 are similar to my concerns with section 56. It refers to the Ontario government having the power to take over municipal assets as they see fit. I've expressed my concern over that already.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will now have a recorded vote for section 57.

Ayes

Babikian, Blais, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare section 57 carried.

We are now moving on to section 58, Revising or cancelling order. We have another notice from the NDP. Any debate?

Ms. Jessica Bell: My concerns are the same as with sections 56 and 57.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will now have a recorded vote for section 58.

Ayes

Babikian, Blais, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare section 58 carried.

We are now moving on to new section 58.1. We have an amendment from the official opposition on page 22. Ms. Bell.

1340

Ms. Jessica Bell: I move that the bill be amended by adding the following section after the heading Part VI—Administration:

"Decisions consistent with agreements

"58.1 The minister shall ensure that all decisions concerning a priority transit project are consistent with the terms of all agreements concerning the project between the crown, any crown agency or Metrolinx and any municipal partner."

The Chair (Ms. Natalia Kusendova): Is there any debate? Ms. Bell.

Ms. Jessica Bell: The reason why we are introducing this motion is because the Ontario government did secure the agreement with the city of Toronto to support the priority transit projects. It's important to remember that those negotiations took place when the Ontario government essentially had a gun to the head of the city of Toronto, where they were wanting to take away the entire subway system. In addition, an agreement was also made where the city of Toronto didn't have to pay any additional money to the four priority transit projects. That's a pretty big compromise on behalf of the Ontario government, in a context where the city of Toronto had a lot to lose, for the city of Toronto to agree to these new transit projects.

To this day, the federal government still has not come forward with additional funding for these priority transit projects. So although the Ontario government likes to say it has all three levels of support for these projects, as it stands, the Ontario government is currently on the hook for paying for all of it. It's important to put that in context.

An additional reason why we're bringing forward this motion is because, on numerous occasions, we have reminded the Ontario government that the city of Toronto gave their support on condition. These are their conditions: that the new priority projects cost a TTC fare to ride, so

we're not going to have a situation like we have with the Union Pearson Express, where the former Liberal government thought it would be a good idea to charge people \$27.50 to ride a train. The city of Toronto does not want that.

The city of Toronto also wants operations and maintenance to be under the control of the TTC. This is something that we are already hearing from the Ontario government that they are looking at not doing.

The city of Toronto made it clear that they do not want P3s. The city of Toronto also made it clear that they want mitigation measures through the two-kilometre route through Riverdale, from Pape and Danforth to south of Eastern Avenue, and if reasonable mitigation measures cannot be met, then that section of the line should go underground.

These are the conditions that the city of Toronto put to the Ontario government on condition that they would support these new four priority transit projects. We have raised these concerns numerous times with the Ontario government, asking them, again and again, "Are you going to respect the city's conditions?" And on numerous occasions, I have heard either radio silence or: "No." Or I've seen this government act in a way where they're not doing it; for instance, with the new RFPs that have come out, which suggest that operations and maintenance could be privatized.

That is a real concern, which is why we think it's important to introduce this amendment to ensure the Ontario government honours its commitment and honours the terms of reference commitment. The city of Toronto is supporting your projects; the Ontario government should do its part and support the city's requests. That's why we've introduced this amendment.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Thanigasalam.

Mr. Vijay Thanigasalam: This motion would require the minister to make all project visions consistent with agreements established with the municipal partner.

On February 14, 2020, the province of Ontario and the city of Toronto moved forward on a shared commitment to deliver the largest subway expansion in Canadian history by signing the Ontario-Toronto transit partnership preliminary agreement. The agreement outlines the principles and responsibilities of the province and the city to deliver the four priority subway projects, modernize the subway network and implement other major enhancements to public transit in Toronto. A similar agreement was finalized with York region in May 2020 related to the Yonge North subway extension.

While the province intends to honour these agreements and work hand in glove with the city of Toronto and York region throughout this entire process, this motion is not aligned with the objective of the bill, which is to provide legislative backstop measures that could be used by the province to reduce the risk of project delays for our priority transit projects. This motion could lead to litigation that challenges whether the minister's vision is consistent with the agreements.

I recommend voting against this motion because it is not aligned with the object of the bill to provide legislative backstop measures that could be used by the province to reduce the risk of delays. And it could lead to litigation challenges because, as I mentioned, the minister's vision is inconsistent with the agreements.

The Chair (Ms. Natalia Kusendova): Further debate? Ms. Bell.

Ms. Jessica Bell: Thank you, MPP Thanigasalam, for your comments. I have two concerns with the matters that you've raised: (1) There is legislation in this bill which limits you from being sued, so I don't think that is a cause for concern; and (2) this motion simply asks the Ontario government to respect and abide by the agreements that you have already made with the city of Toronto. It's not muddying the waters. It's not a separate agreement. It's simply asking the Ontario government to do what they already said they are going to do.

The reason why we're putting it in here is because I have noticed this Ontario government making steps to not respect the city of Toronto's requests. For instance, when requests for proposals have been released by the Toronto Star, it suggested that there could be privatization of maintenance and operations, even though the city of Toronto's support for the project is contingent upon your keeping operations and maintenance in-house. That's why we are introducing this amendment.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Tabuns.

Mr. Peter Tabuns: Just to back up MPP Bell's comments, the province agreed to meet the conditions that the city had put forward when they signed an agreement with the city. The RFP that's going out on one part of the Ontario Line is precisely contrary to what was agreed to with the city of Toronto, and that's the privatization of operations and maintenance. What good faith is there when you've signed an agreement and, in a request for proposals or a request for qualifications, you make it very clear that you're going to ignore that agreement?

One of the conditions that the city of Toronto put was mitigation of noise in the Riverside area, the two-kilometres above ground, and if mitigation was not viable, to put the line underground. Well, it's been made very clear to residents in my area who have been meeting with Metrolinx officials that no analysis whatsoever has been done of the cost of putting the line underground so that one could measure the cost of mitigation against the cost of putting it underground.

In two areas already, Metrolinx has shown bad faith. I don't think it's unreasonable at all for the province to actually carry through on its word so that people can trust its word, and to put in the legislation a requirement that its word, when given, is of some consequence.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will now have a recorded vote on new section 58.1.

Ayes

Bell, Blais, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We are now moving on to section 59, Delegation to Metrolinx. We have an amendment proposed by the NDP on page 23. Ms. Bell.

Ms. Jessica Bell: I would like to withdraw that amendment.

The Chair (Ms. Natalia Kusendova): The amendment is withdrawn.

1350

We will therefore vote on section 59 as a whole. Is there any debate? We will have a recorded vote on section 59.

Ayes

Babikian, Blais, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare section 59 carried.

We are now moving on to section 60, Ministerial directives. We do not have any amendments proposed for this section. We will therefore vote on it. Those in favour, please raise your hand—MPP Blais?

Mr. Stephen Blais: Madam Chair, I have amendments to section 60 that were circulated with the package.

The Chair (Ms. Natalia Kusendova): Yes, this will be a new section, 60.1, and we will be proceeding with that right after.

Mr. Stephen Blais: Okay, thank you.

The Chair (Ms. Natalia Kusendova): You're welcome. So I will repeat: Shall section 60 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare section 60 carried.

We are now moving on to new section 60.1. We have an amendment proposed by our independent Liberal member on page 24. Go ahead, Mr. Blais.

Mr. Stephen Blais: I move that section 60.1 be added to the bill:

“Community engagement committee

“60.1(1) For each priority transit project, the minister shall establish a committee to engage with the community regarding the design and construction of the project.

“Community engagement plan

“(2) The minister shall, in consultation with the committee mentioned in subsection (1), ensure that a plan is developed and implemented for each priority transit project and that the plan includes the following:

“1. A procedure with respect to holding public information sessions regarding the design and construction of the priority transit project.

“2. A requirement for Metrolinx to hold a minimum of,

“i. four public information sessions during the design phase of the project, and

“ii. two public information sessions per year during the construction phase of the project.

“3. Steps to be taken to ensure the community is notified of each public information session and that input from the sessions is recorded and considered in a timely manner.

“4. A procedure to ensure that notice of the potential impact activities described in subsection (3) is provided, in consultation with a utility company where appropriate, in the following manner:

“i. If a third party property owner may be affected by a major impact activity, Metrolinx shall notify the owner of the activity at least three weeks before the activity begins.

“ii. If the public may be affected by a major impact activity, Metrolinx shall provide notice to the city of Toronto at least 35 days before the activity begins and shall provide notice to the public at least 30 days before the activity begins.

“iii. If the public may be affected by a moderate impact activity, Metrolinx shall provide notice to the city of Toronto at least 15 days before the activity begins and shall provide notice to the public at least 10 days before the activity begins.

“iv. If the public may be affected by a minor impact activity, Metrolinx shall provide notice to the city of Toronto at least 15 days before the activity begins and shall provide notice to the public at least 10 days before the activity begins.

“v. If notice cannot reasonably be given before the activity begins and a construction incident occurs while performing the activity, Metrolinx shall provide notice to the city of Toronto no later than 15 minutes after the incident occurs and shall provide a statement to the public if requested by the minister.

“Impacts of construction

“(3) For the purpose of paragraph 4 of subsection (2),

““construction incident” includes a serious accident on site” or “other prescribed incidents;

““major impact activity” includes overnight construction or maintenance, paving, commissioning activities, relocating or removing privately owned property, relocating transit stops and other similar activities;

““minor impact activity” includes short-term lane closures, minor pedestrian detours, access and driveway work and other similar activities;

““moderate impact activity” includes major intersection work, an activity that disrupts water, gas or other utilities, an activity that causes noise or dust and other similar activities.

“Plan to be published

“(4) The plan required by subsection (2) shall be updated annually and published on a website of the government of Ontario.”

This is obviously a very lengthy amendment and is very prescriptive, but we heard very consistently throughout the testimony from residents in the areas where construction—

The Chair (Ms. Natalia Kusendova): Sorry, Mr. Blais. Can you please repeat, starting from “Construction incident”? Can you read that line out one more time? It’s on page 2.

Mr. Stephen Blais: On page 2: “‘Construction incident’ includes a serious accident on site and other prescribed incidents;”

The Chair (Ms. Natalia Kusendova): Thank you very much. You may resume.

Mr. Stephen Blais: Thank you. We heard, in quite a lot of detail throughout the several days of testimony, that residents were quite rightly concerned about the impact that construction would have on their community. With the level of engagement, or lack thereof, that they felt they had been invited to participate in, and the limited engagement that had been attempted, residents didn’t feel that their views were being considered.

This amendment requires public meetings on a regular basis. During construction, it requires meetings ahead of time and it requires that proper notification of works be provided either to residents or the city, depending on the nature of the works. It differentiates between the types of work. Obviously, in all of our lives, we know that some things impact us more than others and therefore may require more time to prepare for or to be made aware of than others. I would urge kind consideration of this amendment.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Hogarth.

Ms. Christine Hogarth: First, I want to thank the independent member for his well-thought-out motion. My only concern is that right now, Metrolinx does have community consultations and engagements. We’re actually going one step further by having—I know that it’s not open right now—a community office on-site where, if I see a problem, I can actually go and see somebody and get a response from them.

As we know, life changes. Right now, we’re dealing with things online versus having a community consultation. When we talk about a public information session, if it’s on paper that you must have so many public information sessions—we have to look at things more broadly and how we do those right now. I understand, from my conversations with the minister’s office, that that’s something that Metrolinx is actually engaged in right now: how to continue to engage the community when we can’t meet in person. That’s something we need to think about.

A lot of these things you’ve mentioned in your motion, in particular the community engagement piece, are something that Metrolinx is working on: things like public open houses, community offices, pop-ups, canvassing, community town hall meetings, information sessions, and newsletters. I know that there is a website where people can ask questions at any time. I’m not sure about the turnaround time to get those responses because I haven’t

actually sent in—usually, I always like to test those sites to see how long it takes to get a response back. There is a lot of information out there for people if they are engaged or want to be engaged.

You have to always remember that when we do have these consultation sessions, a lot of people have different levels of information. Some people are just at the beginning of the process and some people have been engaged for a very long time—which is why I like the community office piece, because I can go in one day with a lot of information on a project, and then somebody else can go in the next day and not have any idea about the project.

I think that we’ve actually gone a little bit above and beyond for this project, having these community offices, which will be open when it is safe to do so. These items or these suggestions you have asked for are really already in place. Working in partnership with our affected communities and municipalities, I think we should make sure that we get the community consulted and these projects finished in a timely fashion.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Blais.

Mr. Stephen Blais: Certainly, the idea of a community office is one that I support. It sounds like it will work very well if, in fact, it ever does open.

Community engagement is important; we heard that consistently through testimony from people who don’t feel like they’ve been engaged. The amendment does not speak to the forum that the engagement has to take place in, just that it has to take place. A few engagements before construction is to begin and then what amounts to a quarterly engagement for the—what?—six to 10 years that this thing is going to be under construction does not seem to be overly burdensome compared to the scope of the overall project, to ensure that residents are informed about the disruption that’s going to take place in their lives.

1400

The Chair (Ms. Natalia Kusendova): Thank you very much. Any further debate? Seeing none, we will now proceed to vote. We’re having a recorded vote.

Ayes

Bell, Blais, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): This amendment is lost.

We will now move on to another new section 60.1 motion, as proposed by Mr. Blais on page 25. Go ahead, Mr. Blais.

Mr. Stephen Blais: I move that section 60.1 be added to the bill:

“Community engagement committee

“60.1(1) For each priority transit project, the minister shall establish a committee to engage with the community regarding the design and construction of the project.

“Community engagement plan

“(2) The minister shall, in consultation with the committee mentioned in subsection (1), ensure that a plan is developed and implemented for each priority transit project and that the plan includes the following:

“1. A procedure with respect to holding public information sessions regarding the design and construction of the priority transit project.

“2. A requirement for Metrolinx to hold public information sessions during the design and construction phases of the project.

“3. Steps to be taken to ensure the community is notified of each public information session and that input from the sessions is recorded and considered in a timely manner.

“4. A procedure to ensure that,

“i. notice of major, moderate and minor impact activities, as described in subsection (3), is provided, in consultation with a utility company where appropriate, in a timely manner, and

“ii. if notice cannot reasonably be given before the activity begins and a construction incident occurs while performing the activity, notice is provided to the city of Toronto as soon as possible after the incident.

“Impacts of construction

“(3) For the purpose of paragraph 4 of subsection (2),

“‘construction incident’ includes a serious accident on site and other prescribed incidents;

“‘major impact activity’ includes overnight construction or maintenance, paving, commissioning activities, relocating or removing privately owned property, relocating transit stops and other similar activities;

“‘minor impact activity’ includes short-term lane closures, minor pedestrian detours, access and driveway work and other similar activities;

“‘moderate impact activity’ includes major intersection work, an activity that disrupts water, gas or other utilities, an activity that causes noise or dust and other similar activities.

“Plan to be published

“(4) The plan required by subsection (2) shall be updated annually and published on a website of the government of Ontario.”

This seeks to achieve similar results to the previous motion, but removes the prescriptive elements of the number of meetings and time requirements for notification. In effect, this will ensure that the community receives information in a timely manner ahead of time, as was requested during the testimony we heard. It also requires that the community engagement plan be published on the government’s website so that everyone can read the plan.

The Chair (Ms. Natalia Kusendova): Thank you very much. Further debate? Seeing none, we will now proceed to vote. We will have a recorded vote.

Ayes

Bell, Blais, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We are now moving on to new section 60.2. We have an amendment proposed by the independent Liberal member on page 26. Go ahead, Mr. Blais.

Mr. Stephen Blais: I move that section 60.2 be added to the bill:

“Annual construction preview report

“60.2 If construction of a priority transit project is to occur in a year, the minister shall ensure that a report that sets out the following information with respect to the project in that year is prepared no later than December 31 in the preceding year:

“1. A summary of the milestones anticipated to be completed.

“2. A description of each major impact activity that is anticipated to occur.

“3. Information with respect to the following:

“i. Any station design that has been finalized.

“ii. The start and end of any major detours and road closures that are anticipated to occur.

“iii. The start and end of any station construction that are anticipated to occur.

“iv. The start and end of roadway works and sidewalk or multi-use path realignments that are anticipated to occur.

“v. The start and end of any work impacting green-spaces and park areas that are anticipated to occur.

“4. A summary of the milestones anticipated to be completed in the following year.”

[*Inaudible*] requires that the construction plan and major achievements for the upcoming year be published in advance so that the public is aware of where construction stands and what they can expect this year, with a particular focus on highlighting some of the construction challenges that may be needed to be lived through so that they can go about planning, whether it’s aspects of their personal life or their business, and they can be aware of what to expect in the upcoming year.

The Chair (Ms. Natalia Kusendova): Any further debate? Go ahead, MPP Karahalios.

Mrs. Belinda C. Karahalios: So the motion proposes an amendment to require an annual construction preview report for each priority transit project before the start of the year in which construction is set to take place. The proposed preview report has several detailed requirements, including impact, planning details and a summary of anticipated project milestones for the following year.

Requiring the development of an annual construction preview report is inconsistent with the intent of the bill to

streamline processes in the planning and construction phases in order to expedite transit delivery. In addition, Metrolinx and the government will continue to make every effort to ensure that residents and businesses receive up-to-date information on construction activities and timing on an ongoing basis throughout the construction of all transit infrastructure projects. In addition, the minister could direct Metrolinx to develop an annual construction preview report through a ministerial direction outside of legislative amendments.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will now—go ahead, MPP Blais.

Mr. Stephen Blais: I certainly agree that the minister could likely order such a report through a directive, but the point that understanding what work you're going to do in the next year somehow slows you down, I think, doesn't make a lot of sense. If you don't know what construction you're going to do next year, that's a problem, and, frankly, everyone should be concerned that you don't know what you're going to do next year. And if you're not willing to publish what you're going to do next year, then I think it calls into question confidence that the project management coordination is happening properly.

The Chair (Ms. Natalia Kusendova): Go ahead, MPP Hogarth.

Ms. Christine Hogarth: In this bill, there isn't anything that states that the minister could not direct Metrolinx to develop an annual construction preview report through a ministerial direction. I think that that is covered in something that the minister, herself, can do. Because you're right: knowing what's going on is important, and I believe that is covered under the ministerial direction piece.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will now proceed to have a recorded vote.

Ayes

Bell, Blais, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

1410

We are now moving on to new section 60.3, as proposed by Mr. Blais on page 27. Go ahead, Mr. Blais.

Mr. Stephen Blais: I move that section 60.3 be added to the bill:

“Complaints procedure

“60.3 The minister shall ensure that a procedure is developed and implemented that requires Metrolinx to take the following steps with respect to each complaint received about the priority transit project:

“1. Respond promptly to the person who made the complaint, unless the person requests that a response not be made or fails to provide contact information.

“2. Prepare a written record of the complaint that includes a description of the complaint, the date and time that the complaint was received and any actions taken to address the matter to which the complaint relates.

“3. Publish a summary of the written records required by paragraph 2 on the Metrolinx website quarterly.”

We heard quite consistently throughout the testimony that people, residents in particular, did not feel that their concerns—their concerns were certainly not being addressed by Metrolinx, but many felt that their concerns were not being heard, and often ignored and dismissed out of hand. So having a complaints procedure will ensure that residents are provided confidence that their complaints are being heard and addressed. By publishing the complaints and the resolution publicly, we can bring full transparency to the concerns of residents who are being impacted by these projects.

The Chair (Ms. Natalia Kusendova): Is there any further debate? Go ahead, MPP Hogarth.

Ms. Christine Hogarth: Once again, it really doesn't support the overall intent of the bill. Again, I thank the member for bringing forward this proposed amendment, but we've talked about this: about having community offices, having consultation procedures and having that office set up so people can actually walk in.

Again, not everybody has the same amount of information on each project. Somebody might move into the neighbourhood and not have more knowledge than somebody who has been living there for a while. Each individual has a different level of information, so I believe that having these community offices staffed and the consultation processes designed by Metrolinx to go out to people and send out newsletters—what really works is sending notices in the door, in their mailboxes, because that's also helpful, and feedback. Also, online: There is that online mechanism. If there is a complaint, they can address it through that complaints process, through going to the website and asking that question directly.

I do believe this is actually already something that's happening, so I don't believe that having an amendment to this will really help the process, because I believe that's already part of the process.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Wai.

Mrs. Daisy Wai: I support what MPP Hogarth was just saying. Actually, we have this bill to really streamline the process and [*inaudible*]—

The Chair (Ms. Natalia Kusendova): I'm sorry, MPP Wai. Can you please move yourself a little bit further from the mike? We're having a little bit of trouble understanding.

Mrs. Daisy Wai: Can you hear me now?

The Chair (Ms. Natalia Kusendova): Not really. It's very staticky.

Mrs. Daisy Wai: Okay. I'll finish my remarks later on, then. But I'm supporting MPP Hogarth.

The Chair (Ms. Natalia Kusendova): Thank you. Any further debate? Seeing none, we will now have a recorded vote on new section 60.3.

Ayes

Bell, Blais, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We will now move on to discuss sections 61 to 69. As there are no proposed amendments, I will now open the floor for any debate. If there is no debate, those in favour of sections 61 to 69, please raise your hand. Those opposed, please raise your hand. I declare sections 61 to 69 carried.

We are now moving on to section 70, Enforcement through court. We have a notice from the NDP. Is there any debate?

Ms. Jessica Bell: Yes.

The Chair (Ms. Natalia Kusendova): Go ahead, MPP Bell.

Ms. Jessica Bell: This is similar to our concerns with sections 56, 57 and 58 where the Ontario government can move in and take over a municipal service, such as the TTC, or a right of way access order to take over a road or whatnot. This would allow the courts to enforce those rights.

Obviously, we have concerns with this. The city of Toronto is the largest city in Canada. It's a democratically elected body. It's important to have local elected representatives who have the power to protect their residents and advocate for their rights when it comes to dealing with international consortia and the Ontario government. So we are recommending that we vote against section 70 of the bill for that reason.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Thanigasalam.

Mr. Vijay Thanigasalam: In the event that the minister's municipal service and right of way access order is not being complied with, the order may be enforced as if it were an order of court. This provision allows the minister to file the order in the Superior Court of Justice if collaborative approaches are unsuccessful. That's why I would vote against removing section 70.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will now proceed to vote on section 70. Recorded vote? Thank you.

Ayes

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare this section carried.

We are now moving on to sections 71 through to 75. Again, we have no proposed amendments. Is there any debate? No debate. Any debate? Okay. Shall sections 71 to 75 carry? Those in favour? Those opposed, please raise your hand. I declare sections 71 to 75 carried.

We are now moving on to section 76. We have a proposed amendment from the government on page 28. MPP Babikian.

Mr. Aris Babikian: I move that subsection 76(1) of the bill be amended by striking out "private property" in the portion before clause (a) and substituting "property."

The Chair (Ms. Natalia Kusendova): Is there any debate? Ms. Bell.

Ms. Jessica Bell: We do have some concerns around expanding the warrant process to include public property as well. There are numerous schools along the area. They deserve to have the same rights as other areas. So we've got some concerns about that, and we will be voting to oppose it.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will now vote. Do you want a recorded vote?

Ms. Jessica Bell: Recorded vote.

The Chair (Ms. Natalia Kusendova): We will have a recorded vote.

Ayes

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Blais, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare this motion carried.

1420

Shall section 76, as amended, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare section 76, as amended, carried.

We are now considering sections 77 through to 80. There are no proposed amendments. Is there any debate? Seeing none, we will proceed to vote. Shall sections 77 through to 80 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare sections 77 through to 80 carried.

We are now moving on to section 81, conflict with the Statutory Powers Procedure Act. We have a notice from the NDP. Ms. Bell.

Ms. Jessica Bell: Thank you. The Ontario NDP recommends—oh, no; I just speak to it. I don't have to read it out.

The reason we are concerned about section 81 of the bill is that it scraps the usual standards that govern court proceedings and access to justice. What this means is that people won't be able to go the courts—businesses or

residents—to address their rights and address their concerns.

The Ontario government has tried this numerous times before. They've tried this when they've scrapped green energy contracts. They've tried this with eliminating how student unions gather their fees. They have done this on numerous occasions and they've found out that it's not very effective.

It's also, in my view, about democracy. We have checks and balances in Ontario. We have the media; we have the government; we have the public and the courts. So consolidating power and limiting people's and businesses' ability to access the court to address wrongs threatens democracy and it threatens checks and balances.

There could be valid reasons why someone wants to go to court to contest some of the issues with Bill 171 and what this bill allows international companies and Metrolinx to do. They should have the right to go to court to have their voices heard. It's a right that any Ontarian should have. That's why we are recommending voting against section 81 of the bill.

The Chair (Ms. Natalia Kusendova): Thank you. Further debate? MPP Tabuns?

Mr. Peter Tabuns: Thank you very much, Chair. I'm quite surprised—shocked, actually—that this is even in this bill. The Statutory Powers Procedure Act sets out the fundamental framework for giving people a just process and just hearings. To exempt this bill from the Statutory Powers Procedure Act is quite unusual and, frankly, undermines the rights of Ontarians to protect themselves through the rule of law. I don't think anyone should be in a position where they can't use the principals of fundamental justice. This should not be part of this bill, period.

The Chair (Ms. Natalia Kusendova): Thank you. Any further debate? MPP Thanigasalam.

Mr. Vijay Thanigasalam: Thank you, Madam Chair. This section ensures that there will be no conflicts between the procedures provided for in the bill and the Statutory Powers Procedure Act. The Statutory Powers Procedure Act applies to proceedings by tribunals in the exercise of statutory power, where the tribunal is required to provide an opportunity for a hearing before making a decision.

The Chair (Ms. Natalia Kusendova): Thank you. Any further debate? Seeing none, we will now proceed to vote—a recorded vote.

Ayes

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare this section carried.

We are now moving on to section 82, No cause of action. We have a notice from the NDP. Go ahead, Ms. Bell.

Ms. Jessica Bell: The concern we have with section 82 is similar to the concern we have with section 81. This section blocks people from being able to sue the crown or Metrolinx or a construction contractor for actions taken under this bill. Given that we have a situation where there has been very little environmental assessment done on this line, people are in the dark about what the project is going to look like.

Construction is already—or early works, it seems, are already under way, and people have very little right to know at this point what is going to happen and how. It makes a lot of sense to me for people to still be able to sue the crown or Metrolinx or a construction contractor if any of these entities cause them harm. It's a basic right that Ontarians have, and it shouldn't be taken away from them. If their property is damaged due to vibration and they're not eligible for compensation, they should be able to go to the court to have a judge make a fair decision. This section 82 takes that away from them.

I don't think any of you would want to be in a situation where you weren't able to access the courts for a wrong, and I don't think it's right that you are limiting the ability of people who live near these four priority transit projects to have limited access to the courts as well. That's why we are recommending voting against section 82 of the bill.

The Chair (Ms. Natalia Kusendova): Any further debate? Go ahead, MPP Thanigasalam.

Mr. Vijay Thanigasalam: Section 82 provides civil legal immunity for the crown, Metrolinx and entities in respect of listed actions taken or [*inaudible*] exercised in connection with or under the bill. The risks are particularly acute where previously approved projects are impacted or delayed due to the imposition of new obligations, such as the permitting process. So I will vote against removing this section 82.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will now have a recorded vote on section 82.

Ayes

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare section 82 carried.

We are now moving on to section 83, No expropriation or injurious affection. We have a notice from the NDP. Go ahead, Ms. Bell.

Ms. Jessica Bell: Essentially, what this section does is it puts limits on people's ability to receive compensation for property damage or removals. There is already a

compensation process for expropriation. However, there are limits to that, and they are limits that we feel don't reflect the loss that someone could have. For example, if Metrolinx forces someone to move out of their home—let's say at Fontbonne Ministries; we heard a witness come and speak about how that could impact her life as a low-income senior—then there is only compensation for the cost of moving, not for the hardship of losing one's community and life.

Quite frankly, I don't think this government should be passing laws to give itself more freedom to harm others without consequence. When we have legislation where there are financial consequences to harming people, then it will motivate the international consortium Metrolinx to operate in a careful, thoughtful manner when it goes about constructing these projects quickly. When we limit their ability to be sued or fined for the wrongs that they have caused, then they're more likely to do it, because they don't need to show the same amount of due diligence. That's why we are recommending voting against section 83 of the bill.

The Chair (Ms. Natalia Kusendova): Any further debate? Go ahead, MPP Sabawy.

Mr. Sheref Sabawy: I think this proposed change, or proposed section, marks that this is going to affect the ability of the government to have a fair compensation, a reasonable and fair compensation, to all of the property rights that are required.

1430

The bill provides circumstances and proposes determining compensation.

In that case, it's going to impede the government's ability to reach a balance between fair and reasonable compensation, in my opinion.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will now have a recorded vote.

Ayes

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Tabuns.

The Chair (Ms. Natalia Kusendova): Section 83 is carried.

We are now moving on to new section 83.1. We have a motion brought forward by the NDP on page 29. Ms. Bell.

Ms. Jessica Bell: I move that the bill be amended by adding the following section:

“TTC retains control

“83.1 The Toronto Transit Commission shall retain control over the operations and maintenance of a priority transit project.”

The Chair (Ms. Natalia Kusendova): Any debate? Ms. Bell.

Ms. Jessica Bell: The reason why we have chosen to put this motion into this bill is because the city of Toronto has explicitly requested this and has made this a condition for supporting the four transit priority projects. What's concerning is that information is being released that shows that the request for proposals to build the Ontario Line suggests that operations and maintenance will not be controlled by the TTC. That's very concerning. It's concerning because the TTC has over 100 years' experience operating and maintaining the TTC, and contracting out maintenance and operations to a private contractor creates a whole host of problems that we have seen already within the city of Toronto.

We've seen this with Presto. Presto moved our fare collection system from one where it's run by the TTC, in public hands, to one where an international company, Accenture, is largely in charge of operating Presto. What we currently have is two fare collection systems running at the same time. Where there are any issues with Presto, we have situations where TTC mechanics simply are not allowed to fix Presto machines because it's not part of their contract to do so. It can only be part of Accenture's contract. And we have a situation where the cost overruns for Presto and for the TTC have been significant.

I fear that if we have a situation where operations for the TTC are done by two different entities and maintenance is done by two different entities, then what we're seeing with Presto will be magnified threefold or fourfold in terms of costs and administrative headaches because we're going to have to run two systems at once: two HR systems and two payroll systems. How do we decide what garages we're going to use? How do we decide how the fare collection system—who gets what amount of fare if someone goes from one transit system to another?

Essentially it creates a whole host of problems that we do not even need to have. That is why we are introducing this motion, so that the Ontario government can be very clear in legislation that they are going to honour their promise to the city of Toronto and uphold the terms-of-reference agreement.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Karahalios.

Mrs. Belinda C. Karahalios: Madam Chair, this motion would remove any option of using a private-public partnership for operations and maintenance of the priority transit projects. Ceding control of a priority transit project to the TTC could also have accounting implications for the province, potentially limiting the ability for the province to own the projects.

Per the commitments made in the Ontario-Toronto transit partnership preliminary agreement, the operating and maintenance responsibilities for the TTC will be subject to future negotiations between the city of Toronto and the province and outlined in future operating and maintenance agreements. Bill 171 exclusively addresses the delivery of priority transit projects in the planning and construction phases. The bill does not address the operations and maintenance phases. Therefore, this motion does not fit the objective or the intent of this bill, and I will have to vote against it.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Tabuns.

Mr. Peter Tabuns: Chair, the motion does fit the framework of the agreement between the city of Toronto and the province of Ontario. The reality is that in the course of developing the Ontario Line project, RFPs are being put out, one for the construction along the south end of the Ontario Line, and the other RFP that's put out is for setting up the rails, the rolling stock, the operations and the maintenance for years into the future. This is directly contrary to the understanding that we would have the TTC running public transit here in the city of Toronto.

Breaking the transit system up into numerous parts does not help those who need to take transit. It means complex issues when you transfer from one line to another. It raises the question of future conflict over how transfer from one line to the other is going to be handled. It breaks up a system that has had a long history of being one integrated system and has benefited tremendously from that integrated structure. I think it's a mistake for the province to break it up.

This amendment is consistent with the agreement that we've reached between the government of Ontario and the city of Toronto when the city of Toronto came on board to support the Ontario Line. Again, it undermines the value of the word of the province. They make an agreement; they don't live up to it. What is their word worth in the future? This legislation, this amendment to the legislation, would in fact protect the credibility of the province in its ongoing discussions with the city of Toronto.

The Chair (Ms. Natalia Kusendova): Any further discussion? Go ahead, Ms. Bell.

Ms. Jessica Bell: As someone who is a Toronto-area MPP, it is hard to hear MPPs who do not live in the Toronto area make assurances that, "Everything will be fine; the Ontario government is not going to take over the TTC," and then refuse to vote for motions that would retain control of the TTC under the city of Toronto's realm. It's very concerning.

It's also concerning because, numerous times today, the message that I've been receiving from MPPs is, "Trust us; trust us. The minister has the discretion to do the right thing here." But then, when we present a motion asking MPPs to simply uphold agreements that the Ontario government has already agreed to with the city of Toronto, we get a no.

It's very concerning, especially when contracting out maintenance and operations will cost the city of Toronto a lot of money and create the kind of headaches that we're experiencing with Presto. It will expand those headaches to affect operations and maintenance as well. It is very concerning. I encourage you to be consistent with your voting and to be consistent with the agreements that you have already made.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Babikian.

Mr. Aris Babikian: Through my understanding, and following up in the last two years the debate going on the issue of the Ontario Line and the other three lines also—my understanding is that the provincial government and

the city have an understanding that the provincial government commitment is only for infrastructure. The government will not get involved in operation or maintenance, and it is a well-known fact. And the provincial government doesn't have the interest in getting involved in maintenance and operation.

1440

The Chair (Ms. Natalia Kusendova): Ms. Bell.

Ms. Jessica Bell: Thank you, MPP Babikian. We agree: The minister has made it clear that the Ontario government is not interested in getting involved in operations and maintenance. That was our impression. However, we have seen requests for proposals go out suggesting quite the opposite, which is that the Ontario government is looking at making deals to contract out operations and maintenance for contracts of up to 30 years. That would take away the TTC and the city of Toronto's right to run its own transit system. That's why we are so concerned, because the message that we have heard so far is exactly what you have said. It's the reason why we've introduced this amendment: to make sure that the city of Toronto's requests are honoured by the Ontario government. That's why this amendment is there.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will now have a recorded vote.

Ayes

Bell, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We are now moving on to new section 83.1, as brought forward by the NDP on page 30.

Ms. Jessica Bell: I'm withdrawing 30.

The Chair (Ms. Natalia Kusendova): Okay. Ms. Bell has withdrawn this amendment.

We are therefore moving on to new section 83.2. We have an amendment proposed by the NDP on page 31. Ms. Bell.

Ms. Jessica Bell: I move that the bill be amended by adding the following section:

"Minister publishes budget details

"83.2 Before active procurement of a priority transit project begins, the minister shall publish details of the project's budget as approved by the Treasury Board."

The Chair (Ms. Natalia Kusendova): Any debate? Ms. Bell.

Ms. Jessica Bell: The reason why we are putting this motion in here is because there is a fundamental lack of clarity around how much these new transit projects are going to cost. That has been the way with numerous P3 projects that have taken place across Ontario, including the Eglinton Crosstown.

It makes a lot of sense, before a priority transit project begins and before a P3 contract is signed, that the public is aware of how much the project is going to cost. It is fairly normal for a project, when it is first announced, to have a certain price tag attached to it. In this case, these four projects are \$28.5 billion. What we find is that, closer to construction beginning, cost estimates can increase because additional design work is done. It is important, before we sign a contract with large and expensive exit clauses, that we know, to the best extent that we can, how much it's going to cost to build that project. It's very simple. It's about respecting taxpayers' money. That's why we are introducing this amendment.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Sabawy. You are still muted, MPP Sabawy. Please unmute your microphone.

Mr. Sheref Sabawy: Sorry for that.

Thanks to the member of the opposition. As we understand, all of us, the rationale behind the bill—I think, in talking about pre-budgeting and the cause and effect, there is money. Everyone knows that this government have been particularly responsible, and we have been doing all that we can do to protect and look at every penny that the government spends. I don't have any doubt that this is an ongoing process, an ongoing belief that our government has.

Adding more layers into this process is actually having multiple downfalls in this. First of all, it's against the spirit of this bill, which is streamlining the process in the planning and construction phases in order to provide that transit delivery. Adding more layers of costing and approvals and reviewing could add lots of obstacles to the streamlining of this process.

Number two: Actually publishing this costing information prior to the process in detail and having reviews of it can jeopardize the competitiveness of this procurement process to a limit, which can impede the process. It can actually drive the pricing of the project high, because of the different risks which can be added by the controllers or contractors to make sure that they are within the budget. It can add layers of extra costs for the risk management of this. So I am opposing this.

The Chair (Ms. Natalia Kusendova): Go ahead, MPP Hogarth.

Ms. Christine Hogarth: Just one thing that MPP Bell had said—there is no government more than the PC government that is respecting the taxpayers' dollars. That's what we ran on and that's what we believe in, is respect the taxpayers' dollars, absolutely. So I agree with you on that.

But one of the reasons for this bill is to make sure our transit is delivered on time and on budget. If you want to look, you can: On the Metrolinx website, it actually does have the initial business cases for the Ontario Line, the Scarborough subway extension and the Eglinton Crosstown West extension. They're currently available on the website, so you can actually view those.

But I agree with MPP Sabawy. We have to make sure we have competitiveness in our procurement process.

Again, absolutely, the PC government will respect the taxpayers' dollars.

The Chair (Ms. Natalia Kusendova): Any further discussion? Seeing none, we will now have a recorded vote on this motion.

Ayes

Bell, Blais.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare the motion lost.

We are now moving on to new section 83.3. We have an amendment proposed by the official opposition on page 32. Go ahead, Ms. Bell.

Ms. Jessica Bell: I move that the bill be amended by adding the following section:

“Updated cost estimate published

“83.3 If the minister becomes aware of an updated cost estimate for a priority transit project or a component of a priority transit project that significantly differs from the previous estimate, the minister shall ensure that the updated cost estimate is promptly published on Metrolinx's website, along with details about the methodology used to prepare the updated estimate.”

The Chair (Ms. Natalia Kusendova): Any debate? Go ahead, Ms. Bell.

Ms. Jessica Bell: The reason why it is important for the public to be updated if there are significant changes in a priority transit project is because it is our money the government is spending. I am aware that there is commercial confidentiality and there is a need to negotiate important contracts, but that need also has to be balanced with the public's right to know.

It is important because as the design phases of a transit project move closer to 100%, we get more information about a project and then costs can change. For example, with the Eglinton Crosstown, the original estimate for that project was \$4.5 billion. Six or seven years later, the estimate for that project is \$12.58 billion. That's a significant change, and the public should know about that change. And that's because of the design phase.

This is relevant to these four priority transit projects, in particular the Ontario Line, because we're at a very early stage of design. So the cost estimates are in the range of 0% to 50% off. We could be seeing a new Ontario Line that is currently estimated at \$11.9 billion, I believe—I could be wrong—doubling in cost. The public has a right to know that.

MPP Sabawy, you talked about how maybe introducing this additional layer of information could slow the project down. I think it's fair to say that knowing the cost of the project is absolutely critical for everyone to know, including MPPs, including the contractor themselves. It's not an

additional amount of work. It's about transparency. That's why we've introduced this motion.

1450

The Chair (Ms. Natalia Kusendova): Any further debate? Go ahead, MPP Wai.

Mrs. Daisy Wai: I just want to stress the fact that our government stretches every dollar of our taxpayers.

This is not really part of the intent of this bill, so I don't think I can support the moving of this motion. More importantly, there is certain information that cannot be published because of the commercial sensitivity of that information. So I totally vote against this motion.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Sabawy?

Mr. Sheref Sabawy: I just wanted to add something in reply to the opposite member. I am not opposing transparency. Our government has been transparent in all the steps. Even the example that the respected member had of the escalation cost of the line from three-point-something billion dollars to \$12 billion: This is public information. You said that the public has the right to know that; they know it. It's already publicly known by everyone. It's not to hide any costs in there; I'm talking about the procurement process.

At this critical time, with the process itself, I think having this information publicly available before it gets approval or gets the process could jeopardize the privacy of that process and could jeopardize the complexity of this process overall.

The transparency of public information: Everybody in the public could and should know all the information regarding spending. Nobody is talking about hiding any costs.

The Chair (Ms. Natalia Kusendova): Further debate? Ms. Hogarth.

Ms. Christine Hogarth: I just think it's very refreshing to hear the NDP talk about respecting the taxpayers' dollars and looking for efficiencies. I hope that we can all work together moving forward in the next two years to make sure we do protect those taxpayers' dollars. So I just wanted to thank the member for her comments.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, we will now have a recorded vote for this motion.

Ayes

Bell.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We are now moving on to new section 83.4. We have an amendment proposed by the NDP on page 33. Ms. Bell?

Ms. Jessica Bell: I move that the bill be amended by adding the following section:

“Publication

“83.4 After active procurement of a priority transit project begins, the minister shall ensure that the following are promptly published on a government website:

“1. The complete requests for qualifications.

“2. The complete requests for proposals.

“3. Other relevant information related to the procurement that is available to all bidders, including cost thresholds and break fee policies.”

The Chair (Ms. Natalia Kusendova): Any debate? Ms. Bell.

Ms. Jessica Bell: The reason why it is important to introduce this motion is because, in my experience, the information that is in the request for proposals provides a very detailed understanding of what exactly the contractor is provided to do, which means that the public gets a better understanding of what the final product will be. When I've gone to the Ontario Line consultation sessions or gone to the Premier's press conferences, I've received very little information about what this new Ontario Line would look like and what their other transit lines would look like. A lot of it is in the dark. But when we get into the detail of the request for proposals, we find that we can find out a lot more about what is entailed.

I'll give you one example: With the regional express rail expansion project, when you listen to Metrolinx's Phil Verster talk or the minister talk, you would assume that electrification is a core part of the regional express rail project, but when you actually look at the requests for proposals, you'll see that electrification is not a requirement for the contractors to complete. That's why it's important to have that information public so that we and the public know clearly what is going to be delivered with each project.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Sabawy.

Mr. Sheref Sabawy: Again, the RFP request—you gave an example about requests and the RFP or RFQ. I think the RFP and RFQ request itself is going to be available for the public, and having the complete one—you mean the advice from the different vendors—I think this is going to jeopardize the process of choosing the vendor of choice or choosing which path to go. You're in a review of those RFQs or RFPs, but at some point in time when everything is settled, it will be part of the documents of the project. That's like the case with every other project, not only the specifics with that one.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will—oh, I'm sorry. Ms. Bell.

Ms. Jessica Bell: Thank you, MPP Sabawy. I would also agree. I would like the requests for proposals to be made public for every priority project and every project that Metrolinx moves forward on. It has been my experience that in some instances, those are made public, and then in other instances I have not been able to find that information, even if the project is significant in size. So my experience is telling me something very different.

The Chair (Ms. Natalia Kusendova): Further debate? Mrs. Karahalios.

Mrs. Belinda C. Karahalios: I'll be brief. Certain procurement information just cannot be published online due to the commercial sensitivity of that information. The transparency measures proposed through this motion can actually be addressed through means outside of legislative amendments.

The Chair (Ms. Natalia Kusendova): Any further discussion? Seeing none, we will now proceed to have a recorded vote.

Ayes

Bell, Blais, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare the motion lost.

We are now moving on to new section 83.5. We have an amendment proposed by the NDP on page 34. Ms. Bell.

Ms. Jessica Bell: I move that the bill be amended by adding the following section:

“Proposal to change project

“83.5 If during procurement there is a proposal to significantly change a priority transit project from previous descriptions of the project, including cancelling the project, the minister shall ensure that,

“(a) relevant details about the proposed change are published on Metrolinx’s website; and

“(b) the public is given an opportunity to comment on the proposed change at least 60 days before a decision is made regarding the proposed change.”

The Chair (Ms. Natalia Kusendova): Any discussion? Go ahead, Ms. Bell.

Ms. Jessica Bell: The reason why we would like to introduce this amendment is that, over the past two years, we have seen significant and drastic changes to transit projects in Ontario. The public has essentially found out about it through the media. They haven’t been given an opportunity to comment or give feedback except after the decision has already been made. That’s a concern, and I’ll give you some examples.

The relief line: People found out that the relief line—after two years of consultation, and the environmental assessment process had already been approved—was essentially being changed from an underground line to an above-ground line.

The Hurontario LRT, which has a lot of support: A loop, as part of that Hurontario LRT, was cut through closed-deal negotiations between the private contractor and the minister. The public only found out about it after the deal was already done.

In the case of the Hamilton LRT, the Hamilton LRT had the support of the city council, the money had been allocated and then a decision was made to cancel it without

any consultation at all. That’s not how we should be building transit projects. It reduces the public’s trust in the Ontario government to choose the right projects and get things done. This proposal aims to allow for some kind of consultation period before significant changes to transit priority projects are made.

1500

The Chair (Ms. Natalia Kusendova): Further debate? Go ahead, MPP Thanigasalam.

Mr. Vijay Thanigasalam: I recommend voting against this motion because it does not support the overall intent of the bill, which is to streamline processes in the planning and construction phase in order to expedite transit delivery. It would reduce flexibility to proceed with priority transit projects in a timely fashion. The transparency measures proposed through this motion can be addressed through means outside of the legislative amendments.

The Chair (Ms. Natalia Kusendova): Further debate? Go ahead, MPP Wai.

Mrs. Daisy Wai: Madam Chair, all I’m hearing around me is, “Give me my transit system ASAP.” So this is why we hear the call, day to day, “Try to speed things up.”

We’re not trying to create new things that hold things up because it is not the intent of the bill, as the MPP has already mentioned. We also know that this is reducing the flexibility. Transparency: You can have it addressed through other ways that are outside of the legislative amendments. So I recommend voting against this motion.

The Chair (Ms. Natalia Kusendova): MPP Tabuns.

Mr. Peter Tabuns: I’ll just point out to MPP Wai that if the change that is brought down by the minister is one that means that the project will not serve your area or that a transit station your constituents were depending on has been cancelled, I think they would be very interested in being informed that such a change was going to take place. I think you’re assuming here that a transit change is only something that affects someone else. No; anyone who depends on transit is going to be affected by a change that may eliminate stations or routes or redirect that transit. So if your constituents are concerned about getting transit service, they’re going to want to know if that transit service is actually coming to them or not. If it isn’t, let me tell you, they are going to want to have an opportunity to make a little bit of noise when they find out that they are not getting served at all.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Wai.

Mrs. Daisy Wai: Chair, as you can see, the ministry is being very responsible in taking care of all these facts that are mentioned. We are here to really try to streamline the process, and this is part of why we’re here today.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will now proceed to have a recorded vote on new section 83.5.

Ayes

Bell, Blais, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We are now moving on to new section 83.6. We have an amendment proposed by the NDP on page 35. Go ahead, Ms. Bell.

Ms. Jessica Bell: I move that the bill be amended by adding the following section:

“O. Reg. 231/08

“83.6 Every priority transit project shall be undertaken in accordance with Ontario regulation 231/08 (Transit Projects and Metrolinx Undertakings), made under the Environmental Assessment Act, as it read on June 1, 2020.”

The Chair (Ms. Natalia Kusendova): Any debate? Ms. Bell.

Ms. Jessica Bell: What we are looking at doing here is to ensure that every transit project in the GTHA, including these four priority transit projects, goes through a TPAP environmental assessment process. The TPAP environmental assessment process is already an environmental assessment process on steroids. It's very fast. But this government has made a decision to allow for early works to proceed before an environmental assessment process has happened. That's a worry because the definition of early works essentially means anything. A route could be chosen, stations could be constructed, a decision could be made to go above ground without considering alternatives, and that would be the way that it's done. By doing that, it essentially makes the environmental assessment process obsolete because you're making decisions before you're planning. You're cutting before measuring, or cutting and measuring at the same time. That doesn't make sense at all.

When we're talking about saving money, you save money by making the right decisions well and planning well, because planning is a lot cheaper than construction. So spending an extra six months now doing the appropriate planning process, assessing the noise levels, assessing the soil and working out the best route will save us money in the future. It's also, as I mentioned, an environmental assessment process that is already sped up. So this is not asking for too much.

You mentioned this on numerous occasions. It is also important to remember that the reason why we do not yet have transit projects being built as quickly as we want them to be built in the GTHA is not because we have a track record of slow construction. We don't. We have a problem with changing transit projects that are already scheduled to go, and we have a problem with actually handing over the money to get construction going. That's where we fall short, and this bill doesn't address that. It addresses something that we don't have a huge issue with, and it takes residents' rights away in the process. Motion 83.6 would put some of residents' rights back into this bill. That's why we have introduced it.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Tabuns.

Mr. Peter Tabuns: I want to thank MPP Bell for bringing this forward. If members of the committee have an opportunity to look at the report on why the University Line going up to Vaughan was delayed, one of the problems they encountered was that they had built a subway station, put in place some concrete pillars, that in fact they hadn't counted on when they designed the location for the tunnel. So they had to spend a lot of time and money doing demolition of stuff they'd put in early on so that the tunnel could be built later.

I don't think there's any doubt about it. If you don't do the planning in advance and you're not thorough in your planning, you will create obstacles for yourself that will slow things down later. This is not anything radical or unusual in the world. Good architects, good engineers and good project developers plan thoroughly and then they execute. Those who do it haphazardly and break it up always create obstacles for themselves and slow down the projects.

This actually is a measure meant to ensure that a project is built in a timely way while, at the same time, ensuring that the proper environmental assessment and mitigation measures are taken to protect the population.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will now have a—oh, sorry. Mr. Thanigasalam.

Mr. Vijay Thanigasalam: I would recommend voting against this motion because it conflicts with the complementary issues that have been proposed for the government to streamline the environmental assessment process for the final transit projects with the new revised regulations under the Environmental Assessment Act.

Bill 171 does not make changes to the EAA; we just have revised regulations. Therefore, the anticipated EA regulations for the Ontario Line would allow early works to be delivered before the EA is finalized, subject to requirements, similar to the current process. The new process would require environmental reports for impact assessment and planning mitigation, as well as Indigenous and stakeholder consultation.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, we will now have a recorded vote on new section 83.6.

Ayes

Bell, Tabuns.

Nays

Babikian, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

The Chair (Ms. Natalia Kusendova): I declare the motion lost.

We will now move on to consider sections 84 through to 88. As there are no amendments, is there any debate?

No debate. We will now proceed to vote. Those in favour of sections 84 to 88, please raise your hand. Those opposed, please raise your hand. I declare sections 84 to 88 carried.

We will now move on to discussing the title of the bill. Is there any discussion or debate on the title of the bill? Seeing none, shall the title of the bill carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare the title of the bill carried.

Shall Bill 171, as amended, carry? Any debate? No debate? Okay. Shall the bill carry, as amended?

Interjections.

The Chair (Ms. Natalia Kusendova): Okay. Let's do this one more time. We will have a recorded vote on Bill 171, as amended.

Ayes

Babikian, Blais, Hogarth, Karahalios, Sabawy, Thanigasalam, Wai.

Nays

Bell, Tabuns.

The Chair (Ms. Natalia Kusendova): I declare Bill 171, as amended, carried.

Shall I report the bill, as amended, to the House? Those in favour, please raise your hand. Those opposed, please raise your hand. I will be reporting the bill to the House. Carried.

This brings us to the end of our deliberations today. I would like to thank all members of the committee for your thoughtful discussion today. I'd like to thank our wonderful staff for your support and for keeping us on time and organized.

Are there any questions? Go ahead, MPP Tabuns.

Mr. Peter Tabuns: Chair, I just want to thank you for the job you did. It's not easy to shepherd these things through committee, and you did it well. I think all of us appreciate your work.

The Chair (Ms. Natalia Kusendova): Thank you very much. I appreciate that. It's truly nice to be back; that's for sure.

Thank you so much, everyone. We will be reconvening for the next bill which we will be considering, but you will get all the information in due time. Go enjoy the beautiful weather, and be healthy and safe, everyone. Take care.

The committee adjourned at 1513.

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