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**Official Report
of Debates
(Hansard)**

G-4

**Journal
des débats
(Hansard)**

G-4

**Standing Committee on
General Government**

Supporting People
and Businesses Act, 2021

2nd Session
42nd Parliament

Wednesday 17 November 2021

**Comité permanent des
affaires gouvernementales**

Loi de 2021 visant
à soutenir la population
et les entreprises

2^e session
42^e législature

Mercredi 17 novembre 2021

Chair: Logan Kanapathi
Clerk: Isaiah Thorning

Président : Logan Kanapathi
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**

Wednesday 17 November 2021

Mercredi 17 novembre 2021

The committee met at 0900 in committee room 2 and by video conference.

**SUPPORTING PEOPLE
AND BUSINESSES ACT, 2021
LOI DE 2021 VISANT
À SOUTENIR LA POPULATION
ET LES ENTREPRISES**

Consideration of the following bill:

Bill 13, An Act to amend various Acts / Projet de loi 13, Loi modifiant diverses lois.

The Chair (Mr. Logan Kanapathi): Good morning, everyone. The Standing Committee on General Government will come to order. We are here to resume public hearings on Bill 13, An Act to amend various Acts.

I'd like to confirm presence in the room. We have MPP Will Bouma, MPP Guy Bourgouin and MPP Mike Schreiner. Thank you for being here. Via Zoom, I can see MPP Catherine Fife, MPP Toby Barrett and MPP Chris Glover.

MPP Laurie Scott is also here. Please confirm your attendance.

Ms. Laurie Scott: Laurie Scott. Sorry, is that what you asked for? And from Ontario.

The Chair (Mr. Logan Kanapathi): That's it, thank you.

Our remaining presenters have been scheduled in groups of three for each one-hour timeslot, with each presenter allotted seven minutes for an opening statement, followed by 39 minutes of questions for all three witnesses, divided into two rounds of 7.5 minutes for the government members, two rounds of 7.5 minutes for the official opposition members and two rounds of 4.5 minutes for the independent members of the committee.

Are there any questions?

**WEEDMAPS
OTTAWA COALITION OF
BUSINESS IMPROVEMENT AREAS
FLEET STREET LAW**

The Chair (Mr. Logan Kanapathi): Seeing none, the first presenter I will now call on is Weedmaps. You will have seven minutes for your presentation. Please state your name for Hansard and you may begin now. Welcome.

Mr. Chris Beals: Thank you. My name is Chris Beals.

Good morning and thank you for the opportunity to speak today. As I mentioned, my name is Chris Beals. I'm the chief executive officer of WM Technology, a leading technology and software infrastructure provider to the cannabis industry, including the suite of B2B software WM Business and the consumer marketplace website Weedmaps. As a company, our core mission is to power a transparent and inclusive global cannabis economy, providing the best technology solutions to the industry, helping to connect licensed retailers to customers and enabling safe, convenient and legal access to cannabis products worldwide.

This past June, we were proud to begin trading on Nasdaq as a public company and we employ over 700 people around the world, including a number specifically in Ontario.

I'm grateful to the members of the committee for the opportunity to speak to our company's support for Bill 13, the Supporting People and Businesses Act.

Looking through this committee agenda, I see teachers' unions, home builder industry associations—some of you are likely wondering why a cannabis technology executive from California requested to present. The answer is simple. I believe that cannabis is at an inflection point globally where stigmas are being challenged, legislation is being reconsidered and governments are belatedly accepting that cannabis prohibition has not worked. Conversely, we're seeing researchers prove that cannabis is a strong driver of job and economic growth and almost all the social harm that cannabis prohibitionists claimed would befall us with legalization have proven to be just that: propaganda without truth.

With this period of change comes opportunity. Our company sees immense opportunity for Canada and Ontario specifically to be major players in the still-nascent cannabis industry domestically and also abroad. By legalizing recreational cannabis three years ago, the country's retailers, producers and ancillary businesses were given an early mover advantage in a global race to capitalize on a potentially massive new industry.

This isn't to say there haven't been challenges. Like any new industry, there have been ups and downs. However, with the right public policies coupled with strong consumer data, product knowledge and memorable brands, Ontario cannabis retailers will be positioned to contribute

to a strong, equitable post-pandemic recovery here in Ontario. With Bill 13, we see important steps in that direction.

As the members of this committee know, the government of Ontario first allowed for cannabis delivery and curbside pickup as an emergency measure during the earliest days of the COVID-19 pandemic. I thank Premier Ford and all the hard-working MPPs who helped make this a reality. It gave retailers, many of whom are small businesses, a lifeline during a difficult period and gave customers a new option for safe access during a public health crisis.

Since the allowance of retail delivery, legal sales have increased province-wide, and customers have gravitated to purchasing from licensed retailers versus unlicensed alternatives or potentially the Ontario Cannabis Store. Equally important, these services have been provided safely and securely by Ontario's licensed retailers.

Employees are already trained through a provincial program called CannSell, developed in partnership with Mothers Against Drunk Driving Canada. This program ensures that they understand the products they are selling and have a knowledge of federal and provincial regulations and risks and harms from cannabis use, as well as general guidance for prioritizing safety. There is nobody better positioned for safe delivery than licensed retailers, and there's nobody who is better positioned to help consumers understand the product than those retailers and the people they employ.

Just as we saw with the government's decision to permanently allow restaurants to provide alcoholic beverages via takeout, some pre-pandemic policies are out of step with what both consumers and businesses need. By passing Bill 13, this Legislature will be taking a leap forward and give small, medium and large cannabis retailers certainty about their ability to provide these services on a go-forward basis so they can continue to compete with the sizable unlicensed cannabis market in Canada.

In a post-pandemic economy, where main streets have been hit incredibly hard, I strongly believe that legislators should support an industry that continues to grow, employ people and purchase from local supply chains in Ontario. This is about more than just bricks and mortar. It's about consumers, communities and businesses coming together to create an industry that's fair and equitable.

If you're not sold on the potential of the licensed industry, know that there are a number of unlicensed alternatives waiting to fill the gap. Ontario, like most jurisdictions that have legalized cannabis, has struggled to displace the legacy market and replace it with legal alternatives. According to Ontario Cannabis Store's last quarterly report, legal cannabis sales make up 47.1% of the recreational market as of June 2021. There are some who would say this percentage is even lower. While this represents meaningful progress year over year, it's not enough.

Legislators and policy-makers have to ask themselves why consumers are choosing to purchase cannabis from unlicensed sources. One of the main factors is a lack of reliable access to delivery services on the licensed market.

This isn't just an anecdote. Public polling provided by Navigator this past January reveals that Canadians and Ontarians are not only receptive to retail delivery but see it as the single most important step that could be taken to reduce the size of the unlicensed market. Nearly two thirds of respondents who had purchased from illegal sources since legalization said that the lack of convenient delivery options is their primary reason for avoiding the licensed market.

By passing Bill 13, Ontario's legislators have the opportunity to permanently remove this structural imbalance between licensed and non-licensed retailers and create a fair playing field that compels consumers to move to licensed channels.

Fortunately, Ontario is not going at this alone. Cannabis jurisdictions across Canada and the United States are contemplating the delivery question, and most successful examples allow for retailers to operate online sales, home delivery and curbside pickup safely and securely. British Columbia, Saskatchewan and Manitoba allow retailers to deliver to customers directly, and the Alberta government just introduced legislation that will provide retailers with this same ability. In the US, this same pattern holds, with New York being the most recent state to legalize recreational cannabis and allow licensed delivery services to operate across all jurisdictions. Mature cannabis markets must be able to find consumers where they are, and delivery is an important element of this.

In conclusion, I want to thank Premier Ford and Minister Tangri for their leadership on this matter. While I'm not an Ontario voter, I know that this government—

The Chair (Mr. Logan Kanapathi): You have one minute left.

Mr. Chris Beals: Thank you—was elected in part on a commitment to reducing red tape across sectors, and I believe today's legislation delivers on that promise. This is a common-sense step that's good for business, good for consumers and good for the government's health and safety objectives.

I would like to thank the committee members here today for your time and attention to our concerns, and I'll be happy to answer any questions following the other presentations today.

The Chair (Mr. Logan Kanapathi): Thank you for your presentation.

I will call the next presenter, the Ottawa Coalition of Business Improvement Areas. You will have seven minutes for your presentation. Please state your name for Hansard's purposes, and you may begin now. Welcome.

Ms. Michelle Groulx: Good morning. Thank you, Chair and committee members, for the time to speak here today. My name is Michelle Groulx and I am the executive director of the Ottawa Coalition of Business Improvement Areas, OCOBIA, representing the 19 BIAs in rural, urban and suburban Ottawa.

I'm here today to support the proposed bill, with the amendment regarding the authorization of cannabis re-

tailers in municipalities, specifically municipality guidance with respect to the concentration of cannabis retail stores.

0910

The saturation of cannabis stores in Ottawa is obvious. Within a two-kilometre span in one Ottawa BIA, there are six cannabis retailers. In another BIA, within a one-kilometre span, there are five cannabis shops. And in another BIA, within half a kilometre, there are five cannabis shops. This is not just an issue in Ottawa.

OCOBIA supports cannabis retail in our BIAs and in Ottawa. It has been long overdue in providing this product to the public. We also recognize that many commercial properties faced financial difficulties during the pandemic due to the forced closures and restrictions impacting their tenants, but some properties were not as severely impacted, in part due to newly signed cannabis retailer tenants.

Our concerns from a BIA perspective over the concentration of cannabis retailers stem from these three main issues: licensing and regulations impacting neighbourhood vibrancy, diversity of products and services in BIAs, and the potential next bust.

Licensing and regulations: A cannabis retail operator must occupy a space in order to apply for an authorized retailer licence. The commercial space storefront is often papered or covered, and also empty for an indeterminate period of time. Approved retailers must then follow regulations where they must provide a physical screen of all activity and products from public view. This usually means that the brown-papered windows have now changed to designed storefronts—void of activity, but it now looks nicer. The restrictions in the Cannabis Act do not allow for advertising or promotion of the goods or services related to cannabis or cannabis accessories, and the authorized retailer cannot sell anything besides cannabis or cannabis accessories.

When you have several of these spaces on a main street, this presents an issue to the neighbourhood vibrancy that a BIA is mandated to promote and sustain.

The second issue main streets experience is the lack of variety and diversity in goods and services that the concentration of cannabis retailers provide in a neighbourhood. Every authorized retailer is required to resell cannabis only sold by the OCS, Ontario Cannabis Store, resulting in homogeneity of the very same brands and products in all stores. Additionally, the cannabis retailer can sell cannabis accessories as defined by the government of Canada. They cannot sell or conduct any other type of business outside of these restrictions: no coffee, no t-shirts and nothing else that retailers have spoken to the media about as their differentiator.

Where cannabis retailers are saturated in BIAs, the offering for neighbouring residents is not varied, due to the restrictions that the cannabis retailer must follow. A BIA strives towards the success of every single business in their area. Where there are several regulated retailers selling the same brands and products, provided by the same source, there is a struggle. Allowing the municipality to prevent

the saturation of a restricted and regulated retail outlet will protect the variety and vibrancy of a neighbourhood.

In considering these restrictions, we can see that cannabis retail is very similar to payday loan establishments on main streets. They're highly regulated, it's adults only, no other business or service is allowed to be conducted and it's strictly transactional. The saturation of payday loan businesses in BIAs in commercial areas was evident years ago in Ottawa, and the municipality passed a bylaw to restrict the number of these businesses allowed near each other to a one-kilometre minimum. In applying for an authorized cannabis retailer licence, public feedback on the application is required and reviewed. However, prior to this, a municipality could set forth guidelines, regulations or a bylaw to avoid retail concentration, which a potential applicant can review prior to acquiring a commercial lease and the expenses of occupying space on the main street.

The third main issue is, is this the next bust? Retailers are booming and popping up through our city because of venture capital and seed funding, not market or demand. A frenzy takes place to claim the most spots and then, after time and as the market is realized, some prevail. The CBC reported, "According to the latest available sales figures from OCS, total quarterly sales in Ottawa had plateaued at about \$13 million by the end of March 2021, when there were only 28 stores open in the city. There are now many more, and there's no indication sales have risen to match."

Cannabis retailers have expressed deep concern about survival through this saturation. This looming bust will impact our economy and main streets in the long term. Recovery from a series of empty spaces on a main street is difficult enough after facing a pandemic over the past 20 months.

OCOBIA hopes that Ontario reviews the amendment proposed to offer municipalities the means to avoid saturation of regulated cannabis retail that has and will impact BIAs and neighbourhoods. Thank you.

The Chair (Mr. Logan Kanapathi): Thank you for your presentation. I will call the next presenter, Fleet Street Law. You will have seven minutes for your presentation. Please state your name for Hansard, and you may begin now. Welcome.

Mr. Omar Ha-Redeye: My name is Omar Ha-Redeye. Good morning, and thank you, MPP Kanapathi. My role is more in coordinating this delegation. I am accompanied by two individuals, Ms. Marian Lippa and Ms. Caryma Sa'd. Our submissions will focus exclusively on schedules 1 and 2 of Bill 13. Ms. Lippa will be focusing on schedule 1, and she is an individual who has indeed campaigned on this issue for many years and is central in the issue around the Barristers Act. Ms. Sa'd will be discussing the elements around cannabis legislation. I will reserve my comments for the questions as it relates to the legal implications of schedule 1 and potentially some of the charter consequences that may flow from schedule 2.

Ms. Lippa?

Ms. Marian Lippa: Good morning. My name is Marian Lippa. Thank you for the opportunity to address

the committee. I have been a practising paralegal since 1998. I became licensed by the Law Society of Ontario in 2008.

I would like to thank you for the proposed amendment to repeal section 3 of the Barristers Act. This amendment will enhance the administration of justice and access to justice by recognizing the changes in the nature of the legal professions, including the role of paralegals as a mature regulated profession.

Paralegals are subject to the same rigorous regulatory requirements as lawyers, including adherence to rules of professional conduct, participating in continuing professional development and carrying liability insurance. Paralegals act as advocates in criminal, civil and administrative matters before the Ontario Court of Justice, Small Claims Court and many tribunals. As such, they play a key role in the administration of justice and offer an accessible alternative to lawyer representation in many cases. Simply put, paralegals increase access to justice for the people of Ontario.

Section 3(4) of the Barristers Act provides that members of the bar have precedence in the courts in the order they're called to the bar. Only lawyers are called to the bar. Paralegals are not. As a result, the current effect of this section is to give priority to lawyers as a right over paralegals, regardless of seniority, sign-up lists or the order in which the licensees arrive at court. Clients are also negatively impacted. Clients of paralegals and lawyers without seniority are required to wait until more senior lawyers have dealt with their matters. This is an access-to-justice issue, as it impacts on cost of representation.

The order of precedence means that a senior lawyer may have a matter that ties up the court for half a day or more, requiring other lawyers, paralegals and their clients to wait, when the most expeditious and efficient way of dealing with the court docket, in the absence of the Barristers Act, may have been to deal with simple, faster matters first to accommodate the greater number of lawyers, paralegals and their clients and free them from the court appearances, rather than having them sit through a lengthy hearing with a senior lawyer.

The order of precedence no longer reflects the realities of modern advocacy. This is a topic that is very important to me, as well, personally. I have been advocating against section 3 of the Barristers Act for 10 years. In 2013, I brought this issue to court, and I have continued to advocate against section 3 of the Barristers Act.

I am appreciative of the government's work to repeal this section. Thank you for allowing me to speak.

The Chair (Mr. Logan Kanapathi): Thank you to all the presenters for your presentations. I will get started with the—if there are any further remarks. Any questions or concerns from the presenters or committee members? I see none.

Interjection.

The Chair (Mr. Logan Kanapathi): There are other presenters. Please go ahead.

Ms. Caryma Sa'd: Good morning, and thank you for the opportunity for allowing me to address you today. My

name is Caryma Sa'd. I am a lawyer, and I am also involved in the cannabis space, including with the board of directors with NORML Canada, a national non-profit that for decades has been pushing for sensible cannabis policy, including legalization.

0920

I'm here to speak on schedule 2 of Bill 13. I'll start by saying that I think it's an extremely positive development to permanently allow curbside and delivery services for cannabis retailers. It has already been brought to the committee's attention that these services were invaluable during the pandemic, when there were public health concerns about congregating in stores. The continuation of allowing such services I think is beneficial to consumers in the long run. I do note, however, that schedule 2 maintains for the Ontario Cannabis Store exclusive rights for e-commerce, and I think that there is a potential missed opportunity here in not expanding those rights to private retailers.

As we know, the OCS, in its original iteration, was meant to be the sole distributor and retailer of cannabis in the province.

The Chair (Mr. Logan Kanapathi): You have one minute left. Thank you.

Ms. Caryma Sa'd: Allowing private retailers into that space has created and engendered opportunities, but the OCS serves as direct competition if it maintains exclusive online rights. In a saturated market, this is cause for concern, given that stores have additional expenses incurred and can only rely on the OCS for their supply. I would urge you to reconsider this exclusive right to the OCS and to allow cannabis retailers online delivery.

The Chair (Mr. Logan Kanapathi): Thank you. Are there any presenters? It's the final call. No, I see none. Thank you.

We're going to move into the question-and-answer session. This round of questions will start with the government members. MPP Will Bouma, you raised your hand. Please go ahead.

Mr. Will Bouma: Chair, through you, I'd like to thank all the presenters for being here with us today. I appreciate your time and your insights, especially as, being an MPP, there's no way we can see on the ground in so many things. So I really appreciate the presentations this morning, to open up our eyes to some of the things going on.

I would like to start my questions to—I think it's Chris, from Weedmaps, or WM Technology. I appreciated your presentation. Just some of your comments—and I wanted to explore that a little bit further, if I could. As part of its COVID-19 response, the government made an emergency order in April 2020 that temporarily allowed authorized cannabis retail stores to provide curbside pick-up and delivery service. I know you spoke supportively of that. I was wondering if you could go a little bit more into how you would describe how this changed the industry and how important it is to ensure that we continue to have a safe retail model in the province of Ontario.

Mr. Chris Beals: In this regard, we operate across all legal jurisdictions, so I think we have a fairly broad macro

lens of what has worked and not worked in various jurisdictions. I think, quite specifically, the ability of someone to order from home to avoid going on roads and to be able to have a conversation with someone who is trained in cannabis products and how to sell them is an immense benefit. I think, despite the fact that there is a decent density of cannabis retailers in most parts of the province, there are still areas that are also geographically underserved, and so for folks in more rural or less urban areas, the ability to receive cannabis and have it delivered is of a meaningful significance in terms of convenience and that sort of thing.

I think I would be remiss if I did not highlight that I think some of the other presenters raised some very good issues in terms of what would help address the ability of the legal market to compete, including the ability to better diversify and select the products that they put on their shelves as well as probably expanded e-commerce as well. But, in short, I think what we saw during COVID and people gravitating towards the ability to have delivery or to skip the line and have curbside pickup, this has been borne out over and over and over again in other jurisdictions as a material differentiator, whether it be for licensed operators versus unlicensed, or even as between licensed operators.

Mr. Will Bouma: Thank you for that answer. I appreciate that. I think I would agree that permanently permitting delivery and curbside pickup services will support economic growth in the industry. I was just wondering if you could comment on how important these methods of sale are to ensuring that customers have options to access legal cannabis in a safe and convenient way, especially moving forward and, from your perspective, how that will help ensure safety in the market.

Mr. Chris Beals: I also neglected to mention that a number of cannabis consumers are patients. We've statistically seen that a fairly high number of cannabis medical users, whether it be due to seizure disorders or physical mobility impairments, actually have difficulty in getting to stores. Delivery solves that.

I think the thing I would note in terms of public safety is, to the extent somebody is tempted to consume cannabis while they're outside of the house, home delivery, obviously, naturally solves that concern, despite the fact that, I would note, all drivers and dispensary operators are trained to identify impairment and things like that. I think in the past, there have been some questions around, "Well, if delivery is being done, does it potentially threaten public safety because somebody could purchase cannabis without an ID?" I would emphasize that that is not only unlikely, it would be a very foolish thing to do. We've consistently seen that cannabis retailers, and especially cannabis retailers doing delivery, are some of the most focused on compliance, because the penalties for failure to properly check identification and follow the procedures that they're assigned has outsized consequences, including loss of licensure and that sort of thing. Economically and from an SOP and training viewpoint, we've seen almost nothing.

In fact, the state of Oregon, just to give you an example, did a detailed, widespread audit of almost every licensed retailer in the state to look for non-compliance in these areas and did not find one single time of non-compliance.

Mr. Will Bouma: So it's in everyone's best interest to follow the rules and to do things safely. What you're telling us here today is that the industry itself is very excited about being able to provide this and is interested in doing it in a safe way.

The permanent opportunities we're providing for additional income streams from online deliveries and curbside pickup sales: Would you say that cannabis businesses will have more confidence to make additional investments and create jobs? And can you go into the economic benefits that that could bring to the province of Ontario?

Mr. Chris Beals: Yes. I would summarize it in a couple of key ways. One is when you look at the size of the illicit market right now and the fact that, by most estimates, well over half of all consumer demand is met on the illicit side, this is talking about bringing net dollars, additional incremental dollars, from illicit sources into licensed sources. You're augmenting the viability, the strength and the ability of these businesses to compete and grow and to provide high-paying jobs to their employees by effectively bringing additional demand that already exists into licensed channels.

I think the other thing we've seen is once you allow delivery, these businesses can then invest in delivery fleets. These are additional employees. They're additional jobs.

The Chair (Mr. Logan Kanapathi): You have one minute left.

Mr. Chris Beals: The other thing is that when you think about people in areas that don't have dispensaries nearby, you're also talking about them sort of being able to service net new geography, so that's net new business opportunities for these licensed cannabis operators that then turns into incremental OPEX investment.

Mr. Will Bouma: Thank you. And with that, I'll round it out. Thank you very much for your presentation. I appreciate your answers.

The Chair (Mr. Logan Kanapathi): Thank you. This round of questions starts with the official opposition. I can see MPP Catherine Fife. Please go ahead.

Ms. Catherine Fife: Thank you to all the presenters. First, I just want to say a special thank-you to Marian for your advocacy to ensure that schedule 1 actually comes into force. I know that you've been working on this a long time. Our court systems right now are obviously in chaos, compounded by COVID-19. I have a friend in court today who has been waiting four and a half years for her day in court. What we're seeing in Ontario right now in our justice system is complete and utter chaos, and so this is one small part of it. There are other solutions that we're going to be working on. But regardless of how we vote on this bill, I just wanted to say thank you for your advocacy on that.

0930

Michelle, thank you very much for appearing before this committee. I have to tell you—obviously the issue of

clustering of cannabis stores in main streets across the province has become a very political issue, if you will, as I think it should, in some cases. But we actually had a presenter yesterday, High Tide Inc. Omar Khan came in, and he's the senior vice-president in corporate and public affairs for that cannabis chain. He admitted that the clustering of cannabis stores on our main streets is having detrimental effects on their business. He's appearing before this committee, but he says it doesn't make any sense.

Now, you'll know that we do have a private member's bill—the member from Davenport's Bill 29 has been tabled. It has received some support from some city of Toronto councillors. And listen, the fact is that the province of Ontario and this Premier gave municipalities the option to opt in or opt out—there is just black and white, nothing in between. That doesn't give them the autonomy to decide how many stores and where those stores are located. It really doesn't make any sense. I mean, we wouldn't have seven LCBO stores side by side on the main street, right?

So I want to let you know that we are going to try to amend this legislation, very much in keeping with your recommendations, as well as Meg Marshall's, who is the manager of the BIA in the Dovercourt and Dufferin Grove communities. She said, "The Bloorcourt BIA is in support of all levels of government, including municipal, having a greater say in the licensing process of cannabis retail. Just as liquor licences" are determined "and the city establishes provisions and conditions for each applicant, we would like to see this process applied to cannabis retail applicants."

So can I assume based on some of your presentation that you would like to see that? And what has your discourse been with the city of Ottawa on this issue?

Ms. Michelle Groulx: Basically, I represent the BIAs and not necessarily the city of Ottawa. So the BIAs would be the direct channel with the councillors and [*inaudible*] councils in Ottawa. Basically, the thought is it's not an anti-cannabis retail perspective whatsoever. In fact, it's quite welcome. It is only speaking to just the saturation and the limitation of saturation. We have heard back from some councillors just about the issues in the areas that I highlighted, in that the benefit it provided is not varied for the neighbourhood. So there is support of this, in the sense of saturation. I'm not sure, further than that, what—I do know that cannabis retail is quite welcome and provides that kind of vibrancy and variety. It is just the saturation.

Ms. Catherine Fife: Yes, it's the clustering that is the problem part here. That's what Bill 29 also advocates for.

There is a crossover conversation here, though, around commercial rents. I know that we've spoken, over the pandemic, around the Commercial Tenancies Act and how rent was sort of sporadic for small businesses. The councillors that weighed in on this issue in Toronto have pointed out that when cannabis stores come in, and because they sometimes have a high turnover, that actually drives up the rent.

This was Councillor Fletcher in Toronto. She says, "They're driving the rents up so high that many (other

businesses) are having to leave, landlords aren't renewing the leases on long-time tenants and if they fail, if these cannabis shops fail then who's going to move in to pay the rent at that site?" She describes it as "the Wild Wild West."

Yesterday, when I asked the minister responsible for this piece of legislation, Minister Tangri—I said, "You know, you opened up this issue around delivery and expanding patios for restaurants, which we support. Why would you not address this?" There's a fallout from not having a clear strategy or clear legislation, and actually giving it to municipalities who were welcoming these businesses, but just don't want them side by side in a two-block radius. She said that they weren't considering this at that time.

I raise this with you in this context because we are going to need BIAs across the province and municipalities to stand up for themselves and say, "Listen, we're not anti-cannabis-stores, but we do need to be strategic, thoughtful and mindful about where these stores are going."

Ms. Michelle Groulx: Yes, exactly. And when you do say, "Wild West," we use that term as well. Especially during this time, a commercial property owner would definitely welcome that income in an empty space. What it does, though, is hold that space under what we can consider a false economy at this time, and an unproven economy.

The Chair (Mr. Logan Kanapathi): You have one minute left.

Ms. Michelle Groulx: Not to say that all our cannabis stores are doomed, but they are realizing at this point in time that the market is not fully there to the amount of retailers that are there.

Ms. Catherine Fife: Yes, that's a really good point. I think some members of the government side are amenable to this, which is why I'm raising it here. We still try to work with this government, even though it's incredibly difficult. But they put this down to market correction, so the market will just correct, but there's a fallout from that around driving up the cost of rents on our main streets.

As we recover, we want that recovery to be inclusive, and I just want to say, Michelle, I think that your comparison to the payday loans is very relevant. We took that issue on in Brantford, in downtown Toronto, in Ottawa, and even here in Kitchener—

The Chair (Mr. Logan Kanapathi): Thank you.

Ms. Catherine Fife: Thanks very much.

The Chair (Mr. Logan Kanapathi): Sorry to cut you off.

This round of questions will start with the independent member. MPP Mike Schreiner, please go ahead.

Mr. Mike Schreiner: Thanks to all three presenters for taking the time to bring your valuable insights to the committee. Most of my questions are going to be revolving around the challenge we're facing with the clustering of cannabis stores in certain neighbourhoods and, at the same time, how we address, eliminate and get rid of the illicit underground market.

I'll ask all three of you questions along those lines, but I'm going to start with the Ottawa BIA, Michelle, and just

pick up on the previous conversation with MPP Fife. Could you elaborate a bit on the effects on other businesses in the neighbourhood when you start seeing a decline in diversity of retail and empty storefronts or papered-over storefronts? How does that affect the ability of other businesses in the neighbourhood to thrive or not?

Ms. Michelle Groulx: The impact when you see a lot of empty spaces is simply that people will not attend that area. The entire area is impacted in the sense that it turns into what people have called a wasteland or, in the exact sense of cannabis, “Pot-tawa.” It will negatively impact the businesses that remain in that area. Even though they possibly have their own individual support from the market, when you look at things like tourism to the area or people coming from outside of the direct neighbourhood, it impacts them when there are closed businesses on the street.

Mr. Mike Schreiner: So in many respects it does have a direct cash-flow, sales and customer traffic impact on other businesses when the neighbourhood is going through—transition is maybe the word; I don’t know—but the intensity and clustering of one particular business.

0940

Ms. Michelle Groulx: The intensity and clustering of one particular business, especially when that business is selling the exact same product—we can agree to that because they’re all buying from the same source—if that’s the case, then there is less potential for many people to go to a store, whereas one store can probably bring in the exact same amount of people of that same product and that same type of sale.

I do realize that cannabis retailers try to differentiate themselves in terms of branding and provide what could be a unique experience, but when you look at the offering, if you’re not providing a variety, then those many spaces occupy what pretty much one retailer can do, so it’s not offering variety or a reason to attract people to that neighbourhood.

The Chair (Mr. Logan Kanapathi): You have one minute left.

Mr. Mike Schreiner: Just quickly to Fleet Street Law, to Caryma. Your advocacy around e-commerce for cannabis—do you think there are some opportunities there to help address this issue around clustering? Do you have any thoughts in the probably 45 seconds that I have left here?

Ms. Caryma Sa’d: I think that there are various opportunities nestled into that. One thing that was mentioned is “online” means that a store can expand where it’s servicing customers, meeting people where they are.

The other thing I will say is that the OCS, where it operates as the sole e-commerce retailer, there’s an incentive for the OCS to effectively hoard the products that sell well. That then can deprive the retail locations of being able to order what it is that they can sell reasonably, so that competition—

The Chair (Mr. Logan Kanapathi): Thank you. Sorry to cut you off.

This round of questions will start with the government members. MPP Sheref Sabawy, please go ahead.

Mr. Sheref Sabawy: Thank you very much, Mr. Chair. Through you, I want to thank the presenters who came today and took the time to enlighten us about their opinions, and especially I would like to thank Marian and Caryma. You have been doing a lot of public advocacy, which interests a lot of constituents, I would say, so thank you very much for that.

I will start addressing my questions to Marian in regards to your advocacy to repeal the Barristers Act as not mandatory, and that will open the chance to paralegals to present in court, which, I think, it’s going to help a lot of people seeking justice who cannot afford some of the lawyers’ fees and stuff. In your opinion, the changes proposed in this legislation, if passed, would they make things more standard for the paralegals to present in courts in regard to the organization of the cases and stuff?

Ms. Marian Lippa: Yes. Thank you. I think you’ve captured the purpose of the repeal of section 3. As I said, I’ve been around for over 20 years in the criminal courts, and section 3 of the Barristers Act has put an unjust and discriminatory lens onto clients who are represented by paralegals. It clogs up the courts. We do often wait an entire day for a docket, and our clients wait with us, missing work.

One of the reasons I did bring my case to the Superior Court—on that particular day, the client who was with me had never been before the courts before, so her level of anxiety was already there. When the justice of the peace addressed me as a paralegal, that I should not sit in the front, to find a seat in the body of the court and speak to the crown, to have the lawyers’ matters called first, the effect on my client outside the courtroom—she started crying. She thought she was going to jail, because she didn’t have her lawyer there; she had a paralegal with her. So the anxiety level was already manifesting.

The discrimination of this section is profound. I get emails weekly from paralegals all across the province saying that they’re having to wait with their clients an entire day, and how it’s impacting their clients’ costs in legal representation. Ontario is a leader in regulating two legal professions. We’re an anomaly in Canada. Paralegals offer affordable legal representation for lower-court matters, and that deserves respect, not just for us as paralegals but for the people of Ontario, for access to justice.

Mr. Sheref Sabawy: Thank you very much for your answer. I would just like one more question in the same direction. How do you anticipate that to be received by the bar, the lawyers’ association?

Ms. Marian Lippa: The opposition that was present years ago is slowly weaning off. We are seen as colleagues amongst the bar, in the Ontario Court of Justice, and times are changing. We are welcome, we are seen as colleagues, we’re working together with the lawyers, and it’s just good stuff going forward that we can work as colleagues to help the people of Ontario.

Mr. Sheref Sabawy: So you are saying that there’s some acceptance, in a way?

Ms. Marian Lippa: Yes, and the judiciary is also changing its mindset. Once my action was taken, I did see

a huge shift in Ontario amongst the judiciary in how the court's matters were being handled, and I only see positive things coming from here.

Mr. Sheref Sabawy: Good. Now my question is going to be—how much time do I have?

The Chair (Mr. Logan Kanapathi): You have two minutes and 41 seconds.

Mr. Sheref Sabawy: Very good.

My question now is going to go to Michelle. Thank you very much for your presentation. As you know, businesses have been a focus in our government to make sure that small businesses sustain during this COVID time. I myself was one of the advocates for the patios, because lots of restaurants basically could not survive indoors because of the lockdown, but the outdoors helped a lot of them to be able to at least sustain some of the business.

In your opinion, the changes proposed in this bill, hopefully, if it passes, would they help to permanently have this patio as part of the main stream of the business of small restaurants? How do you think this impacts—I know the impact in my Mississauga and GTA area, but I would like to get your side of it in the Ottawa area, please.

Ms. Michelle Groulx: Sorry, the change for Bill 13 regarding the restaurants? Can you specify exactly which—

Mr. Sheref Sabawy: The changes on one of the schedules in regard to making the patios permanently allowed for restaurants. From your BIA point of view, for small businesses or restaurants, what do you think the impact would be on those small restaurants that are part of your BIA?

Ms. Michelle Groulx: I think it's going to be very good—

The Chair (Mr. Logan Kanapathi): You have one minute left.

Ms. Michelle Groulx: Oh, sorry.

Mr. Sheref Sabawy: You still have one minute.

Ms. Michelle Groulx: Yes, the impact will be very good on the restaurants and the small businesses in our BIAs.

Mr. Sheref Sabawy: So you think this is a positive step in the right direction?

Ms. Michelle Groulx: Yes, it is.

Mr. Sheref Sabawy: Perfect. Thank you very much. I'm good on that.

I have one more question to Caryma in regard to the online delivery of cannabis. You are asking for more lenient procedures in regards to online ordering for cannabis. Just a question for you: You don't think that the measures in this bill fulfill what's required? Do you want more than that?

0950

Ms. Caryma Sa'd: I don't mean to sound greedy, and I think that we're very close.

Mr. Sheref Sabawy: I didn't mean that; sorry.

Ms. Caryma Sa'd: But having delivery as an option—

The Chair (Mr. Logan Kanapathi): Thank you. Sorry to cut you off.

This round of questions will start with the official opposition. MPP Bourgouin, please go ahead.

Mr. Guy Bourgouin: Thank you to all the presenters this morning. My questions will be directed to Fleet Street Law, in particular to Marian. I am the francophone critic, and I'm hearing quite a bit from the francophone community that the lack of service in court is—francophones have to wait two to three times longer to have their hearings. I don't know, Marian, if you can speak on this or address it or give me some insight, but because of the crisis in the court system—the insufficient staff, and the list goes on when it comes to francophone services—to a point that even lawyers or paralegals are telling her, “Are you sure you want to go into the French system?” Because the services are not there.

I'd like to hear from you, I guess, if you could enlighten me. Do you think that this schedule will help this situation or address this problem? Because it's unfair that you have to wait two to three times longer because you're speaking French.

Ms. Marian Lippa: Thank you. I'm actually not aware of how we can address the francophone clients waiting in the court system. They are entitled to a French-speaking judiciary. With the repeal of section 3, if they have access to paralegals who speak French, the French paralegals can navigate the court system faster for them. Of course, anybody who has got legal representation can get through the court system faster, because we have avenues of dealing with the administration of the court, whereas the unrepresented layperson wouldn't. So I think it's a good thing.

I'm not sure if my colleague Omar has any insight on the francophone waiting times.

Mr. Omar Ha-Redeye: Sure, I will try to weigh in on this. I would echo Marian's comment: Greater access to legal representation typically facilitates greater access to justice. And by expanding access to paralegals, we will hopefully expand access to justice. The reason for that is that the law schools in Ontario are primarily English-based, common-law-based—although there are bilingual programs, primarily in Ottawa. The ability of paralegal programs, with their shorter educational cycles and their ability to license individuals in shorter time frames and greater variety of programs, in that regard certainly does provide a potential for a greater number for French-speaking legal representatives.

Mr. Guy Bourgouin: Thanks for that, and we welcome the paralegals, because if that can facilitate—but what I'm hearing is, in the system, there's a lack of translators, there's a lack of judges, and most of their court dates are either postponed or moved away, and then that creates a huge problem. Bringing in the paralegals—if we don't fix that particular problem, will that problem go away?

Ms. Marian Lippa: I'll just reiterate that having access to a paralegal in the court system as opposed to being unrepresented, especially as a francophone—having a French-speaking paralegal navigate the administration of the court often moves things quite faster than being unrepresented. You're left last on the list. You're left to speak to duty counsel, government-appointed lawyers. There are so many people before the court that the court dockets are

bogged down, and often, matters get adjourned and adjourned, especially when unrepresented. But if a French-speaking paralegal is hired, they're able to get on the list faster, get the court dates moving faster, get the client moving in and out of court and matters resolved.

Mr. Guy Bourgoïn: Thank you. I'll pass it to my colleagues for other questions.

The Chair (Mr. Logan Kanapathi): Go ahead, MPP Glover. You have two minutes and 48 seconds.

Mr. Chris Glover: Oh, that's perfect. Thank you very much.

Thank you to all of the presenters for being here today. And Chris and Caryma, thank you for being here. I've got just a couple of minutes, so I'm going to direct my questions. I've got a question for Marian and then one for Michelle, so if you could try to keep your response quick.

Marian, I have a friend who works in the Family Court system, and she says that the cut to legal aid, the one-third cut of the budget to legal aid has actually created a bit of chaos in the court system, because people come in and they don't have representation. They don't know what, for example, submitting or giving a subpoena means, and so they just gave their ex-partner a letter or whatever.

Are you seeing the same kind of chaos and delays in the criminal court system, and is there a solution? I know this won't help, but—

Ms. Marian Lipka: No, and thank you for that, and quite an insight into what chaos is going on, yes. As people have access to paralegals—and, of course, I've always said, we are alternative, affordable legal representation for lower court matters. And it's so true. When we're assisting an unrepresented party who needs to hire a paralegal instead of a lawyer for cost-efficiency, we push things through faster.

When you're represented, your legal representative knows the avenues and the administration of the court. We're contacting crowns. We're contacting the court administration. We know the phone numbers to call. We know the next court dates, what's involved. Having a paralegal is going to assist in moving things along.

The Chair (Mr. Logan Kanapathi): You have one minute left.

Ms. Marian Lipka: I'm not sure if you're aware, but the Ontario government, the Attorney General, bestowed upon the law society to create a family law licence for paralegals because of that exact problem in the Family Court system, and we have been working diligently on getting that done. I'm hopeful that we're going to have an announcement soon.

But, yes, I've seen it in the Family Courts prior to regulation, so many unrepresented people. The more representation you have, the faster things move in the court system.

Mr. Chris Glover: Thank you.

Ms. Marian Lipka: I hope that helps.

Mr. Chris Glover: Yes, it does.

I don't have too much time left, Michelle. I just want to say, we're experiencing the same thing in my riding of Spadina-Fort York, which is the downtown core of Toronto, this clustering of cannabis shops. We need

cannabis shops. Thank goodness it's legalized. However, when you saturate the streets—we're having the same impacts on main streets, so we're very supportive of MPP Stiles's bill, Bill 29. And thank you for being here.

The Chair (Mr. Logan Kanapathi): Thank you. With this round of questions, we'll start with the independent member. MPP Mike Schreiner, please go ahead.

Mr. Mike Schreiner: Thank you, Chair, and through you: Caryma, you've been cut off twice now trying to make your point, so I'll just give you a bit of time to speak when we're not at the end of the round of questioning.

Ms. Caryma Sa'd: I'm grateful for that. Thank you.

The point I was trying to make earlier is that—and I wouldn't even characterize what I'm putting forward here as requesting leniency. I think it's a logical extension for stores to be able to do e-commerce. There doesn't seem to be any evidence-based reason why a retail store that is in compliance with all the other regulations—and there are a lot of them—would be unable to take that next step and why they should be competing with the province who supplies them for potential customers, especially given the market saturation.

Mr. Mike Schreiner: Do you think it could potentially help with the market saturation and the clustering challenges we're facing, or not?

Ms. Caryma Sa'd: I think that in the best-case scenario, it becomes another way for stores to differentiate or distinguish themselves and so, to that end, allows retailers to build up, beef up their customer base. I don't know that it would be the panacea to clustering—I think they're separate issues—but I don't see it having a negative effect, certainly.

Mr. Mike Schreiner: Great, thank you for that. I'm going to direct my next question to Chris. Nobody has come your way in a little bit. I'm just wondering: You've been following this conversation, and you came here with concerns around how we eliminate the illicit, underground market, but you've also had the opportunity to listen to a number of concerns that we've heard today—or previous to today; it has been in the media a lot—around the clustering of cannabis stores and the negative effects on local businesses, vibrancy of neighbourhoods etc.

And so, I'm just wondering: Do you have, from your perspective in the industry, thoughts on how we can address the issue of clustering?

Mr. Chris Beals: Yes, I do, actually. We've seen this in a lot of ways. One issue is that a lot of jurisdictions—and this is obviously not the thing we're talking about here—have an issue with insufficient cannabis retail. Cannabis retail is so spartan that they have even more outsized illicit markets. For instance, the state of Illinois is estimated to have an 80% to 90% illicit market capture, because there is essentially one retailer for every 60,000 people.

One thing I would caution on: Often going down this path of trying to deal with these issues results in people using zoning radiuses. We've actually helped cities, because the maps around π^2 , when applied to a large

urban area, end up blocking out larger chunks of geography than most people realize. I think, to the extent that something like that is done, you have to be careful.

The Chair (Mr. Logan Kanapathi): You have one minute left.

Mr. Chris Beals: In terms of clustering, just taking a landscape approach of what we've seen work in other jurisdictions, generally things that would help with this—because part of the issue around clustering is that the stores sell a single good, cannot sell other things and don't have too much ability to differentiate themselves. What we've seen in other areas that has helped with this is the ability to sell ancillary goods, run coffee shops and that sort of thing. In Spain—Barcelona, specifically—social clubs can have on-site consumption lounges so that they serve more of a social gathering function, which boosts foot traffic and commerce in surrounding areas.

There's product diversity, of course, being able to carry specialized product, focusing on flower or other form factors. Social consumption, I just mentioned. There's the ability to do deals and discounts and the ability to have co-location of social venues or other things with cannabis businesses.

I think one issue that's not talked about a lot with clustering is letting these businesses serve a more full-functioned role that would be more diverse in terms of the goods that are sold, and then potentially operating more like a social bar/consumption area.

Mr. Mike Schreiner: Great. Thank you for that.

I'm likely out of time, I would assume, Chair?

The Chair (Mr. Logan Kanapathi): Thank you. Yes.

Mr. Mike Schreiner: That's fine.

The Chair (Mr. Logan Kanapathi): Thanks again to all the presenters. As a reminder, the deadline for the written submissions is 6 p.m. on Thursday, November 18, 2021.

Mr. Mike Schreiner: Chair, could I just make a comment before we recess, please?

The Chair (Mr. Logan Kanapathi): Go ahead.

Mr. Mike Schreiner: Could we ask that the leaf blower—I think these things should be banned anyway, but at the very least, if it could not be operating when we're in committee? I'm finding it hard to hear. Could we make a request to the grounds crew that they not do it this afternoon?

The Chair (Mr. Logan Kanapathi): We will do that. Thank you.

Mr. Mike Schreiner: Thank you.

Ms. Catherine Fife: Chair?

The Chair (Mr. Logan Kanapathi): MPP Fife?

Ms. Catherine Fife: Thank you, Chair. I just wanted you to confirm that this afternoon we only have delegations from 1 until 2. Is that correct?

The Chair (Mr. Logan Kanapathi): Yes.

Ms. Catherine Fife: And when are amendments due to be submitted?

The Chair (Mr. Logan Kanapathi): The deadline for filing amendments to Bill 13 is 12 noon on Tuesday, November 23, 2021.

Ms. Catherine Fife: Amendments are due by next Tuesday?

The Chair (Mr. Logan Kanapathi): Yes.

Ms. Catherine Fife: And then, also, can I just ask the Clerk: In the envelope or the folder where delegations had submitted their written submissions, yesterday, when I first opened it, it was empty. Can you please confirm that, for all the delegations that submitted written submissions, we have access to those for the amendments process?

The Chair (Mr. Logan Kanapathi): Yes.

Ms. Catherine Fife: Thank you. Look, you're saying yes. That's great.

The Chair (Mr. Logan Kanapathi): Thank you.

Ms. Catherine Fife: Thanks so much. Have a good day.

The Chair (Mr. Logan Kanapathi): This committee will recess until 1 p.m.

The committee recessed from 1004 to 1300.

The Chair (Mr. Logan Kanapathi): Good afternoon, everyone. The Standing Committee will come to order. We did the attendance check. Are there any members we missed? I see none.

THE PEOPLE AND
INFORMATION NETWORK
ONTARIO PROFESSIONAL
PLANNERS INSTITUTE

The Chair (Mr. Logan Kanapathi): I will now call on the first presenter for this afternoon, PIN, the People and Information Network. You will have seven minutes for your presentation. Please state your name for the Hansard purpose, and you may begin now. Welcome.

Ms. Kim Cusimano: Thank you. Kim Cusimano, PIN, the People and Information Network.

Good afternoon, Mr. Chair and committee members. My name is Kim Cusimano, executive director at PIN, the People and Information Network. PIN is one of 14 volunteer centres in the province of Ontario and serves the communities in Wellington county, including the city of Guelph, where our bricks-and-mortar office is located.

The treaty encompassing Guelph is called the Between the Lakes Purchase, three million acres acquired by the crown from the Mississaugas in 1784. The original, or pre-contact, inhabitants of the land were the Anishnaabeg, and stewarded by the Attiwandaron, Neutrals, Huron-Wendat, Misswezahging and other Anishinaabe nations.

At PIN, we connect people, ideas and information to empower non-profits and community members to grow and prosper. We do this through three pillars of work: in-community information, non-profit leadership and our volunteer network.

Founded in 2001, the International Year of Volunteers, PIN envisions a world where strong and welcoming communities are connected through volunteerism. We believe that everyone has something to contribute, that volunteerism builds belonging, inclusion and connection, and we believe fulsome volunteer engagement practices, including

volunteer screening, is a vital component to safeguard vulnerable individuals.

PIN is an active member of the Ontario Nonprofit Network, or the ONN, the Ontario Volunteer Centre Network and a member in good standing, as well, with Imagine Canada and Volunteer Canada, and we support nearly 200 non-profits and charities in our local community.

As you know, this sector across Canada is formidable: 8.7% of the total GDP, which is more than the retail trade industry and close to the value of mining, oil and gas. In Ontario, sector revenues account for 2.4% of Canada's GDP, more than three times that of the motor vehicle industry. Volunteerism is a thread that's woven throughout this sector, with results valued at \$55.9 billion according to a 2017 Conference Board of Canada report.

Across the country, right in our province and in our local communities, the impact of COVID has pounded the sector and volunteerism. In Ontario, non-profits have lost massive amounts of volunteers; 61% of respondents is referenced in the ONN state-of-the-sector report, which you heard yesterday.

Our community benefits sector mirrors a similar result: 61% of our respondents in our local community indicated a reduction in volunteerism and volunteer involvement. In addition, 50% of respondents noted a decrease in individuals contacting their organization to volunteer; 67% of disruption of services for clients and for community, coupled with a 56% increase in demand in service for the local non-profits and charities. We believe this is a social crisis recipe.

We also know that through our strong Ontario Volunteer Centre Network, volunteer centres built connections with 4,300 non-profits and grassroots groups, and connected with and supported 3.3 million volunteer seekers from every demographic, individuals who stepped up in the face of COVID to meet essential needs. As leaders in coordinating volunteer involvement, local volunteer centres continue to be a bridge that connect individuals with organizations delivering essential community support.

In an emergency, people are compelled to help, and during the pandemic, some actually volunteered for the very first time—grassroots groups, from mask-making to formal volunteer roles supporting food-packing and delivery, for example. What's important to note is not all of these volunteers required a police record check.

We need to guide this support, those 3.3 million individuals in an 18-month period, into ongoing voluntary efforts, particularly as individuals transition back to in-office work, back to school and back to pre-pandemic activities as the province opens up. There is an immense power, human power, in volunteerism. It mobilizes action and invests in and shapes the communities that we all want to live, work and play in.

On behalf of PIN, I express our support for schedule 20 of Bill 13, which eliminates the fees for levels 1 and 2 police record checks for volunteers, and extend appreciation to all in support of this bill, the benefits of volunteerism and eliminating barriers to engagement. In addition, we're in full support of ONN's friendly amendment on the definition of a "volunteer." It says:

“—performing unpaid work

“—motivated to carry out this work for civic, charitable or humanitarian reasons, and

“—engaged by a not-for-profit or public organization.”

For a number of years, PIN led a unique offering modelled after a successful program out of Volunteer Alberta. This unique program, locally, was a collaborative effort. Volunteer roles that were approved by PIN were provided an authorization number for a free police record check. PIN also provided training and one-on-one consultation around the appropriate use of police checks and the 10 steps of screening that have been developed by Volunteer Canada.

While the legacy agreement with local police services expired in 2020, we do know that it was a successful support to a myriad of roles where volunteers were in a position of trust or authority, a situation in which a volunteer had a significant degree of authority or decision-making power over a vulnerable person, or—

The Chair (Mr. Logan Kanapathi): You have one minute.

Ms. Kim Cusimano: Thank you. So this is your child's mentor; it's a mentor for our youth, driving your sister for a cancer appointment or delivering a meal for your grandfather.

Volunteerism is a powerhouse. Ninety per cent of the roles submitted and approved through PIN were in support of the vulnerable sector, and we vetted 1,133 volunteer roles through policy review, risk assessment and recommendation. Knowing that landscape and the needs, PIN recommends that the fee-waived police record checks be available to all volunteers for appropriate roles, including a level 3 vulnerable sector check.

In conclusion and with respect, we note that PIN, peer volunteer centres, the Ontario Volunteer Centre Network and the Ontario Nonprofit Network are invested in volunteerism—

The Chair (Mr. Logan Kanapathi): Thank you.

Ms. Kim Cusimano: Thank you.

The Chair (Mr. Logan Kanapathi): Sorry to cut you off.

Ms. Kim Cusimano: That's okay.

The Chair (Mr. Logan Kanapathi): Thank you for your presentation.

Our next presenter is the Ontario Professional Planners Institute. You will have seven minutes for your presentation. Please state your name for Hansard, and you may begin now. Thank you. Welcome.

Ms. Susan Wiggins: Thank you, Chair Kanapathi and members of the committee. My name is Susan Wiggins and I am the executive director of the Ontario Professional Planners Institute, better known as OPPI. OPPI is the professional institute and regulator of professional planners in the province of Ontario. We represent over 4,500 members who work across the planning spectrum in every community. Our members work for consulting firms, provincial and municipal approval bodies, private developers, community agencies and academic institutions.

As the regulator of the profession, we have the mandate to set education, experience and examination requirements for membership; to grant the registered professional planner, or RPP, designation; and to govern the rights and responsibilities of members.

Today, I'm joined by my colleagues, OPPI president Paul Lowes, RPP, and a principal of SGL Planning in Toronto, and past president Justine Giancola, RPP, a partner at Dillon Consulting in Kitchener.

OPPI has been working diligently over the past year to develop and advance recommendations on how professional planners can improve Ontario's planning system, so we are very excited to see schedule 19 included in this bill. Our comments will focus on the amendments to the Planning Act under schedule 19 of the proposed legislation.

I'm going to pass the floor to Justine Giancola to speak next.

Ms. Justine Giancola: Thank you, Susan.

Good afternoon, everyone. OPPI supports measures that enhance delegation of land use planning decisions within the province. In fact, the OPPI, just last year, did extensive consultation that resulted in recommendations to expand delegation of routine planning approvals to staff. We thank Minister Clark and Minister Tangri for proceeding with one of these recommendations in the fall red tape bill.

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Schedule 19 of this bill will allow municipal councils to delegate additional planning decisions, which can save months in the approval process. The proposal creates a new discretionary authority to delegate minor decisions under section 34 of the Planning Act, which could include technical implementation items such as the removal of a holding symbol, temporary use bylaws and other minor zoning bylaw amendments. These tools are used by municipalities to implement council-approved plans and policies. Delegation is currently available for a number of Planning Act tools, such as site plan approval or a draft plan approval, and when utilized, provides significant service level improvements.

In a recent survey of heads of planning departments, 63% of respondents reported a two-to-three-month reduction in the development approval process timeline when delegation was used. Another 11% of respondents reported an even greater four-to-five-month reduction in the approval timeline when delegation was used.

Delegation is supported by nearly all stakeholders involved in the planning approval process, and OPPI's recommendations were supported by many of the key organizations across the development and municipal landscape.

I would now like to pass along to my colleague Paul Lowes.

The Chair (Mr. Logan Kanapathi): Please go ahead.

Mr. Paul Lowes: Thank you, Justine. Thank you, Mr. Chairman. Good afternoon.

As municipalities move toward delegating minor and routine planning decisions as a result of this legislation, it is important to ensure that appropriate safeguards are in place to protect the public interest. The individuals making

decisions on planning matters should have appropriate education, experience and accreditation.

Schedule 19 currently allows municipal councils to delegate planning decisions to a committee of council or an individual who is an officer, employee or agent of the municipality. However, there is no requirement for that individual to have any understanding of land use planning in Ontario. OPPI recommends that the schedule be amended to ensure delegated authority can only be conferred to a qualified person such as a registered professional planner.

Now you are going to ask me, "Mr. Lowes, what is a registered professional planner?" That's a person, a planner, who has gone through an accredited university degree, has a number of years of experience, has gone through a mentoring program put on by OPPI, has taken ethics courses, and has written an exam before they can become an RPP and use that registered professional planner designation. Once a planner, they must adhere to a code of practice, and part of that code of practice is acting in the public interest. As well, OPPI provides regulatory oversight of our professionals.

Delegating authority to a registered professional planner, RPP, ensures standards of practice will be achieved. It gives the municipalities the comfort that their delegations, the request to delegate different planning matters, are in good hands with a registered professional planner.

In conclusion, Mr. Chairman and members of the committee, OPPI thanks the government for taking these important steps towards a more streamlined planning approval system. Our members support the measures in schedule 19, and we look forward to continuing to work with the government on ways planners can help to improve our planning system and move development along. Thank you for your time, and we would be happy to take any questions.

The Chair (Mr. Logan Kanapathi): Thank you.

I'll let the committee know that Andrea Winchester, the other person, cancelled the appointment.

Now we are moving to the round of questions. I will start questions with the official opposition. I can see Chris Glover raised his hand. Please go ahead.

Mr. Chris Glover: Thank you very much, and thank you to the delegates for being here with your insights. This is our second day of hearings on this bill. I've learned a lot from the deputants over the last couple of days, including from yourselves.

I've got questions for both sides. We've got two rounds so I may get you to in the second round if I don't in the first round.

Kim, I want to ask about this: You're supportive of the government's move to provide for level 1 and level 2 police record checks. It's the level 3, the vulnerable sector checks, that are not included, and you're looking for that to be added to this bill. Can you explain what difference that would make for some of the volunteer organizations that—

Ms. Kim Cusimano: Thank you, MPP Glover. I would be happy to answer that. It's Kim Cusimano. Where that would lie is, these are organizations—we know that we've had a 90% participant rate in our best practices program, when it was in operation. Some 90% of those police record checks were in support of the vulnerable sector.

There is a large investment of human power, through volunteerism, that supports local non-profits and charities in their municipalities, and there is really a large value to the province. Volunteering efforts—it's shown by the efforts of Ontarians every day, and the return on that investment would make Ontario stronger as a result.

You know, there certainly is value in having levels 1 and 2 police record checks covered, and we're very appreciative of that gesture and that support, but the real impact would be to support those most vulnerable in our communities.

Mr. Chris Glover: Okay. Before being an MPP, I was a Toronto District School Board trustee, and I was the chair of the community use of schools advisory committee. We had 20 members from all different sectors—sports teams, philharmonic orchestras—all these different community organizations that were across the city of Toronto. And that's when they brought in the vulnerable sector check—and it was a good thing. I mean, obviously. A lot of people are dealing with children, and we want to make sure they're safe.

It caused a lot of problems, just the rollout, because you are asking somebody to volunteer, and then you were asking them to go through this process. The process—at the time, one of the problems was that it was a mishmash across the province about how long it would take and how much it would cost. Is it still the same problem? Does it still depend on where you are?

Ms. Kim Cusimano: Thank you, MPP Glover. I would be happy to answer that. Across the province, there is a mishmash of municipalities operating at different levels, anywhere from—the ONN, Ontario Nonprofit Network, was indicating that nearly half of municipalities are charging for fees. It can be upwards of \$71 per check, which is a huge financial barrier. But also, the processing of timelines is different, as we understand from the Ontario Nonprofit Network.

Where there is concern, too, is that it's not across-the-board, right? We did a comparative analysis locally for the city of Guelph, for mid-sized cities, and it ranges anywhere from \$12 for a police record check all the way up to \$40 for a police record check, with varying dollar amounts for the employment police record check that's required.

We do know that there have been changes to the system as well, in that, under the age of 18, the only reason that a youth would be able to obtain a police record check is if they were volunteering for a municipal or government organization. An example of that would be a municipally run summer camp, and volunteers would be required to have that police record check.

Mr. Chris Glover: At that time, there were a number of organizations where a lot of volunteers just walked away rather than go through this process. Are you still

finding that, or do you even know? I mean, now, it was introduced, so people were already volunteering and then they were asked to do this thing and pay this money, and some of them just chose not to do it. Are you still finding that? Do you think that this impacts the number of volunteers in these organizations?

Ms. Kim Cusimano: I do. I think that the dollar amount of that impacts. It's a barrier to engagement. I do think, in some cases, particularly around the vulnerable sector, in long-term care, for example, you're also looking for tuberculosis testing. There are a number of different pieces in place.

But I've also heard volunteers say that they appreciate that the organization has gone to the depths it has for screening, because that means that they're invested in the individuals that they serve. They're invested in those clients, those residents, those children, youth, seniors, newcomers. So there is, I think, an appetite for people understanding that there is a bit of a process, but where the dollar amount comes in can be a real barrier to engagement.

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Mr. Chris Glover: Okay. Thank you. Mr. Chair, how much time do I have left?

The Chair (Mr. Logan Kanapathi): One minute and 57 seconds.

Mr. Chris Glover: Okay, so we've got almost two minutes. Thank you so much, Kim, for those responses. It's very helpful to us in establishing this. We are preparing amendments for this bill, so you can watch for those as well.

Let's talk about the changes to the Planning Act. This change, this schedule 19, has been met with—generally, people are approving of this, because it seems just something that's going to streamline. Paul, Susan and Justine, you're talking about the need for a registered professional planner to actually be doing the assessment. Can you just go through what the difference would be for somebody—have you got examples of mistakes that have been made, or worst-case scenarios?

The Chair (Mr. Logan Kanapathi): You have one minute left.

Mr. Chris Glover: We can start this, and then we'll have a second round. We can continue this conversation.

Mr. Paul Lowes: Certainly. I can respond to this, and maybe Susan can respond on the mistakes that have been made.

Planners all go under a code of ethics, and we have a code of practice that we have to abide by as a registered professional planner. Planners that aren't a registered professional planner—and there are still some out there; not a lot, but there are some out there—or a clerk or others do not have to follow that same code of practice. We have a set requirement for being in the public interest, and any delegation of a matter of municipal jurisdiction needs to be in the public interest. So that's where our focus is and why we're recommending that any delegation be to a registered professional planner.

Susan, can you give some examples of the issues?

The Chair (Mr. Logan Kanapathi): Thank you. Sorry to cut you off. This round of questions will start with the government members. MPP Will Bouma, please go ahead.

Mr. Will Bouma: Thank you, everyone, for meeting with us this afternoon. I said this already this morning, but I'll say it again to these delegations: I appreciate the insights that we get when we have committee meetings from so many people who have boots on the ground in so many places that we take responsibility for as legislators, and yet so often we have so little personal experience.

I wanted to focus a little bit on the planning part. I spent a few years on county council, my oldest son is in third year at the University of Waterloo in the school of planning, and I started on the committee of adjustment in the county of Brant in 2007. I love that aspect of community building and just how that all works and planning and building communities, and I love chatting with my son. He interviewed today for a co-op placement that he'll be going into in January. So it's great to you have here. I really appreciate your time, Justine, Paul and Susan.

I was wondering if you could go over again—I think it was Justine who said it. On average, how much time could be saved in new construction for a project if delegation occurred, as it should do, to get those decisions away from a council to someone who is qualified—we can have that conversation; I hope to—in order to do that? How much time could be saved on a new project?

Ms. Justine Giancola: Thank you, MPP Bouma. I would be happy to start, and then, Paul, feel free to jump in if I have missed anything.

In terms of the survey that we undertook, we surveyed heads of planning departments across the province, and the survey respondents were based on the delegations that are currently available to municipalities. That would be site plan application or draft planning of subdivisions, so not what this bill is putting forward in terms of additional delegations. But in those instances, what we heard from those who have an existing delegation bylaw where site plans or draft plans of subdivisions are being delegated to staff is 67% of respondents indicated two to three months' reduction in the timeline, and another 11% said four to five months' reduction. So because they're not having to plan around the next council meeting, organizing staff reports—all items that you would be quite familiar with in your time on committee of adjustments. There can be quite a bit of a lag in that element of the process, and so that's why we think there really is a lot of value to looking at additional delegations.

Mr. Will Bouma: Wow. I completely agree, because if one document misses a deadline, then you skip a whole planning committee meeting, and then something else, and you miss the council meeting for final approval. That's on the things that already exist that can be delegated.

With the extra that we're adding to this, do you think you could double that again? Could you make it four to six months—just a ballpark idea—or could you take off even more time to see more housing come online through something like that?

Ms. Justine Giancola: I'll start, and, Paul, feel free to jump in. It's difficult to say, because each municipality has such a unique circumstance in terms of how many council meetings they have a year, when they're scheduled and when applications come in. But I would think that if this is delegating a Planning Act approval that formerly went to council, I would imagine it would be fairly similar in terms of the time savings.

Mr. Will Bouma: Okay.

Mr. Paul Lowes: And if I could just add to that, what it's doing is not reducing time necessarily on the same matter but a broader range of matters. So including a broader range of matters can help a whole bunch of different applications rather than a very finite group of applications. Overall, we'll have a huge benefit and the timeline—as Justine said, two to three months is minimum for getting through a council process.

Mr. Will Bouma: It seems almost too simple that we could take months off of bringing new housing online by such a simple change. But thank you for that. I really appreciate that.

My next question then would be if you have any idea how many municipalities take advantage of delegation. There are, what, 444 municipalities in the province of Ontario? Do you have any idea? You said you had 67% respondents—how many municipalities take advantage of some form of delegation at this point?

Mr. Paul Lowes: Justine, do you have that?

Ms. Justine Giancola: Yes. In terms of the survey that we undertook, we had respondents from 82 municipalities across the province—but it wasn't all 400 and such. But in terms of our respondents, two thirds of our respondents delegate site plan applications, so that was the most common that was being delegated, and about one third are delegating draft plan of subdivision. So that means that for the other third, council is seeing every site plan application—just of the glimpse that we got in terms of our survey responses. Certainly site plan application is the most common to be delegated, with about one third of respondents delegating draft plans and validation certificates.

Mr. Will Bouma: Naturally, I like decisions being made by people who are directly accountable to the electorate. I think that's a very good thing, as opposed to everything being just in bureaucracies and things like that, but this—

The Chair (Mr. Logan Kanapathi): You have one minute left.

Mr. Will Bouma: Oh, how did that disappear so quickly, Mr. Chair? I think I talk too much. I'm going to let you talk more. Sorry. I do apologize. Quickly, then, I'll move on.

The obvious question that you have is safety. So your recommendation is also—because I would like to hear more about that—that anyone could be assigned this delegated task under what we have proposed before us. I understand the reason before that. You're suggesting we add registered planners. Should other people be added also? I've met a lot of lawyers who spend their whole life doing this sort of thing. Should it only be registered

planners? I was wondering if anyone would like to talk out that minute on that, please.

Mr. Paul Lowes: Certainly. Planners have a unique aspect: (1) that they know the industry well—that is their life, their role—and (2) registered professional planners have, as I said, the code of practice that they have to abide by in the public interest, but—

The Chair (Mr. Logan Kanapathi): Thank you. Sorry to cut you off. This round of questions will start with the independent member. MPP Mike Schreiner, please go ahead.

1330

Mr. Mike Schreiner: Thanks to both groups of presenters for coming to committee and providing such valuable insights today.

Kim, I'm going to start my questions to PIN. I was going to preface by saying it's always nice to have a constituent come to committee, but I have to acknowledge you're technically not a constituent. You're somebody who does great work in my riding, though, and also in Wellington county, so we certainly appreciate the good work that PIN does.

You had talked about the number of volunteers who access police record checks, and I think I heard the number that 90% require a level 3 vulnerable sector check. Am I correct with that?

Ms. Kim Cusimano: Thank you, MPP Schreiner. Yes, out of the 1,133 volunteer roles that PIN vetted over a seven-year period, 90% of those roles were specific to the vulnerable sector check. One vetted volunteer role—perhaps that would be for a friendly visitor for an older adult in long-term care—perhaps would be 10 people in a year. That's a guesstimate on that. It would really depend on organizational need, turnover, volunteerism, landscape of local recruitment.

Mr. Mike Schreiner: You had mentioned that in Guelph and Wellington county, the costs for that ranges between \$12 and \$40. Is that usually the volunteer paying or the organization paying or a little bit of both?

Ms. Kim Cusimano: In the comparative analysis we did—in the city of Guelph right now, it's \$35 for a police record check. Throughout the province, in mid-sized cities, that could be \$12 for under the age of 18, all the way up to what we were seeing, \$35 and \$40 per police record check. The reality is that non-profits and charities do not have the dollars to cover the cost of that.

In a recent community benefit sector survey we did, we had 94% of respondents indicate reduced revenue from earned income, along with reduced revenue from fundraising, from donations, and 44% of the respondents noting an increased cost due to COVID. Close to one in five may have significant impact within the next couple of months, and if they're not already managing through the results of the pandemic—

The Chair (Mr. Logan Kanapathi): You have one minute left.

Ms. Kim Cusimano: Thank you. The impact of that is nine months to two years, so there's a real fragility there.

Mr. Mike Schreiner: And the sector hasn't received any stabilization funding or anything like that to compensate for your challenges.

I know we only have about 40 seconds at this point, probably, but what would be the return on investment if government covered that \$35 cost?

Ms. Kim Cusimano: I believe, along with our peer volunteer centres, Ontario Volunteer Centre Network and ONN, there would be a return on investment. There is a significant ability to reduce the barrier, to engage and support Ontarians to get involved in their community. In support of 80% of those police record checks that are completed on a level 3—that's a significant issue. Not everybody we know is able to afford the cost of that with the rising cost of living. It's a real challenge, and it could result in not having enough volunteers to deliver services.

We do know, anecdotally, through talking with some of our organizations locally, that they may have a 25% to 40% return rate for volunteers as a result of the pandemic. What will happen to that 75% or that 60%? There is a real need.

Mr. Mike Schreiner: Great. Thank you for that. That's probably all my time, eh? Yes. Thanks, Chair.

The Chair (Mr. Logan Kanapathi): Thank you. This round of questions will start with the official opposition. MPP Chris Glover, please go ahead.

Mr. Chris Glover: Thank you. Susan, I think you were going to talk about some of the issues that have come up because of non-registered planners making decisions.

Ms. Susan Wiggins: Sure. Thank you, MPP Glover. In response to that question: As you know, as a regulator, we have a complaints and discipline process where we start to see instances where members of the public can file a complaint against a member who, in fact, hasn't adhered to the codes and standards. The other area where we can find evidence of things that could go wrong are through our insurance program and cases being filed by municipalities.

We currently are also seeking greater oversight of the profession through updated legislation, which we are recommending go forward, because we don't have the authority that we need right now to be able to regulate people who could simply choose to leave the organization should something come forward. So while those errors do occur by planners and non-planners, it is harder to identify because we don't have the best level of authority of oversight because we're looking for updated legislation. We just need more modernized legislation.

Mr. Chris Glover: Okay. So if a decision is made by a registered professional planner, through your organization, there is both an insurance claims and a complaints process. Is that correct?

Ms. Susan Wiggins: Correct.

Mr. Chris Glover: Okay. If a decision is made by a non-registered planner, then there is none. That doesn't exist.

Ms. Susan Wiggins: Correct.

Mr. Chris Glover: So that would be one of the advantages of having this delegated authority go through RPPs.

Ms. Susan Wiggins: Absolutely.

Mr. Chris Glover: Okay. The other question I have is, the delegation—the wording in the legislation is “of a minor nature,” that the power would be delegated for issues or variances of a minor nature, but that’s not defined in the legislation. Is there a legal definition of “minor nature,” and if not, what should it be? Does this need clarification, or should it be left up to municipalities to define this?

Mr. Paul Lowes: MPP Glover, we’ve had this discussion quite a bit around our table. We feel the way it’s worded is appropriate because it allows planners at a municipality to advise their councils on what is appropriate, in their instance, as minor. What might be minor in one municipality may not be considered minor in another, so it gives that flexibility for our planners, our RPPs, to advise their councils what could be minor as they put it in an official plan.

It also then gives the public, as it’s an official plan amendment, the opportunity to have their say through public meetings as to what they consider to be minor. So I think it’s a good process, a good way to do it. By putting in an official plan, it allows for full public scrutiny on that matter of what is actually minor.

Mr. Chris Glover: Okay. So once this legislation is passed, then the process would be for each municipality to define what “of a minor nature” is?

Mr. Paul Lowes: That’s correct, and they would have to put it in their official plan, through the full public scrutiny official plan amendments have to go through.

Mr. Chris Glover: Okay, thank you. Let’s see. You had mentioned that two thirds, 444 municipalities in Ontario—and you did a survey. I guess this is probably for Justine. You did a survey. You got 80 responses. What percentage of these positions are now filled by registered professional planners?

Ms. Justine Giancola: I’m not sure that we actually have that data. We have the data on our own members, but what we don’t have excellent data on is those municipalities who have planners who are not registered professional planners.

Mr. Chris Glover: How many members do you have in the province?

Ms. Justine Giancola: We have about 4,000. Susan, you probably have the most up-to-date number.

Mr. Chris Glover: Okay. And how many municipalities of the 444 are they engaged in, or do you know? If you don’t have the answers right now, I’m not trying to put you on the spot or anything. If you don’t have the answers, you could always send an email.

Ms. Justine Giancola: Yes, so what we have information on is which municipalities have registered professional planners on staff, and to be honest, it’s most municipalities now. Most municipalities require it in their job application. It is fairly standardized. What we don’t have such good information on is municipalities that are hiring planners without that qualification.

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Mr. Chris Glover: Okay. You mentioned that you’re looking for some legislation around the regulation of this

profession, and you mentioned one is that this delegated authority only goes to registered professional planners. What other changes would you like to see around the regulation, apart from fees?

Mr. Paul Lowes: Just to clarify, what we’re asking for is to be conferred to a qualified person, and we mentioned that an RPP is a qualified person. The municipality may decide that there are other qualified people that have similar requirements, as I was going to respond to an earlier question.

In terms of the other matter, we feel that we’ve had a bill that was put forward, a private member’s bill, Bill 70, that died on the order paper, that would expand the legislation for planners and strengthen our ability, as Susan said, for requiring current and future members to go through a process if there have been complaints. So it strengthens the ability for RPPs and the institute to ensure that RPPs are meeting up with the code of practice. That’s what we’re also looking for: that that legislation be returned, hopefully, some day—

The Chair (Mr. Logan Kanapathi): You have one minute left.

Mr. Paul Lowes: Thank you—to ensure that we have more up-to-date legislation and more modern legislation for professional legislation, as Susan indicated.

Mr. Chris Glover: I’ll take a look at that Bill 70. Is it similar to—if you’re a teacher in Ontario, you have to belong to the Ontario College of Teachers. It’s the same with nurses or physicians; they have to belong to theirs. If you are a planner in Ontario right now, it seems that you don’t have to necessarily belong to this professional organization or this professional college. Is that accurate?

Mr. Paul Lowes: That’s correct. You don’t have to belong. But we have 4,000 members, which is quite a lot. They’re choosing to do so.

Mr. Chris Glover: I see. And that professional membership, the advantage, it seems, comes to the municipalities that it comes with insurance.

Mr. Paul Lowes: Yes, all our members have to have professional liability insurance, and all our members have to adhere to the code of practice.

Mr. Chris Glover: Right. Okay. Thank you very much. Thank you, everybody—Kim as well. Thank you all for being here. It has been a very informative discussion.

The Chair (Mr. Logan Kanapathi): Thank you. You are on time. Chris Glover made it.

This round of questions will start with the government members. MPP Bob Bailey, please go ahead. MPP Bailey, we can’t hear you, sir. MPP Bailey, we’re still waiting for you. No, still we can’t hear you. Do you have a headset? Can you please use a headset?

MPP Khanjin.

Ms. Andrea Khanjin: Chair, if Bob’s mike is not working, I can jump in, but just to make sure his mike is—
Interjection.

The Chair (Mr. Logan Kanapathi): MPP Khanjin, go ahead.

Ms. Andrea Khanjin: Thank you all for coming to committee today. My question today to the great planners

here—thank you for everything you do to build up Ontario and help our municipalities. I know my colleague MPP Bouma had talked about that particular part of the legislation and his son pursuing a degree in planning. I just wanted to follow on the last question that MPP Bouma asked in terms of timeline and what this amendment really needs for a timeline, and the red tape that occurs with the committee of adjustments.

I've heard it anecdotally. I represent the communities of Barrie and Innisfil, two different planning departments, and sometimes it's very frustrating for those who sit on the committee of adjustments, because they know sometimes—this is them saying it, not me—as “the rubber-stamp committee.” How do this amendment and your profession help not only the integrity of the process but the speed of it as well?

Mr. Paul Lowes: MPP Khanjin, this legislation won't address minor variances, unfortunately. We had recommended that it addresses minor variances, and it hasn't addressed minor variances. But it will address other minor zoning amendments which would not be going to a committee of adjustment but rather would be going to a council, or their planning committee and then on to council. That process is even much longer than going to a committee of adjustment.

Committees of adjustments can be—generally, from an application to get there is about two months. From an application to get through planning committee, to get through council can be up to a year. That is a substantial amount, particularly if it's for something very minor, and that's what this amendment addresses.

What this legislation addresses are those minor things. It's a shame, when having something minor or technical that a planner can easily address, to be held up for a long length of time. That's really the benefit of this legislation, particularly if something is technical. Council is going to be relying on the planners in any event to give them that advice if it's a technical amendment—and yes, it's reasonable. So if it's that minor and technical, why not shorten the process by just having an RPP address it?

Ms. Andrea Khanjin: Great. Thank you for those comments; it's really helpful.

MPP Bailey, is your mike working? See if you can jump in.

The Chair (Mr. Logan Kanapathi): MPP Bailey, we still can't hear you. Sorry.

Ms. Andrea Khanjin: Okay, I can keep going there.

Just to follow up on that question, what does this mean for certain projects? Are there projects that you can point to in the past where it would have been really helpful if we had had this type of amendment or this type of proposed change, where it would really have been a game-changer for a project that you worked on in the past?

Mr. Paul Lowes: Certainly. Let me give an example, MPP. One of these minor amendments would be the lifting of a hold. So a municipality will approve a development through a zoning amendment and put what's called a hold. That hold is that they have to address some technical

matter. Maybe they need servicing. Maybe a road needs to be finished or a bridge needs to be built.

Those are done. Then they have to go back and apply for the lifting of the hold. It's an application and it has to go through planning committee and council, which, again, is a months-long process. If it's simply saying, “Yes, I've got this done now; I can go ahead,” that can simply be addressed by an RPP member, a planner, who can say yes. It's almost a check box: “Yes, that has been done. Get going on your development. Let's get it moved along.” That's a great example of where we can really speed up the process.

Interjection.

Ms. Andrea Khanjin: Sorry, I had an issue with the muting button. Thank you. I didn't mean to dwell on that response for that long, but I was just on mute.

Thank you for that response. I really appreciate—

The Chair (Mr. Logan Kanapathi): You have three minutes, MPP Khanjin.

Ms. Andrea Khanjin: Thank you. Just to build off that, you opened up your remarks by talking about the professional integrity of planners and the rigour they have to go to. My colleague had also asked, should planners have this authority, but anyone else? You began to answer that question but weren't able to finish. I was wondering if you could just elaborate on that.

Mr. Paul Lowes: Certainly. As I made reference to in a previous response, what we're asking for is that there be a qualified person—not just any individual who is a staff member, but a qualified person. I'll leave that to council, but to mention that the qualified person can be a registered professional planner. There might be another person on staff, but they need to have a level of scrutiny in their profession similar to a registered professional planner. I'm not sure what another one would be—maybe an engineer—but they would have to know the planning aspects as well. That's why we're saying “a qualified person,” such as a registered professional planner. That's what we're requesting.

Ms. Andrea Khanjin: That's helpful. We know that when it comes to legislation about engineers, if there is some sort of structural integrity issue, then they lose their licensing. Can you speak to the planning profession and if something does happen, that there are some consequences there under the licensing regime?

Mr. Paul Lowes: Absolutely, there are. If they're a registered professional planner, as Susan Wiggins had indicated, somebody can lodge a complaint to OPPI on something that they've done, said or approved. That goes through our complaints committee. Our complaints committee investigates that, and if they agree that there has been some egregious matter that has been undertaken, then that goes to our discipline committee. Our discipline committee will hold a hearing on the matter, and then we'll provide appropriate disciplinary actions, which may mean the person is kicked out and—

The Chair (Mr. Logan Kanapathi): You have one minute.

Mr. Paul Lowes: Thank you—loses their RPP, or some other aspects of discipline.

1350

Ms. Andrea Khanjin: Wonderful. Thank you for that. I don't know if I'll have enough time to ask one more question in a minute, but thank you.

The Chair (Mr. Logan Kanpathi): Thank you. For the final round of questions, we'll start with the independent member, MPP Mike Schreiner. Please, go ahead.

Mr. Mike Schreiner: Through you, Chair, I'll ask the Ontario professional planners: You've made a pretty compelling case, I think, for an amendment to schedule 19 for "qualified person." If such an amendment would be put forward and contained in this legislation, do you think it would deter or detract from any of the advantages of the planning delegation speeding up of timelines, that you've talked about as the advantage of the schedule? Do you think it would hurt that in any way?

Mr. Paul Lowes: MPP Schreiner, I don't see that. As Justine says, we have 4,000 members across Ontario. That is a fairly large number. Every municipality, except for smaller municipalities, has them. That's why I said a "qualified person," because there may be a small, rural municipality that often will have one planner, but sometimes they don't and so it may be a clerk who's running the planning function. So that may be where a qualified person—and that municipality will determine that that is a qualified person. But other than that, we do not see this as a setback. Every municipality should already be giving us representation and getting advice from RPPs, and that just continues on that process of getting advice from an RPP.

Mr. Mike Schreiner: Okay. So you anticipated my follow-up question, but just to make sure we're clear: Even rural and more remote municipalities would still be able to have a qualified person to be able to achieve these delegated duties?

Mr. Paul Lowes: That's correct. That's what we anticipate.

Mr. Mike Schreiner: Okay. Great. I appreciate that.

Kim, I'm going to go back to PIN for the remainder of my time. When I asked the minister about level 3 checks, the response was, "Well, it's just not affordable." I'm wondering, if the government would make this investment, what difference would it make on the ground for volunteer organizations? Do you think it would be worth the investment?

Ms. Kim Cusimano: Thank you, MPP Schreiner. I can certainly speak to PIN. I can speak to, in 2019, we know

that there were 4,000 police record checks that were completed. We know that that would be in support of vulnerable persons, based on our experience of 90% of the checks being done for the vulnerable sector.

We do know, obviously, that money is tight. Money is tight all the way around. When we look at return on investment, what I would like to suggest is that it's the appropriate use of police record checks. It's knowing that there are supports, through volunteer centres, that are going to help local organizations understand when a police record check is required and help them to mitigate risk and to understand what the 10 steps of screening are. I think, in that regard, it is a good use of dollars for the province of Ontario, to be able to help rebuild and support the vulnerable individuals in our communities.

Mr. Mike Schreiner: And the 10 steps of screening process that you've implemented through PIN networks—

The Chair (Mr. Logan Kanpathi): You have one minute left.

Mr. Mike Schreiner: One minute; thanks, Chair. Does that help reduce the number of police record checks that are needed and necessary? So that would save on costs.

Ms. Kim Cusimano: Yes. There is a matrix that we have that we utilize in connecting with local non-profits and charities to help them understand what roles are required. A blanket police record check certainly doesn't mitigate risk entirely, but it's also proper use of taxpaying dollars.

Mr. Mike Schreiner: I know our time is very limited, so could you submit that screening process, if it's written, as part of the written record? I think it would be good for all MPPs to know that and for us to be able to share that with volunteer organizations across the province.

Ms. Kim Cusimano: I would be happy to do that. Thank you, MPP Schreiner.

Mr. Mike Schreiner: Thank you, Chair.

The Chair (Mr. Logan Kanpathi): Thank you, MPP Schreiner. Thank you to all the presenters for your presentations, and thank you to the committee members.

As a reminder, the deadline for written submissions is 6 p.m. on Thursday, November 18, 2021, and the deadline for filing amendments to Bill 13 is 12 noon on Tuesday, November 23, 2021.

The committee is now adjourned until 9 a.m. on Friday, November 26, 2021. Thank you all for coming out. Thank you so much.

The committee adjourned at 1355.

STANDING COMMITTEE ON GENERAL GOVERNMENT

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Mr. Mike Harris (Kitchener–Conestoga PC)
Mr. Logan Kanapathi (Markham–Thornhill PC)
Mr. Sheref Sabawy (Mississauga–Erin Mills PC)
Mr. Amarjot Sandhu (Brampton West / Brampton-Ouest PC)
Mr. Mike Schreiner (Guelph G)
Mrs. Daisy Wai (Richmond Hill PC)

Substitutions / Membres remplaçants

Mr. Toby Barrett (Haldimand–Norfolk PC)
Ms. Catherine Fife (Waterloo ND)
Ms. Andrea Khanjin (Barrie–Innisfil PC)
Mr. Billy Pang (Markham–Unionville PC)
Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Clerk / Greffier

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