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**Official Report
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(Hansard)**

G-45

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(Hansard)**

G-45

**Standing Committee on
General Government**

Supporting Broadband
and Infrastructure Expansion
Act, 2021

1st Session
42nd Parliament

Tuesday 30 March 2021

**Comité permanent des
affaires gouvernementales**

Loi de 2021 soutenant
l'expansion de l'Internet
et des infrastructures

1^{re} session
42^e législature

Mardi 30 mars 2021

Chair: Goldie Ghamari
Clerk: Isaiah Thorning

Présidente : Goldie Ghamari
Greffier : Isaiah Thorning

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Tuesday 30 March 2021

Mardi 30 mars 2021

The committee met at 0900 in room 151 and by video conference.

**SUPPORTING BROADBAND
AND INFRASTRUCTURE EXPANSION
ACT, 2021**

**LOI DE 2021 SOUTENANT
L'EXPANSION DE L'INTERNET
ET DES INFRASTRUCTURES**

Consideration of the following bill:

Bill 257, An Act to enact the Building Broadband Faster Act, 2021 and to make other amendments in respect of infrastructure and land use planning matters / Projet de loi 257, Loi édictant la Loi de 2021 sur la réalisation accélérée de projets d'Internet à haut débit et apportant d'autres modifications en ce qui concerne les infrastructures et des questions d'aménagement du territoire.

The Chair (Ms. Goldie Ghamari): Good morning, everyone. I call this meeting to order. We are here today to conduct clause-by-clause consideration of Bill 257, An Act to enact the Building Broadband Faster Act, 2021 and to make other amendments in respect of infrastructure and land use planning matters.

We have the following members in the room: MPP Crawford, MPP French and MPP Fraser. The following members are participating remotely: MPP Bourgouin, MPP Harris, MPP Sabawy, MPP Sandhu, MPP Wai. Have any other members joined us since the beginning? Staff from Hansard, broadcast and recording and legislative counsel join us remotely, as well as in-person, today.

To make sure that everyone can understand what is going on, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. Since it can take a little time for your audio and video to come up after I recognize you, please take a brief pause before beginning. As always, all comments should go through the Chair.

The Clerk has distributed the amendment packages to all members and staff electronically. Are there any questions before we begin?

We are also joined by MPP Schreiner in the room today. Welcome, MPP Schreiner.

Bill 257 is comprised of three sections, which enact three schedules. In order to deal with the bill in an orderly fashion, I suggest we postpone these three sections in

order to dispose of the schedules first. Is there agreement on this?

Interjection.

The Chair (Ms. Goldie Ghamari): MPP Vanthof, welcome. Can you please confirm that you are MPP Vanthof and that you are in Ontario?

Mr. John Vanthof: Yes, Chair. I am MPP Vanthof and I am in Ontario.

The Chair (Ms. Goldie Ghamari): Thank you. Welcome.

All right. Is there agreement to postpone these sections in order to dispose of the schedules first? Yes, I see agreement.

We'll turn now to schedule 1. Schedule 1, section 1, I have independent motion number 2. Who would like to move this motion? MPP Schreiner.

Mr. Mike Schreiner: Good morning, members of the committee. I move that section 1 of schedule 1 to the bill be amended by striking out "projects of provincial significance by removing barriers" and substituting "projects of provincial significance, especially in unserved or underserved areas, including those in rural and northern communities, by removing barriers".

The Chair (Ms. Goldie Ghamari): Is there any debate? MPP Schreiner.

Mr. Mike Schreiner: Yes, I put forward this motion because we all know but it was reconfirmed by many of the presenters at committee that broadband expansion in rural, remote and northern communities—they are the areas that we see are the most underserved or not served at all. The fact that that's not specifically outlined in the bill, I think, is problematic. I think we need to send a clear signal to the people of Ontario that priorities for broadband expansion though not exclusively—and I think that was made clear—but primarily should be targeted to rural, remote and northern communities. That's the purpose of this amendment.

The Chair (Ms. Goldie Ghamari): Is there any further debate? MPP Crawford.

Mr. Stephen Crawford: Yes, I just think MPP Schreiner is well-intentioned, but I would recommend voting against this simply because it will have no impact on the bill, and all the projects will be designated by the regulatory process so there will be a period of building the regulations towards the bill. At that point they will be defined in a little more clear manner.

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

Mr. Mike Schreiner: With all due respect, I find it troubling to just leave it exclusively to regulations only, without we as legislators showing some guidance to the development of those regulations. So while the details will be worked out in regulation, I think it's important for the Legislature to really show to the people of Ontario that rolling out broadband in rural, remote, unserved and underserved areas should be a priority, and I think we have an obligation as legislators to provide that guidance to the regulatory rollout.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote? Shall independent motion number 2 carry?

Interjection: Recorded vote.

Ayes

Bourgouin, French, Schreiner, Vanthof.

Nays

Bailey, Crawford, Harris, Sabawy, Sandhu, Wai.

The Chair (Ms. Goldie Ghamari): I declare the motion lost.

Turning now to motion number 3, who would like to move this motion? MPP French.

Ms. Jennifer K. French: I move that section 1 of schedule 1 to the bill be amended by adding the following subsection:

“Projects of provincial significance

“(2) Projects of provincial significance include, in particular, any project that enables the deployment or expansion of broadband infrastructure to unserved or inadequately served areas in,

“(a) remote parts of Ontario;

“(b) rural Ontario; or

“(c) northern Ontario.”

The Chair (Ms. Goldie Ghamari): Is there any debate? MPP French.

Ms. Jennifer K. French: This is an important conversation not only to have but an important piece to include in writing in legislation. Certainly, in debate, we heard over and over the importance of reaching unserved and underserved areas, but we don't see that reflected formally in the bill. Projects of provincial significance are not defined, so we're giving an opportunity here for the government to clarify to the folks at home and across Ontario—to the agricultural community, to industry, to rural, northern and remote Ontarians—that indeed that is the priority of this bill.

I'd also like to share from AMO, from the Association of Municipalities of Ontario—even they are saying that if the term “is scoped to mean projects in rural and northern” Ontario “receiving provincial broadband funding, this act could help to ensure projects are delivered faster to the benefit of local communities that are currently unserved or underserved.” That's in reference to the “provincially significant projects.”

I think it's always important to create legislation with the best of intentions, but it's even more important to ensure that that legislation indeed accomplishes what it purports to do. Certainly all of us have heard from our communities during the pandemic and long before about the need for reliable and affordable broadband. Here we're saying it, but remember that these provincially significant, as they're referred to, projects that the government can prioritize—I worry, Chair, that what defines “significant” could be a pet project or development. I worry that it could be focused on subdivisions in the GTA rather than making a difference in the lives of the agricultural communities, the rural folks and northern.

Even just the other day—was it the 25th?—when we were having committee and discussing this with the ministers, the member I see this morning onscreen from Kitchener–Conestoga wanted the minister then to clarify or to talk about—and he can correct me if I misquote him, but something along the lines of wanting the minister to make clear that this was not just about rural Ontario, that it was about all Ontarians. But I worry, because I don't want it to be focused on the folks who are already getting it. I want to make sure that we are clear in legislation.

This gives the government a chance to make that clear, because anything that is just left to regulation—that's behind closed doors; that isn't something we all get to discuss. Maybe they do well; maybe they don't. So maybe we put it in legislation today and we just cut out the middleman, so to speak, and we just make it clear today. I encourage everyone to support this.

The Chair (Ms. Goldie Ghamari): Is there further debate? MPP Sabawy?

Mr. Sheref Sabawy: I don't think that by narrowing down the scope, that should help. The bill as it stands now, or the proposal as it stands now, covers low service and the like. It's up to the project team to position their project and to get approval on it. But narrowing it down to northern Ontario and low-service areas could affect some municipalities that may be considered low-service areas but they still can't make use of the project. Especially, the proposed sentence is saying “specifically” or “especially,” which means that it's not enforcing anyway, so it's just complicating things for no good reason.

0910

The Chair (Ms. Goldie Ghamari): Further debate? MPP Crawford.

Mr. Stephen Crawford: I would second what MPP Sabawy said, in that, again, these will be defined in the regulations.

The other point I would make as well is that there's a lot of lack of broadband right now in what we would consider almost suburban areas. For example, Halton region, which I'm a part of, has urban, suburban and rural areas within that particular region. So, again, trying to define it—I don't see any point in it. It's wherever there's a lack of broadband, and that's in some suburban areas as well. You're eliminating it and saying those people can't partake in that. So let's go through the regulations and define it by that. That would just be my point.

The Chair (Ms. Goldie Ghamari): MPP French?

Ms. Jennifer K. French: Just clarifying: I certainly wasn't suggesting eliminating anyone with need. What it says is, "Projects of provincial significance include, in particular..." It doesn't say, "to the exclusion of all else." What it does say is that when we're talking about northern, rural or remote communities, they always get the short end of the stick, and the only reason they have a stick at all is because they grow them up there. They don't get services the way the rest of Ontarians do.

I live in Oshawa. We're a booming metropolis. We have wonderful services, and many of us have accessible broadband, and some don't. It's certainly not affordable for many people. But this amendment by no means would leave anyone out, not in my community, not in your community, or anyone else. It is saying, let's actually put our money where our mouth is and say, "We see you. We know that you have need if you live in northern parts of Ontario," or if you live outside of Toronto and the area of focus. They're never going to get subways, subways, subways, but can they have broadband? They can't even have a train.

So I would like the government to vote for northern and rural and remote communities in this instance today. Again, I invite you to do just that.

The Chair (Ms. Goldie Ghamari): MPP Harris?

Mr. Mike Harris: The member from Oshawa is right: I did ask the minister, when we were here for the public hearings, what her thoughts were on where this needs to be rolled out, and she was very clear. She did say that this needs to go to all Ontarians, as you're saying, not excluding anybody. But when we start doing this and putting things like this into legislation, as the member is suggesting, she has to then define what northern Ontario is.

I know Mr. Bourgouin and I may differ a little bit on what we think northern Ontario is—coming from North Bay, I would certainly suggest that North Bay would be part of that. I know MPP Vanthof would certainly think it would be and Mr. Bourgouin would as well, but somebody from other parts of the province that then doesn't include that catchment area of northern Ontario—then are we defining everything else as rural? I've got areas that are just two seconds outside of my community that theoretically are farmland, but they're a two-minute drive from a region of 630,000. Does that count as rural or not?

So there's a lot left to be desired here, I think, with the motion that the member is putting forward. These are the things that need to be looked at in regulation. That's the way that bills are designed. That's the way that they've been done for roughly 152 or 153 years here in the province of Ontario. I think that's the way we need to continue doing things. Let our folks in our ministries develop this the way that it should be done. I know that you also, all of you here, are probably big fans of all the bureaucrats and public servants here in Ontario. We need to make sure that they're able to do their work as best as they can and that we give them the tools to do that.

The Chair (Ms. Goldie Ghamari): MPP Bourgouin, your hand was raised earlier.

Mr. Guy Bourgouin: Yes. I just want to echo what my colleague said. Northern Ontario: In French, they say, "Chat échaudé craint l'eau." When natural gas was brought to northern Ontario, a lot of communities did not get it. So we want to make sure that when broadband comes by, we're all covered. Our amendments reflect that. People down south don't realize the services that we don't have in northern Ontario, not to mention up the James Bay coast, which is even worse. These amendments would make sure that we get it.

Leave it to bureaucrats—I'm sorry; we got burned too many times. Making it clear is not taking away anything from this. Making it clear will make sure that this happens and that we do get broadband throughout, because we've lived it over and over. I think it would be—what's the word in English I'm looking for—a disservice to the people of northern Ontario voting this down. If you say "all," then that shouldn't be an issue, just so that it is even clearer so that we don't get burned again in northern Ontario.

La Présidente (M^{me} Goldie Ghamari): Merci. MPP Bourgouin, vous pouvez aussi parler en français si vous voulez.

M. Guy Bourgouin: Oui, je le sais, je le sais. Ça me ferait plaisir, mais je vais avoir l'opportunité, c'est sûr, un peu plus tard.

The Chair (Ms. Goldie Ghamari): We do have the translation services going as well, so please don't hesitate to "parler en français." It will help me practise my French as well.

Any further debate? MPP Vanthof.

Mr. John Vanthof: Just a couple of issues: I'd like to respond to MPP Harris that if you look over the history of how laws are made in Ontario, it hasn't been for 150 years that regulations have—you will see through history, we are more and more delegating the role of legislators to the role of regulations after the fact. I don't think that's serving us well.

We are not trying to exclude anyone, and it isn't just the NDP members or the Green members who are saying this in the hearings. Groups who represented independent broadband providers also expressed concern, basically saying that "projects of provincial significance," and that they would be decided after the fact, left them scratching their heads too. They were more coming from the fact that perhaps this bill was going to exclude smaller projects.

This amendment may not be perfect, but it certainly puts a better description out than leaving it up to regulators after the fact, because we all know, regardless of what service it is, whether it's broadband or, as Monsieur Bourgouin stated, natural gas, it's always the last mile that doesn't get the service. If you want to dispute that, then you can explain to me why there are still First Nations communities that don't have clean water in Ontario, because they're the last mile.

We are very supportive of the first two schedules of this bill. We are not trying to sabotage the bill. We are actually trying to make people across the province, including those who actually provide the service, more comfortable with what it means.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members—

Ms. Jennifer K. French: Recorded vote.

The Chair (Ms. Goldie Ghamari): MPP French has requested a recorded vote. With respect to NDP motion number 3, shall the motion carry?

Ayes

Bourgouin, French, Schreiner, Vanthof.

Nays

Bailey, Crawford, Harris, Sabawy, Sandhu, Wai.

The Chair (Ms. Goldie Ghamari): I declare the motion lost.

Is there any further debate on schedule 1, section 1? Are members prepared to vote?

Ms. Jennifer K. French: Recorded vote.

Ayes

Bailey, Crawford, Harris, Sabawy, Sandhu, Wai.

Nays

Schreiner.

0920

The Chair (Ms. Goldie Ghamari): I declare schedule 1, section 1, carried.

There are no amendments to sections 2 through 20 of schedule 1. I propose we bundle them. Is there any further debate? Is there agreement from the committee for me to bundle the sections? Yes? Thank you.

Interjection.

The Chair (Ms. Goldie Ghamari): We are currently looking at schedule 1, sections 2 to 20. There are no amendments proposed, so I propose that we bundle them. Is there agreement from the committee? Thank you.

We'll now turn to debate. Is there any further debate on schedule 1, sections 2 through 20? Seeing none, are members prepared to vote? Shall schedule 1, sections 2 through 20, carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare schedule 1, sections 2 through 20, carried.

Turning now to schedule 1, section 21, we have government motion number 4. Who would like to move this motion? MPP Bailey.

Mr. Robert Bailey: Am I unmuted?

The Chair (Ms. Goldie Ghamari): We can hear you now, MPP Bailey.

Mr. Robert Bailey: Okay. Thank you.

I move that subsections 21(2), (3), (4) and (5) of schedule 1 to the bill be struck out and the following substituted:

“Work to be done within 10 days

“(2) The member of Ontario One Call who received the notification shall do the work required under subsection

6(1) of the Ontario Underground Infrastructure Notification System Act, 2012 within 10 business days after the day the member received the notification.”

The Chair (Ms. Goldie Ghamari): Is there any further debate on government motion number 4? MPP Schreiner.

Mr. Mike Schreiner: I appreciate the government's putting forward this amendment. I have significant concerns regarding subsection 21, because I believe that one of the most important roles that we as legislators play is to protect public safety. I think if there's anything we've learned over the last year, it's the importance of investing in things like public health or addressing the climate crisis. Making sure that we prevent people from digging in inappropriate locations with possibly catastrophic consequences is vitally important. I appreciate MPP Bailey putting this amendment forward. I know his history of support for Ontario One Call.

My concern right now—and maybe the government members can address this concern—is just whether One Call has been adequately consulted and whether they have the capacity, the staffing resources, the fiscal resources to be able to perform the locates within 10 days in all cases. Hopefully, we're going to be seeing an aggressive and urgent expansion of broadband, particularly in rural, remote and northern communities and all underserved communities across the province, and hopefully, because of the urgency of rolling that out and the ambition in rolling it out, there will be multiple requests that may require One Call to respond quickly.

Certainly, we heard from many, many presenters at committee who, like me, largely supported the broadband section of this bill but raised concerns about this subsection. I'm just wondering if maybe some of the government members—because I haven't had an opportunity—this has moved so quickly—to consult with One Call on this amendment, and maybe some of the government members could shed some light on this.

The Chair (Ms. Goldie Ghamari): Further debate? MPP French.

Ms. Jennifer K. French: I would like to say that it was very interesting on Friday when we heard from deputants, industry and folks very motivated to see broadband expansion happen. There were a number of concerns raised, Chair, that were quite technical and challenging, frankly, for me to understand all the ins and outs. But the take-away was that good planning is required. The consultation is imperative—that there are safety risks, economic risks and all sorts of concerns if digging isn't done properly.

Certainly, Mr. Bailey, who has spoken to this, and Mr. Miller from Hamilton East–Stoney Creek have an on-the-record history of acknowledging why it's important to call before you dig. That's even with community property; now you imagine across the province, when we're talking about cutting in all across the province for broadband. I have concerns that that was Friday and here we sit on—what is it? Tuesday? Someone nod at me that it's Tuesday; things move pretty quickly here. So I just want to make sure—and I know that there are a number of amendments in this bill about the digging portion and about timelines.

We heard about standards in the industry. We heard numbers very different from 10 days. Again, I have concerns, not just that this is moving so quickly, but I just want to make sure the government—I would love to see some heads nod here—that they will indeed consult with One Call, with folks who know what needs to be done in terms of locates and timelines for all of our safety, because we do absolutely want to see broadband expansion happen across the province, but we want to see it done well and safely. The “just trust us” thing from the government makes me nervous, so please make sure that you consult appropriately.

The Chair (Ms. Goldie Ghamari): Is there further debate? Seeing none, are members—

Interjection.

The Chair (Ms. Goldie Ghamari): MPP Bailey, sorry, I didn't see your hand there. MPP Bailey, you are muted. There we go.

Mr. Robert Bailey: Thank you, Madam Chair. I want to put it on the record that Ontario One Call—I've consulted with them personally. They know that there is an obligation, as they've stated themselves, to work safely. There's going to be a big obligation on the Ministry of Infrastructure as well, working with the contractors and the powers that be, when we want to start to roll out a project. There needs to be consultation ahead of time.

Ontario One Call is willing to do their part. They need to have proper notice so they can staff up. They can't have people calling at the last minute saying they need these locates done and everything. It's all about planning; it's all about organization. I worked in the industry long before I got elected, and you would never start some type of project without having the safety—which would be One Call—locates in place before you would even contemplate starting the project.

I will personally be keeping an eye on this sector; I can tell you that. I've been charged with that by the minister, and so I am quite confident that with co-operation, One Call would be able to meet these goals.

The Chair (Ms. Goldie Ghamari): MPP Schreiner?

Mr. Mike Schreiner: I appreciate that contribution, MPP Bailey.

I just want it to be on the record, and maybe put everybody at Infrastructure Ontario on notice, that there are significant concerns about subsection 21. I hope the government listens, consults and acts accordingly, because public safety should be a top priority for all of us.

The Chair (Ms. Goldie Ghamari): Is there any further debate? MPP Crawford?

Mr. Stephen Crawford: Yes, I would just like to say to the independent member, MPP Schreiner, and the opposition members that our government has listened. We've talked to One Call and other stakeholders. Being a part of the Ministry of Infrastructure, I can assure you we have listened and we'll continue to listen to our partners. That is of critical importance, obviously. Public safety is paramount.

The Chair (Ms. Goldie Ghamari): MPP French?

Ms. Jennifer K. French: It's just a specific question that I have, actually, and I appreciate the member opposite reminding us that he's with the Ministry of Infrastructure.

I have no problem saying that I was not an expert enough on Friday to understand all the ins and outs of what industry was sharing with us, so I'm glad to hear that you followed up with them.

0930

But I had heard that the 10 days was a problem. Weren't there industry folks talking about standards that were 120 days? That may be an unrelated part of the locates process and the digging safety protocols or what have you, but it still says 10 days. So can I just—being that I'm asked to vote on this how many hours after we heard about this issue for the first time, I want clarity on that. The 10 days, is that unchanged? Does that reflect what you heard from industry as being appropriate for their needs? Because I'm not clear on that.

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

Mr. Stephen Crawford: Yes. That was what we heard from industry, yes.

The Chair (Ms. Goldie Ghamari): Is there any further debate? Seeing none, are members prepared to vote? Shall government motion number 4 carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare government motion number 4 carried.

Is there any further debate on schedule 1, section 21, as amended? Seeing none, are members prepared to vote? Shall schedule 1, section 21, as amended, carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare schedule 1, section 21, as amended, carried.

Turning now to schedule 1, section 22, we have government motion number 5. Who would like to move this motion? MPP Crawford.

Mr. Stephen Crawford: I move that subsection 22(2) of schedule 1 to the bill be amended by striking out paragraph 5.

The Chair (Ms. Goldie Ghamari): Is there any further debate on government motion number 5? MPP Schreiner.

Mr. Mike Schreiner: I'll just comment that this was one of those rare occasions where the independent member and the government members actually put forward the exact same amendment. It doesn't happen very often. I just thought I would note that for the record.

The Chair (Ms. Goldie Ghamari): Well, it's interesting, because I actually do have a ruling here that was ready to go if you were to present yours, that would deal with that.

All right. Are members prepared to vote on government motion number 5? All those in favour of government motion number 5 carrying, please raise their hands. All those opposed, please raise their hands. I declare motion number 5 carried.

Independent motion number 6.

Mr. Mike Schreiner: I'll withdraw, Chair.

The Chair (Ms. Goldie Ghamari): Because it would be out of order, because it's the exact same amendment which we just voted on. Thank you.

Is there any further debate on schedule 1, section 22, as amended? Seeing none, are members prepared to vote? Shall schedule 1, section 22, as amended, carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare schedule 1, section 22, as amended, carried.

There are no amendments to sections 23 through 25 of schedule 1. I propose we bundle them. Is there agreement from the committee? Yes? Is there any further debate on schedule 1, sections 23 through 25? Seeing none, are members prepared to vote? Shall schedule 1, sections 23 to 25, carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare schedule 1, sections 23 to 25, carried.

Turning now to schedule 1, section 26, we have government motion number 7. Who would like to bring government motion number 7? MPP Crawford.

Mr. Stephen Crawford: I move that subsection 26(1) of schedule 1 to the bill be amended by,

- (a) adding “or” at the end of clause (d);
- (b) striking out “or” at the end of clause (e); and
- (c) striking out clause (f).

The Chair (Ms. Goldie Ghamari): Any further debate on government motion number 7? Seeing none, are members prepared to vote? Shall government motion number 7 carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare government motion number 7 carried.

Turning now to independent motion number 8: MPP Schreiner.

Mr. Mike Schreiner: Given the decisions made around subsection 21, I withdraw this amendment.

The Chair (Ms. Goldie Ghamari): Thank you.

Is there any further debate on schedule 1, section 26, as amended? Seeing none, are members prepared to vote? Shall schedule 1, section 26, as amended, carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare schedule 1, section 26, as amended, carried.

Turning now to schedule 1, section 27: Is there any further debate? Seeing none, are members prepared to vote? Shall schedule 1, section 27, carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare schedule 1, section 27, carried.

Turning now to schedule 1, section 28, we have independent motion number 9. MPP Schreiner?

Mr. Mike Schreiner: Given the decisions made on subsection 21, I withdraw this amendment.

The Chair (Ms. Goldie Ghamari): Withdrawn.

Is there any further debate on schedule 1, section 28? Seeing none, are members prepared to vote? Shall schedule 1, section 28, carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare schedule 1, section 28, carried.

Just a quick reminder to all members that when you are raising your hand to vote, please make sure your hand is clearly visible in front of the screen. Otherwise, it's difficult for myself or for the Clerk to see your hand. So no halfway hands, no partway hands; please put your entire hand on the screen. Thank you.

There are no amendments to sections 29 through 32. I propose we bundle them. Is there agreement from the committee? Thank you. Is there any further debate on schedule 1, sections 29 to 32? Seeing none, are members prepared to vote? Shall schedule 1, sections 29 to 32, carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare schedule 1, sections 29 to 32, carried.

Ms. Jennifer K. French: Just to be clear, when we go through and we vote schedule by schedule, is that later? That's not now?

The Chair (Ms. Goldie Ghamari): Right now, we're going to vote on schedule 1 in its entirety before we go to schedule 2.

Ms. Jennifer K. French: As a whole? Perfect. Then I would like to call for a recorded vote. Thank you.

The Chair (Ms. Goldie Ghamari): Okay. Is there any further debate on schedule 1, as amended? MPP Schreiner.

Mr. Mike Schreiner: Before we vote on this, I just want to once again be on the record and emphasize that the government had an opportunity, and I hope they've heard from the people who came to committee as well as opposition members who have talked about the importance of ensuring that underserved and underserved areas, particularly in rural, remote and northern communities, receive broadband service. I just want that to be on the record and very clear in the development of the regulatory process, since the government opposed putting it into legislation, which historically has been done in the past.

0940

And I'd like to, once again, be on the record regarding concerns related to public safety and the importance of proper planning, and ensuring that Ontario One Call has the financial and human resource capacity to meet the requirements of this legislation. I think we all want to see broadband urgently and aggressively rolled out in this province, and we need to make sure that we have the capacity to do that in a way that ensures public safety.

The Chair (Ms. Goldie Ghamari): Is there any further debate? MPP French?

Ms. Jennifer K. French: I'll take this opportunity, as we're looking at schedule 1 as a whole, to say that the NDP has for years been calling for equitable access to services and supports for all Ontarians, and we never leave out the northern folks, the rural communities, First Nations, agricultural folks. They all have specific considerations, and it isn't enough to say, “Don't worry; we've got this.” It really is important to make it clear.

I have said that in the debate here at this committee, but my colleagues have been championing the needs of northern and rural communities in the Legislature for years, and so I hope they don't have to keep doing that. I hope that this government will indeed ensure that this bill does what they say it is going to, and that is to indeed expand broadband access to folks who are the unserved, underserved last mile, as we've talked about.

So I just want to be clear that we support expansion of broadband unequivocally, but we definitely are going to hold them to a high standard when it comes to how that is rolled out.

The Chair (Ms. Goldie Ghamari): MPP Bourgouin?

M. Guy Bourgouin: Écoute, je veux juste faire certain que je suis sur le record aussi, « on record ». Dans le Nord, on se sent comme les enfants oubliés de la province. Je veux faire sûr que le gouvernement soit notifié que c'est sûr qu'on va les avoir sous la loupe pour qu'on ne se ramasse pas dans la même situation que, comme j'ai dit, quand c'était venu au gaz naturel. Puis comme mon confrère le député de Timiskaming–Cochrane a mentionné, quand ça vient à passer où c'est facile—mais quand ça vient à où c'est plus loin, les dernières personnes qui vont être connectées sont souvent mises de côté. On a vu ça maintes et maintes fois.

Je pense que c'est important. On a essayé de faire rentrer des amendements; vous avez voté contre. Vous dites que la législation va le couvrir. C'est sûr qu'on va vous mettre les pieds au feu quand arrive le temps, parce que si on voit qu'on se ramasse dans la même situation qu'on a vécue avec le gaz naturel, où il y a des communautés qui n'ont pas été connectées et maintenant ça leur coûte une fortune pour se faire connecter—je peux vous dire que c'est inacceptable, surtout qu'on sait que le « broadband » est essentiel, est crucial pour l'avenir, pour l'économie, et non seulement pour l'économie, mais pour l'éducation de nos enfants.

The Chair (Ms. Goldie Ghamari): MPP Sabawy?

Mr. Sheref Sabawy: I really would like to put on the record that I am very proud to be part of a bill like Bill 257, because in the old days, expanding highways would mean expanding housing, expanding cities and the building of new communities. Nowadays, expanding broadband will mean expanding communities, because where the broadband is, we can put industries, we can put houses. That was especially proven through the pandemic, because the majority of our activities became online. Education became online. Even today, we are voting and doing our work online from home. So broadband has become a fact of life, and I am glad to be part of a government that is trying to expand broadband everywhere. Especially with my IT background, I wouldn't see anything much more important than having broadband accessibility for everyone everywhere in Ontario.

The Chair (Ms. Goldie Ghamari): Is there any further debate? Seeing none, are members prepared to vote? MPP French has requested a recorded vote. Shall schedule 1, as amended, carry?

Ayes

Bailey, Bourgouin, Crawford, French, Harris, Sabawy, Sandhu, Schreiner, Vanthof, Wai.

The Chair (Ms. Goldie Ghamari): I declare schedule 1, as amended, carried.

We'll turn now to schedule 2. There are no amendments to sections 1 through 6. I propose we bundle them. Is there agreement from the committee? Thank you. Is there any further debate on schedule 2, sections 1 through 6? Seeing none, are members prepared to vote? Shall schedule 2,

sections 1 through 6, carry. All those in favour, please raise their hands. All those opposed, please raise their hands. I declare schedule 2, sections 1 to 6, carried.

Turning now to schedule 2, section 7, we have NDP motion number 10. Who would like to move this motion? MPP French?

Ms. Jennifer K. French: I move that section 7 of schedule 2 to the bill be amended by adding the following subsection to section 104.4 of the Ontario Energy Board Act, 1998:

“Priorities

“... With respect to compensation paid under this section for the purpose of enabling the deployment or expansion of broadband infrastructure, the minister shall prioritize allocation of the compensation to the deployment or expansion of broadband infrastructure in unserved or inadequately served areas in”—

The Chair (Ms. Goldie Ghamari): My apologies. Before you continue, could you please repeat “priorities” and then the number? When you are reading the motion, you didn't mention the number in brackets. If you could just—

Ms. Jennifer K. French: Okay, I'll start back at:

“Priorities

“(3) With”—is that all you need? Okay.

Continuing on: “in unserved or inadequately served areas in,

“(a) remote parts of Ontario;

“(b) rural Ontario; or

“(c) northern Ontario.”

The Chair (Ms. Goldie Ghamari): Thank you. Is there any further debate? MPP French?

Ms. Jennifer K. French: I know that today, here at committee, we—well, the NDP, certainly—have talked about the importance of rural, northern and remote parts of Ontario. That conversation continues with this amendment. However, the difference here is this is specific to, if public money is to be used to compensate utility companies with respect to broadband projects—for example, allowing a broadband company to use a hydro pole—then the government should prioritize broadband expansion projects to unserved or inadequately serviced areas in remote, rural or northern Ontario.

We've made a number of our points earlier today, but I am going to say that the “just trust us” reassurances that I saw with the last government, that I see with this government—“just trust us” doesn't get the train going. “Just trust us” doesn't make sure that the roads in winter are properly maintained. “Just trust us” doesn't pay the rent, so to speak. The gaps in cell service up north or the inability to even dial 911—there's an interesting one. Again, it comes back to “just trust us.”

We've had public dollars invested in the north. That investment has stopped. I'm thinking of Ontera. I see my colleagues on screen who, I know, have lived through it. They could speak to this better. But public dollars need to come with actual assurances for the folks who are indeed the last mile or unserved or inadequately serviced. That is what this amendment is for.

0950

The Chair (Ms. Goldie Ghamari): Is there further debate? MPP Crawford.

Mr. Stephen Crawford: Again, I would want to reiterate that I think it's well-intended and I think the majority or certainly a large proportion of people who have lack of proper broadband are in these areas, but they're not limited to those areas. So I would not want to put through legislation that limits the areas. Again, we will define these in regulations.

The government is aware of where there is broadband and lack of proper broadband. These areas are certainly part of that but not limited to that. So, again, they'll be defined in the regulations.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: Again, this amendment doesn't propose to limit the government from helping broadband in other areas. The purpose is to ensure that northerners actually are remembered.

MPP French brought up a very good point, a very good example: 911. There are fairly heavily populated areas in my riding and in MPP Bourgouin's riding and across the north. While we have landlines, we have no access to 911. Now, you would think that that would be something that the province could have covered and would have remembered when 911 was instituted, because everyone, every school child, knows that you should dial 911 in an emergency. But if you're a school child in large parts of my riding, actually in towns and villages, you have no access to 911. So, again, whenever that was devised and whenever the regulations were put in for 911, obviously the bureaucrats, who we all respect, didn't think about that.

We are so used to that happening. That's why each time we have the opportunity, we try to bring forward amendments that make sure that the people, like was mentioned before, in the last mile are covered, because those poor folks who don't have access to 911, it looks like they're never going to have access to 911. This could very well be the same issue all over again.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Bourgouin.

M. Guy Bourgouin: Je veux juste encore être sur le record pour un peu dire—ce que mon collègue vient de dire sur le 911, c'est un très bon exemple. Mais je pense que ça n'enlève rien au langage ou au projet de loi de rajouter ça.

Écoute—je l'ai dit, puis je vais le répéter—on est les enfants oubliés de la province. On le vit au jour le jour. Les personnes qui vivent dans le sud ne comprennent pas ça—peut-être, oui, il y a des régions rurales qui peuvent comprendre. Mais je peux vous dire que des services, qu'on s'est fié avec du langage qui disait que ça couvrirait toute la province—je peux vous dire que, chez nous, ce n'est pas la réalité. On a été mis souvent trop de côté. Puis, c'est le dernier mile. C'est certain que quand ça arrive : « Ah! bien, c'est trop loin. On ne le fait pas. » Ça, je peux vous dire, venez dans ma région. Vous allez voir que c'est

très commun, ça, qu'il y a du monde qui sont obligés de déboursier de leurs propres poches pour avoir un service qui était supposé d'être couvert dans le passé.

J'ai utilisé l'exemple du gaz naturel. C'est un exemple primaire. Mais on n'a rien qu'à penser encore à ce que mon collègue a dit, sur le 911. Mes deux collègues, ils l'ont dit.

C'est d'importance qu'on mette ce langage-là qu'on vous propose pour faire certain qu'on n'est pas mis de côté encore. Quand j'entends le gouvernement nous dire, « Faites-nous confiance », je m'excuse.

J'étais encore pris sur la route, moi, quand j'ai fait—je conduis neuf heures pour venir à Queen's Park, comme c'est là, en situation de COVID. Votre hiver est fini, peut-être, dans le sud de l'Ontario, mais il n'est pas fini dans le nord de l'Ontario. On a vu nos routes fermées pour deux jours de temps dans ma région, il y a une couple de semaines passées. Puis, encore, quand je m'en venais, on arrivait à Témiscamingue, il y avait un autre accident, et les routes ont été bloquées pour plusieurs heures. Ça, c'est une réalité que vous ne vivez pas. Mais nous, on la vit au jour le jour.

Quand on vous propose du langage de même, ce n'est pas pour nuire à la législation; c'est pour l'améliorer pour refléter les besoins du nord de l'Ontario, ce qu'on vit au jour le jour.

The Chair (Ms. Goldie Ghamari): Thank you. Merci beaucoup. Any further debate? Seeing none, are members prepared to vote? MPP French has requested a recorded vote regarding NDP motion number 10.

Ayes

Bourgouin, French, Schreiner, Vanthof.

Nays

Bailey, Crawford, Harris, Sabawy, Sandhu, Wai.

The Chair (Ms. Goldie Ghamari): I declare the motion lost.

Is there any further debate on schedule 2, section 7? Seeing none, are members prepared to vote? All those in favour of schedule 2, section 7, please raise your hands. All those opposed, please raise your hands. I declare schedule 2, section 7, carried.

There are no amendments to sections 8 through 12. I propose we bundle them. Is there agreement from the committee? Thank you. Is there any further debate on schedule 2, sections 8 through 12? Seeing none, are members prepared to vote? All those in favour of schedule 2, sections 8 through 12, please raise your hands. All those opposed, please raise your hands. I declare schedule 2, sections 8 through 12, carried.

Is there any further debate on schedule 2? MPP French.

Ms. Jennifer K. French: Again, schedule 2 is part of the expanding broadband part of this bill. We support the expansion of broadband, and schedule 2 is a part of that. Of course, again, we're disappointed that the government didn't take the opportunity to clearly, in writing, make that

commitment to the folks who always are left out of investment and consideration, it would seem—the folks in the remote, rural, northern parts of Ontario. But we support the expansion of broadband.

The Chair (Ms. Goldie Ghamari): Is there any further debate?

Mr. Mike Schreiner: I request a recorded vote.

The Chair (Ms. Goldie Ghamari): MPP Schreiner has requested a recorded vote. Shall schedule 2 carry?

Ayes

Bailey, Bourgouin, Crawford, French, Harris, Sabawy, Sandhu, Schreiner, Vanthof, Wai.

The Chair (Ms. Goldie Ghamari): I declare schedule 2 carried.

Mr. Mike Schreiner: Chair, we have one minute.

Interjections.

The Chair (Ms. Goldie Ghamari): Seeing as there is one minute left, I propose that we recess and resume clause-by-clause consideration of Bill 257 at 3 p.m. I just want to thank all the committee members for their participation and co-operation. I know, sometimes with Zoom, there can be a bit of technical difficulties, but I appreciate everyone working together to make this process as smooth for everyone as possible.

Thank you very much. We will recess now and come back at 3 o'clock.

The committee recessed from 1000 to 1500.

The Chair (Ms. Goldie Ghamari): Good afternoon, everyone. I will now resume the Standing Committee on General Government. We are here to conduct clause-by-clause consideration of Bill 257, An Act to enact the Building Broadband Faster Act, 2021 and to make other amendments in respect of infrastructure and land use planning matters.

At this time, we are now on schedule 3 of Bill 257. There are no amendments to sections 1 through 2, so I propose that we bundle them. Is there agreement from the committee?

Ms. Jennifer K. French: Clarification—sorry.

The Chair (Ms. Goldie Ghamari): Yes, MPP French?

Ms. Jennifer K. French: Bundling—tell me again.

The Chair (Ms. Goldie Ghamari): Bundling sections 1 and 2 of schedule 3 means that we can debate them at the same time.

Ms. Jennifer K. French: No, I know what “bundling” means; I just didn’t know which we were bundling. I’m clear now. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you. Is there agreement from the committee to bundle schedule 3, sections 1 and 2? Thank you. Is there any debate on schedule 3, sections 1 and 2? MPP French.

Ms. Jennifer K. French: Yes. Thank you very much. I’ve been looking forward to having this conversation. The Ontario NDP has been very clear from the beginning that we cannot support this schedule. But we, Chair, are not

alone. There are folks who not only came before the committee but have been very active across the community, whether that’s the online community or the in-person community, protesting this particular schedule of Bill 257. This is a poison pill, essentially. We’re here at clause-by-clause consideration of a bill that is about broadband; however, schedule 3 is about allowing the minister to retroactively ignore the provincial policy statement when making minister’s zoning orders.

Just for the folks at home: The provincial policy statement, if I’m putting it into colloquial language, is essentially the building code but for the planning world. It’s the foundation; it’s the fundamentals. In the way that the regular building code ensures that homes are safe and healthy, the PPS, or provincial policy statement, ensures that communities are safe and healthy. If your home relies on groundwater, the PPS ensures the water is there when you turn on the tap. And you want it to be clear; you don’t want it to be contaminated. The PPS ensures that new homes aren’t built on flood plains or that basements don’t get flooded because a developer paved over a nearby wetland, for example, that had been absorbing floodwaters, arguably for thousands of years. In short, the PPS protects people, property and the environment, so we find it shocking and alarming that a government would want to remove such protections, frankly.

But don’t take my word for it, Chair. I’m happy to share that the Ontario Federation of Agriculture also weighed in on this. They have said in no uncertain terms that they are “unable to support amendments to the Planning Act that would give the minister or any other planning authority the ability to make planning decisions which are not consistent with the provincial policy statement,” or PPS. The OFA believes “the PPS does not go far enough in protecting our finite agricultural lands.” Here we are, with a schedule of a bill that makes it so that, in the event of the usage of a minister’s zoning order, they don’t have to play by the rules that have existed and have come together based on expert involvement, consultation, collaboration with the planning folks, with environmental folks.

The Central Lake Ontario Conservation Authority have put it very clearly that “the purpose of the Planning Act is to promote sustainable economic development in a healthy natural environment and to provide for a land use planning system led by provincial policy.” Of course, we know that if they care about the environment, they are not going to support this schedule.

I’m bringing it back to the environment because, obviously, many folks think of this as the paving-over-the-wetlands schedule. They think about it in terms of Duffins Creek, a beautiful part of the world out in my neck of the woods, or fairly close. But this is about anything to do with the provincial policy statement, and as I said, that’s a foundation to good planning, so not only wetland protection. That is a big part of it, as the environmental or green spaces should be preserved.

Here’s what we have with the Duffins Creek story—and saga, so to speak. The minister brought in a zoning order, didn’t consult—you didn’t meet the duty to consult

with First Nations part—and also was willing to allow the paving of a wetland that heretofore has been deemed provincially significant and therefore protected. Well, fun fact, Chair: It still is deemed provincially significant and still should be protected. But this says that that rule does not apply and is deemed never to have applied to an order made under the clause of that section.

It's not just changing the rules mid-game; it's changing the rules after the game. It's like the game has been played and it's like, "Oh, I know it was supposed to have counted, but never mind. It's not a thing," or "That was against the rules but we're saying no, it wasn't, because we don't like that rule."

We had a lawsuit happening here, too, and that's a big part of this. Folks are rightly pointing out that this will shield the minister, and shield this ministry, from the lawsuit. If you think about the fundamental basics of justice, you're not supposed to have your legislative side be able to interfere with, for lack of a better word—well, no—control the outcome of a court case, because it's before the courts and the crux is that there was something that was illegal; and now this government has gone and changed the rules, changed the law, and said, "Oh, and retroactively it will be illegal and will always have been deemed illegal, because we're making it retroactive." That shields them, with this court case.

This should shock people, and I have no idea how the government members are going to justify this, or rebut. Maybe they won't. We'll have the chance to discuss it tomorrow at third reading, I'm sure. But Ecojustice, which is representing Environmental Defence and Ontario Nature, wrote to the committee to make the committee aware that the bill is unconstitutional on at least two grounds and must not be enacted. So I'm hoping that the government has listened to folks, and withdraws it and says, "Never mind. We're taking it back to the drawing board. This was a massive overreach."

As Ecojustice has said, "Schedule 3 of Bill 257 would replace the rule of law with the rule of the minister. It would also purport to legislate the outcome of an ongoing court case. Access to the courts is, under the rule of law, one of the foundational pillars protecting the rights and freedoms of our citizens." Hear, hear. That's from their submission.

That's another thing, if we're talking about process. This committee process, I'd just like to say—this and others are so rushed, because the government is trying to get through their agenda. Whatever is motivating that, for better or for worse—but everything is so rushed that even having a chance to review the written submissions from groups across the province is almost an impossible task, let alone to have those voices influence the amendments or affect the outcome of the bill. It is impossible, and I don't think that shows good faith on the government's part, frankly.

The Association of Municipalities of Ontario, in their submission, have said, in regard to the provincial policy statement, or PPS: "This policy statement is a carefully crafted set of principles developed over time by many

experts on the breadth of topics identified as provincial interests. It requires that all, even the province itself, protects provincial interests by approving development that is consistent with the PPS." Remember we're here to make it so that the minister does not have to balance those interests, does not have to refer to the PPS.

AMO goes on to say: "With this proposed amendment, Ontarians can no longer be assured of an outcome that reflects the balance of priorities that the PPS would require, and it may make some members of the public question the reasons behind declaring provincial interests in the statement in the first place ... we would recommend that the province reconsider this schedule and choose to lead the planning process through example to ensure confidence in our planning system is maintained broadly."

1510

That's from AMO. That's from the folks that the Minister of Municipal Affairs knows well, and they're saying that they can't support that section. When the government's own are telling them—AMO has access to the government. As we heard at committee, the First Nations did not, but they have constitutionally protected rights. I've re-watched some of the committee that I didn't have the chance to attend in-person, and if the comments from the member that day are indicative of the government: "The duty to consult could be simplified"—the government doesn't get to decide about constitutional rights granted to Aboriginal communities, First Nations communities, Indigenous communities. That's out of their reach. They can't actually just make a change in provincial legislation—fun fact. So if that's their next try, they can't.

I would encourage all government members to really take a long, hard look at what they're trying to accomplish with this schedule. It is giving phenomenal, cosmic powers to the minister when he chooses to use an MZO. MZOs already have a lot of power, but this is a remarkable overreach, and I think it is—of course, it is a huge mistake, but to all of the environmental and community folks who have been standing up to defend the land, the water, the green space, the brown space, the blue space for the future, I applaud them. I was disgusted by what I heard came out of committee in terms of how two young people were treated at committee. All Ontarians have the right to come before committee and be heard, regardless of what it is they have to say, and the way that they were treated, to stand, to be something that this committee or this Legislature allows—I really find that appalling. That's its own conversation that we'll have tomorrow in the Legislature.

But I encourage all community members to follow this story and hold this government to account. So we do not support schedule 3.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner.

Mr. Mike Schreiner: I guess we're going to debate the schedule now, so I'll give my remarks. I hope the government members take a moment to just think about what this schedule is about, because it is essentially obliterating the planning process in Ontario and minimal environmental

protections. There's a phrase sometimes when people sort of go all out and they use "the nuclear option." That's exactly what this is: It's basically saying there are no planning rules in the province of Ontario if the minister decides that the minister wants there to be no planning rules in the province of Ontario, which means environmental protections, public health and safety protections, protections from flooding are essentially gone through the issuance of an MZO.

The Minister of Municipal Affairs and Housing, when he came to this committee to present, said that the MZO process is a process of consultation and due diligence. Well, the provincial policy statement is a process of consultation, due diligence and the cumulative wisdom of people, planners and policy-makers in this province to provide minimal protections and, quite frankly, certainty to people about land use planning in this province. In a province where we are losing farmland at an unsustainable rate, which is exactly why the Ontario Federation of Agriculture and other farm organizations are opposed to this schedule; in a province where we've lost 75% of our wetlands, which is why organizations like AMO and numerous environmental groups are opposed to schedule 3—the minister talks about that it won't apply to the greenbelt, but I want to remind the minister that the Greenbelt Council, which was chaired by a former Conservative cabinet minister, resigned in protest because of the changes the government is making to planning rules that affect the integrity of the greenbelt.

That brings me to Duffins Creek. Technically, the Lower Duffins Creek wetland—not in the greenbelt. It might be; there are some conversations about possibly expanding the greenbelt to include it, which I find ironic that we would have that conversation when we're literally talking about a schedule of a bill that was essentially brought in to facilitate the paving over of the Lower Duffins Creek wetland, which will directly affect the integrity of the greenbelt, but just as importantly, directly affect the people who live in both Ajax and Pickering when it comes to protecting their water, when it comes to protecting them from flooding.

We've lost 75% of our wetlands in southern Ontario. It's one of the reasons that flood risk in this province is the most expensive extreme weather event threat that we have. There's a reason in August of 2018 that the city of Toronto experienced \$84 million worth of flood damage in three hours and why the city of Toronto, with all three levels of government, is spending \$1.2 billion to try to rehabilitate the lower Don Lands wetland, because it's been paved over. It's as if we haven't learned that lesson when it comes to Duffins Creek, because it seems like the government is determined to repeat the same mistakes that previous governments have made.

Let's be clear: This schedule is the third attempt—the third attempt—to try to figure out a way that the government can pave over the Lower Duffins Creek wetlands. Luckily, Amazon has pulled out now. Luckily, the developer has pulled out. Luckily, the city has said, "You know what? We don't need this headache anymore." But the bottom line is, this schedule will allow that type of

destructive development to happen anywhere in the province of Ontario. There is no safe place.

I want to close by saying that the government got smacked down last week by the Supreme Court of Canada when it wasted our tax dollars trying to sabotage climate solutions. My guess is that they're likely going to get smacked down with schedule 3 of this bill, so I would think we should just save us all time, headache and money and pull it out of the bill.

I find it especially ironic that the Minister of the Environment has tried to defend the government's actions in the wake of the Supreme Court decision last week by saying, "We're spending \$30 million to rehabilitate wetlands," when we're literally about to vote on a schedule of a bill that will likely result in the loss of wetlands far in excess of \$30 million, which doesn't seem to be fiscally responsible, prudent or wise.

Ecojustice came to this committee and advised us of two critical ways in which this schedule violates people's constitutional rights. First of all, it violates people's constitutional rights to seek a judicial review, not only in the future but in the past. I believe we're likely going to find there are other MZOs that have already been issued that present other significant contraventions of the provincial policy statement. And it contravenes the constitutional separation of powers by the way in which it hands the executive branch power to essentially overrule and contravene the judicial branch.

Finally, it's likely going to receive a constitutional challenge over the failure of the duty to consult, in the violation of the treaty rights, which we heard from both Chief LaRocca of the Mississaugas of Scugog Island First Nation, and Mr. Detlor, a lawyer for the Haudenosaunee Development Institute. In an era when reconciliation is so vital and so needed, to think that we would have a schedule in front of us that not only doesn't fulfill the duty to consult in and of itself, but is likely creating a legal pathway where the government is essentially abdicating its responsibility and its duty to consult, moving forward—and moving backwards, given the retroactive nature of this schedule. I want to ask the government members why. You could still issue MZOs that don't violate the provincial policy statement if you chose to do that. You could still facilitate developments that don't violate the provincial policy statement if you chose to do that. So I just don't understand why the government is going to such extreme and radical measures.

1520

I can't even express what a radical move this is, and for what? I guess, initially, for an Amazon warehouse, but really? You're essentially going to blow up planning laws, literally, that have been developed over decades—for what?

We've been able to develop; I think Ontario has been able to develop. We've been able to build things while meeting minimal protections. That's all the PPS is, and so I would really encourage my colleagues to think long and hard about just agreeing to remove this schedule from the bill.

I remember when—my gosh, was it schedule 10 of Bill 66? There was such outcry because that would have potentially opened the greenbelt for development. The government did the right thing that day. I remember; I was in committee that day. It was one of my favourite votes I've ever made in committee, when we all unanimously agreed to pull that schedule from the bill.

Let's have another day like that today where we remove this egregious schedule from the bill, a schedule that's opposed by groups like AMO, the Ontario Federation of Agriculture, citizens' groups, environment groups and First Nations groups. Let's do the right thing and remove schedule 3.

The Chair (Ms. Goldie Ghamari): Thank you, MPP Schreiner. Further debate? MPP Fraser.

Mr. John Fraser: Thank you very much, Chair, for your indulgence. I don't want to rehash what my colleague from Oshawa and my colleague from Guelph said. They both articulated very well reasons why we should be withdrawing schedule 3. I encourage the government to do that.

I'm going to give you three reasons to withdraw schedule 3. Schedule 3 is a poison pill you put inside legislation that is going to expand broadband and improve it, something we can all agree is important because it's important access for people in this day and age. It's like water. It's like electricity. It's a good thing. And you put in that bill granting the minister the power to build anything anywhere, with no rules, retroactively. It's a poison pill in here.

We do that here; that's what we do politically. We try to catch each other. But it doesn't work for the people outside. It's a poison pill for families, a poison pill for wetland, a poison pill for green space and a poison pill for people's rights. That's reason number 1.

Reason number 2: When we make legislation here, we have to think five, 10, 15 or 20 years down the road, not six months behind like this section does. We have to think of what's going to happen. Most of us probably may not be elected anymore. We'll be in our communities—maybe we will be—and a minister of the day has the power to make a decision that you can't appeal, that you can do absolutely nothing about—nothing. You're not going to be very happy, and the people in your community aren't going to be very happy, and you're going to have to live with the decision that you made today then.

Number 3: If you withdraw schedule 3 from this bill, I'll be able to withdraw my amendment to section 3, which the member from Guelph will introduce later on today, about the fact that we will need to change the name of this bill to the "supporting broadband and enabling government to easily pave over wetlands and green space act, 2021." I would be very, very happy to withdraw that motion later.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Crawford.

Mr. Stephen Crawford: I appreciate all the comments from the members in the room here and did certainly want to at least get on the record that as a government we have

used ministerial zoning orders more than previous governments, like your previous government obviously, but I think that these are needed in critical times. With the pandemic we're living through right now, we've seen the issues and problems in long-term care that have been built up over decades: 30,000 people on the waiting list, a lot of people unfortunately sick, dying, because of these old facilities. A lot of them did not even have air conditioning—imagine that—so we're making sure every new facility has air conditioning. We need to regulate the temperature for these folks to be in.

MZOs are used in critical circumstances where we need to get things done quicker. I'll just give you an example. In my community of Oakville, we have an incredible shortage, probably like most of our communities across Ontario, of long-term-care beds. The government utilized an MZO to build a long-term-care facility on land that it was not "supposed" to be. That's going to build over 500 long-term-care beds, badly needed, to keep people safe. That's just one example. Affordable housing is another example, including in Toronto and in the city of Hamilton, in the Leader of the Opposition's home riding; we have built affordable housing for folks.

I guess the key point I would want to get across here is that it's not the government coming down here and dictating MZOs; every single request for an MZO, every single request on non-provincially-owned land, is at the behest of municipalities. We're not dictating to mayors and councils. If they don't want it, we're not going to give it to them.

I think it's just important to be aware that we are utilizing this with the best intent to get this province economically ahead, but also from a health perspective as well, and to give people housing. That's our intent, and like I say, I'm proud that our government has used as many MZOs as we have, because we're getting things done in a time where we need to get them done.

The Chair (Ms. Goldie Ghamari): Further debate? MPP French.

Ms. Jennifer K. French: I can't sit quietly and let that stand, because we are not actually debating a bill about whether or not MZOs have merit. This is about supercharging an MZO. This is about making one into an unbelievable, never-before-seen tool.

Look, MZOs have been used here and there, sometimes even without controversy. I think of the Elliot Lake mall collapse and the need to move quickly and purposefully, and that was something that brought the community together. AMO has said here, it is "a tool to address complexities in the development approval process where time is of the essence to secure a significant development." But then they go on to say, as I already said on the record, that with this proposed amendment people will not be able to have the reassurances that those MZOs are still happening while referring to the provincial policy statement that is, like I said, the basic foundation of, "Thou shalt not wreck things or do harm for future generations." It's not worded like that, but that's basically what it accomplishes.

So this has nothing to do with the use of MZOs. This has everything to do with adding something to that power

for the minister that means that they are above the law. They've rewritten the law so it's like, "Shh, the law never existed." That's what this is about.

The member opposite talked about how the intent is about health and economic development or various things that we can all agree are good aims, but if we're really interested in talking about our health then we wouldn't be wrecking the wetlands that filter water and sequester carbon and all of that. Health has to be the big picture.

Chair, I know that I was fairly comprehensive in my earlier remarks, but I do want to take the opportunity again to say that the duty to consult is also a piece of this. The unlawful-now-lawful part around MZO use and protected wetlands and the PPS, that is its own—and that is the crux of the Ecojustice lawsuit. But remembering that the other piece is, as the Mississaugas of Scugog Island First Nation submitted: "Schedule 3 is a severe overreach of government powers, and a desperate attempt to avoid accountability after violating existing provincial policies. The retroactive nature of the proposed legislation is not designed to satisfy the needs of Ontarians, but instead, to allow the government to skirt responsibility for issuing an illegal MZO, which was contrary to a provincial policy statement."

1530

It's not about the use of an MZO. If the MZO had crossed all of its t's and dotted all of its i's and consulted with First Nations and not done harm to a provincially significant wetland, or was not proposing to do harm, then I don't know that we would see the government needing to shield itself from a lawsuit because of how they actually did choose to conduct themselves.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner.

Mr. Mike Schreiner: I just want to be very clear—and this is mostly for the people at home, but maybe for the members opposite, too—that I'm not opposed to the use of MZOs in rare, appropriate and responsible occasions. The Elliot Lake mall is one that's often cited. I believe the previous government actually used one to stop a quarry that was going to blast a hole into the Niagara Escarpment. So there are times when an MZO is appropriate.

If you look at what AMO sent us, they said that, at the very least, the use of an MZO should be to accelerate or facilitate development that would be in compliance with planning laws and rules. So there may be some MZOs that are in compliance with planning laws that I would be opposed to, just to be clear on that one too, but at the very least, it should be in compliance with laws. So, essentially, the reason this is such an extreme and extraordinary schedule, what this bill proposes, is that it seeks to accelerate developments that are not—and I want to repeat—not in compliance with planning laws.

Those planning laws are here for a reason, and I just want to give you one quick one. In 1954, Ontario experienced one of those moments of, "We can never let this happen again," and that was when Hurricane Hazel hit. The flooding that that caused—tragically, 81 people lost their lives, 2,000 families were made homeless and it

did, in inflation-adjusted dollars, well over \$1 billion of damage to the province of Ontario. People here at Queen's Park rightfully said, "We will never allow this to happen again," and that's why the laws around conservation authorities were strengthened—which were weakened by the government in its second step in trying to get this Duffins Creek warehouse built. But it's also a reason that the whole planning process conversation in itself started, which led to things like the Planning Act, because people said, "We will never let that happen again."

We are about ready to make a decision that somebody's going to look back on and say, "Do you know what? This got built here, and it led to this flood, these people lost their lives, it did \$X billion worth of damage, and it's ruined X number of people's homes," and then legislators will come back and say, "Oh, we can't let this happen again." So let's just avoid that by learning from the past so we don't repeat the mistakes again in the future.

The Chair (Ms. Goldie Ghamari): MPP Vanthof?

Mr. John Vanthof: I would just like to go back to—and again, the NDP is not opposed in principle to MZOs. The issue is MZOs which no one can challenge in court. You're basically denying people the right to challenge whether due diligence was done.

Mr. Crawford said that no MZO will be considered without a request from a municipality. That's all fine and dandy, but an individual municipality isn't responsible for provincial flood planning, so what may seem like a good idea for an individual municipality—granted, I used to be a municipal councillor, and I lobbied for my municipality. But the issue for a municipality is that the municipality doesn't look as far as the province should.

The Minister of Municipal Affairs said that due diligence would always be done, but with schedule 3, you're making the ability to make a law retroactive so there is no way to prove in court or disprove in court that due diligence was actually done. That's what makes schedule 3 so dangerous. The government makes a proclamation that breaks the law of the land, and the government can turn around and say, "Well, we will just change the law retroactively, saving us from that case." That is not the rule of law. The government has the right to make laws going forward but shouldn't have the right to protect itself by making proclamations retroactively. That could be misused and is very dangerous and indeed will cost people's lives in the future. Schedule 3 should be pulled from this bill to maintain the integrity of our system.

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

Mr. John Fraser: I didn't include one thing in my remarks earlier: It's not just a poison pill for families, our wetlands and rights; it's a poison pill for the government members, too, because the member from Oshawa hit the nail on the head. We are granting a power—an absolute power—to a minister now and in the future.

I really appreciate the members on the other side and their desire to do good things in their communities. I have no doubt about that. But we have to look at exactly what we're doing. I tried to see it through your eyes; you need to see it through our eyes, too, because you're going to

have to vote for something that can have very serious consequences in the community you represent, and I don't envy the position that you're in.

The basic fact of the matter is the thing that they were trying to do with the schedule you don't need to do anymore. You don't need to do it. I mean, Amazon said, "We're not doing this." The city said, "We're not doing this." Everybody says, "We're not doing this." So why are you doing it? That was the reason, and it was a club—a huge club—that you used to try to fix this, and you still want to leave it in place.

I can't stress that enough: It's about the power we're granting to a minister—not the current minister necessarily; any minister of any stripe on any side of this table. That's why it's a poison pill for all of us, including the government members.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote?

Ms. Jennifer K. French: Recorded vote.

The Chair (Ms. Goldie Ghamari): MPP French has requested a recorded vote. I'm just waiting for all members to turn on their cameras. All right. Committee members, we are now going to vote on schedule 3, sections 1 and 2.

Ayes

Bailey, Crawford, Harris, Sabawy, Sandhu, Wai.

Nays

Bourgouin, French, Schreiner, Vanthof.

The Chair (Ms. Goldie Ghamari): I declare schedule 3, sections 1 and 2, carried.

Turning now to schedule 3 in its entirety: Is there any further debate? MPP Schreiner.

1540

Mr. Mike Schreiner: I don't want to belabour this, but it's your last chance to vote this schedule out and do the right thing for history and for the people of this province.

The Chair (Ms. Goldie Ghamari): Further debate? MPP French.

Ms. Jennifer K. French: I would like to take this opportunity—all of my comments I have made—we'll have the chance to discuss this in third reading and to tell the folks of Ontario what happened here today and what has happened along the process.

The community has been remarkable. The broader community, the environmental communities, First Nations, youth, industry, organizations have all had their say. This government has not taken that into consideration, either is not listening or does not care, or they can explain their motivations to their own constituents.

But I wanted to take this opportunity to applaud the people across Ontario who have rallied in spirit and in person, who have done their best to push this government to do the right thing and to stop doing harm and future harm.

I wanted to thank—I think the last presenters at committee were youth, who should be commended and not challenged when they come before governments of any stripe, because this is a decision that is being made today that will have unfortunate and immeasurable consequences for the youth and their future. I say, shame on this government. I would say worse, but that's unparliamentary. I'm very proud that I will be on record voting against this schedule and voting for the youth and future of Ontario.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none—

Interjection.

The Chair (Ms. Goldie Ghamari): MPP Schreiner has requested a recorded vote.

With respect to schedule 3, shall schedule 3 carry?

Ayes

Bailey, Crawford, Harris, Sabawy, Sandhu, Wai.

Nays

Bourgouin, French, Schreiner, Vanthof.

The Chair (Ms. Goldie Ghamari): I declare schedule 3 carried.

Turning now to section 1 of the bill, is there any debate on section 1 of the bill? Seeing none, are members prepared to vote? Shall section 1 carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare section 1 carried.

Shall section 2 carry? All those in favour, please raise their hands. All those opposed, please raise their hands.

I wonder if MPP Harris's video is frozen. No? Okay.

Interjections.

The Chair (Ms. Goldie Ghamari): Okay, no. We can see him move. All right. My apologies. Let's do that again.

With respect to section 2, shall section 2 carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare section 2 carried.

Turning now to section 3, the short title, there is a motion, I believe, from the independent member. MPP Schreiner.

Mr. Mike Schreiner: I was hoping not to have to move this motion, but I will.

I move that section 3 of the bill be struck out and the following substituted:

"Short title

"3. The short title of this act is the Supporting Broadband and Enabling Government to Easily Pave over Wetlands and Green Space Act, 2021"

The Chair (Ms. Goldie Ghamari): Committee members, on independent motion number 1, I rule this amendment out of order. As Bosc and Gagnon state on page 772 of the third edition of House of Commons Procedure and Practice, "An amendment is ... out of order ... if it is tendered in a spirit of mockery."

Mr. John Fraser: Chair?

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

Mr. John Fraser: You've made your ruling and I'm not going to contest that, other than to say the short title of the bill was meant to accurately reflect what the bill was about. There were a lot of other things that could have been put in there that could have been considered a mockery, but I tried to use very benign language and describe what was actually happening in the bill, because the short title of the bill did not reflect in any way all what was in the bill. Given the fact that broadband and MZOs, the two things that were happening in the bill, are two separate things, I thought it was necessary that we somehow take a look at the bill and write down what's in it. So it might be a good idea for the committee to take a look at that. I don't know if it's appropriate right now. Maybe there's another way of indicating what's actually in the bill so the title has some representation as to the fact that there are two things in the bill that are very distinct.

I thank you for your time.

The Chair (Ms. Goldie Ghamari): Thank you, MPP Fraser. We'll turn now to section 3, the short title. Is there any further debate on section 3? Seeing none, are members prepared to vote? Shall section 3 carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare section 3 carried.

We'll now turn back to the title. Shall the title of the bill carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare the title of the bill carried.

Shall Bill 257, as amended, carry? MPP Schreiner.

Mr. Mike Schreiner: Yes. Just before we vote on this bill, I want to take a moment to thank everyone who, in a very short period of time, spoke out on this bill. I don't know about the other members of the committee; I can't tell you how many emails, letters, phone calls I've received about this bill and specifically in opposition to schedule 3. I participated in a public demonstration, socially distanced and masked, literally in the middle of a pandemic. I was shocked by the number of—

The Chair (Ms. Goldie Ghamari): Sorry, MPP Schreiner. MPP Harris, do you have a point of order? Yes?

Mr. Mike Harris: Hopefully you can all hear me. Apologies if we were having some Internet issues there earlier. Sorry, is this a time for debate? Because I don't believe this is a valid point of order.

The Chair (Ms. Goldie Ghamari): MPP Harris, committee members are entitled to debate prior to voting on each section. So at this point MPP Schreiner does have the right to discuss and debate before members vote on whether or not Bill 257, as amended, is carried. Thank you.

MPP Schreiner, you may continue.

Mr. Mike Schreiner: Thank you, Chair. I just wanted all the individuals and organizations who have reached out to me, who have participated—people have made some pretty significant sacrifices, in particular to speak out on just how important it is to save the Lower Duffins Creek wetland.

I also at the same time just want to take a moment to acknowledge all the people who have reached out to me in favour of broadband. I want to make that really clear: There is a lot of support in this province for expanding broadband, and there is a lot of opposition in this province to literally obliterating our planning laws and environmental protections. So I'm going to be voting against this bill, in—I don't know, however long; whenever it's going to happen here in the next few minutes.

But I want to be on the record and I want to be very clear that I absolutely support expanding broadband. I believe broadband should be an essential service. I believe broadband is like the electricity of the 21st century. Everyone should have access to reliable, affordable broadband in every corner of this province, and I will continue to push for that. This may be an issue where we can all work across party lines to push for it.

But in good conscience, I can never vote for a bill that is literally going to expose the people of this province to the risk of flooding, the risk to public safety, the risk to our environment, the risk to the places we love, the risk to protecting our farmland that grows the food that sustains us and creates so many jobs in our rural communities. I can't vote for a bill that would expose the people of this province, and the places, frankly, that I love in this province, to having one individual have the power to essentially say, "I don't care. If I want to build on this, I want to destroy this, I don't care." To give one person that kind of power—that's what voting for this bill does.

Anyway, to the people who have reached out to me, yes, I support broadband; no, I will not support overturning our planning laws and subjecting the people of Ontario to the environmental risks associated with doing that.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Fraser.

Mr. John Fraser: Thanks very much. I just simply wanted to say a couple of quick things. I want to thank the member from Guelph for working with us on amendments and putting forward the amendment that you ruled out of order, in any event, and the member from Oshawa for so very clearly articulating what's at the core of this.

We're going to have a debate tomorrow. I don't envy being on the government side, but I appreciate the tenor of the discussion that was here this afternoon. I hope that the government members consider, when you go tomorrow, after we get through this bill, the very, very serious implications that have been articulated here this afternoon, very clearly, of schedule 3 to this bill.

Chair, I'd like to thank you for your indulgence in giving me as much time as you gave me.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote?

Mr. Mike Schreiner: A recorded vote, please.

The Chair (Ms. Goldie Ghamari): Mr. Schreiner has requested a recorded vote. Shall Bill 257, as amended, carry?

Ayes

Bailey, Crawford, Harris, Sabawy, Sandhu, Wai.

Nays

Bourgouin, French, Schreiner, Vanthof.

The Chair (Ms. Goldie Ghamari): I declare Bill 257, as amended, carried.

Shall I report the bill, as amended, to the House? All those in favour, please raise your hands. All those

opposed, please raise your hands. I shall report the bill, as amended, to the House. It has been carried.

Thank you, everyone, for your participation today. I appreciate everyone co-operating. Especially with technology I know sometimes it can be a little tricky here and there, so I do appreciate everyone's co-operation on the committee today.

There being no further business, this committee now stands adjourned. Thank you, and have a great day.

The committee adjourned at 1554.

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Also taking part / Autres participants et participantes

Mr. John Fraser (Ottawa South / Ottawa-Sud L)

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Mr. Isaiah Thorning

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