



Legislative Assembly
of Ontario

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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 2 October 2002

Mercredi 2 octobre 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 2 October 2002

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mercredi 2 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

MUNICIPAL STATUTE LAW
AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT DES LOIS
EN CE QUI A TRAIT AUX MUNICIPALITÉS

Mr Hodgson moved second reading of the following bill:

Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996 and other Acts consequential to or related to the enactment of the Municipal Act, 2001 and to revise the Territorial Division Act / Projet de loi 177, Loi modifiant la Loi de 2001 sur les municipalités, la Loi de 1996 sur les élections municipales et d'autres lois par suite de l'édiction de la Loi de 2001 sur les municipalités et révisant la Loi sur la division territoriale.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: I'm querying whether or not there's a quorum.

The Acting Speaker (Mr Bert Johnson): Is there a quorum present?

Clerk at the Table (Mr Todd Decker): Quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: Quorum is now present, Speaker.

The Acting Speaker: Mr Hodgson moves second reading of Bill 177. Under usual circumstances we would have leadoff time. We would start with the government and rotate, and it would be 60 minutes.

The Chair recognizes the Minister of Municipal Affairs and Housing, unless you need a couple of minutes to work some things out.

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): If I could have three minutes, we could sort some stuff out.

The Acting Speaker: That would be fine.

The House recessed from 1850 to 1851.

Hon Mr Hodgson: I think we have an agreement tonight that each party will speak for 15 minutes. This will count as a sessional day. We will then adjourn the debate and adjourn the House. On Monday night we will have another sessional day and debate on this bill, and then it will be sent to committee. Is that understood?

The Acting Speaker: Is there agreement? It is agreed.

Hon Mr Hodgson: We're allotted 15 minutes, and I may share my time with the member for Durham. If not, he and the member for Oxford will have to speak on Monday.

I'm very pleased to begin debate today on second reading of Bill 177, the Municipal Statute Law Amendment Act, 2002. As the members know, this bill does two important things: first, it completes the job we started last year when this Legislature passed the Municipal Act, 2001; second, it makes improvements to the municipal and school board election system.

The members will recall that last October 18 they were asked to consider a new Municipal Act. This was the first major overhaul of Ontario's legislation governing municipalities in more than 150 years.

Municipal governments play a vital role in our day-to-day lives. The legal framework they had to work with had its roots in the Baldwin Act of 1849. The municipal legislation spelled out exactly what municipalities were permitted to do. If they wanted to do something that wasn't specifically in the act, by legislation they could not do it.

Understandably, municipalities had for many years been asking for a comprehensive overhaul. In 1995, we promised to undertake that overhaul. In fact, I believe AMO was first established to do that overhaul. They asked the province of Ontario in 1897 to bring in a new Municipal Act for the new century. Fortunately for us, they didn't specify which century. So a promise made is a promise kept.

We promised a modern, streamlined Municipal Act. Last fall, we delivered on our promise. The Municipal Act, 2001, gives municipalities the tools they need to tackle the challenges of governing in the 21st century. When it takes effect on January 1, 2003, it will allow municipalities to organize and deliver their services as they see fit, involving the private sector where appropriate, in keeping with local needs.

We talked with municipalities and business stakeholders and we looked for the best ways to balance new flexibility for municipalities with strong accountability. I would like to take this opportunity to thank them for working with us on the new act, Bill 177, and all the associated regulations as well.

For the first time, the Municipal Act formally recognizes the importance of consultation between the province and municipalities on legislation and regulations that affect their budgets in-year. I said at the time that the new Municipal Act would be the cornerstone of a new, more

mature, more productive relationship between Ontario's municipalities and the provincial government.

The response to this legislation was immediate and consistently positive. The day it was introduced, the president of the Association of Municipalities of Ontario said it was a historic day for municipalities. Mississauga Mayor Hazel McCallion was quoted in the newspapers. She said that now municipalities have greater flexibility to make decisions regarding services directly relating to them with more latitude and self-determination than before.

It wasn't just municipalities that responded positively. The Ontario Chamber of Commerce also issued a news release which stated: "The new legislation also ensures that there will be greater transparency and public input when user fees are being contemplated. This is an important step to ensuring the accountability of municipalities when new user fees are being proposed."

The new Municipal Act, 2001, was passed last December 11. Eight days later, we signed a memorandum of understanding under the provincial-municipal consultation with the Association of Municipalities of Ontario. That agreement signalled a new era of co-operation. Since then, the Ministry of Municipal Affairs and Housing has been working with municipal associations to develop and deliver education and training programs to make sure that municipal council and staff are fully up to speed on the new act before it comes into effect. Those efforts have so far been very successful. Recently, the city of Toronto put forth a proposal for our government to establish a city charter designed especially to meet their needs.

The new Municipal Act responds directly to a number of the desires, including the request for new powers and responsibilities, by providing for natural person powers that offer the city greater flexibility in the way it operates. The act also responds to Toronto's request for clearly articulated spheres of jurisdiction by providing 10 spheres that reflect current municipal activities in which municipalities are empowered to act independently.

Toronto's request for new innovative business financing authorities is accommodated through the use of new financing tools and the Premier's announcement at AMO for the Ontario Municipal Economic Infrastructure Financing Authority. The new act responds to Toronto's request for recognition and consultation by recognizing all municipalities as responsible and accountable governments and through the consultations it's trying in a memorandum of understanding. Finally, we have demonstrated our commitment toward initiating dialogue and communicating directly with the federal government through our investment in transit funding and subsequently showing that the province and the city are able to work together effectively to deal with the federal government on matters of mutual interest.

There's nothing in this bill that would change the original intentions or directions of the Municipal Act. It is an implementation bill that clarifies and fine-tunes some parts of the Municipal Act, 2001, and amends other

legislation to bring it into line with the new provisions and terminology of the new act.

As I mentioned a few minutes ago, the other part of this proposed legislation is intended to improve Ontario's municipal and school board election system. Ontario's municipal election process underwent a major overhaul in 1996. At the time, the people who had to make the system work—the municipal clerks who run the elections and the candidates who run in them—felt that the system wasn't working as well as it should be. They said the process simply wasn't responsive to users. The process was inefficient and encouraged waste. For example, separate processes were required for registration and nomination of candidates. The system was very prescriptive and it was so detailed that in fact the province not only had to pass a regulation to permit vote-counting equipment, but specific models were also regulated. People still managed to get around the rules, though. The use of proxy forms, for example, led to doubts about the validity of some election results and brought the whole process into disrepute.

This government acted to clarify and simplify the Municipal Elections Act and other local election legislation. The goal was to modernize and streamline the law so that it could accommodate new ways of voting. We wanted to make sure the process was efficient and would guarantee electoral integrity, but be flexible enough to work in the changing world, and reflect local circumstances. To give you just one very telling example of the way the process was streamlined, the number of prescribed municipal election forms for the election of councillors and board members was reduced from 40 to just five.

We've been through two municipal elections since then, 1997 and 2000, and I'm pleased to report that the system is working very well. However, nothing is perfect, and clerks and candidates have had a good chance to see how the system works and they've noticed where it could be further fine-tuned. We've taken a good look at the system and we've consulted with the Association of Municipal Managers, Clerks and Treasurers of Ontario, the Association of Municipalities of Ontario and individual municipalities such as Toronto, the people who have to make the election process work. The result is a series of minor adjustments designed to make the system work even better. The main thrust of these adjustments is to make sure the process is accountable to the voters and more efficient for the clerks to administer.

For example, I mentioned earlier that in 1996 changes allowed for alternative methods of voting. We found over the last two elections that some of these alternative ways of voting require more preparation time. We therefore propose to extend the time between nomination day and election day from 31 to 45 days to give clerks the time they need. This is particularly around mail-in ballots. It takes time to mail out the ballots after the nomination period with the list of candidates. The person who's going to vote has to receive that ballot by mail and then return it. This extension will give adequate time to do that in an efficient manner.

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We also found that the sanctions for candidates who failed to file financial information, the required election financial statements following an election, were not very effective. We decided to toughen up the rules a bit. If this legislation is passed, sitting councillors who do not file the required financial statements by the deadline would be suspended without pay until they do file. If, after 91 days, they still haven't filed, they would be removed from office. During the period of suspension, the candidate would be able to apply to the courts for an extension to the filing deadline.

Those are just a couple of examples of the sorts of changes we are proposing to the municipal and school board election system. The next local government elections will be held in November 2003. The campaign period officially starts January 1, 2003, and potential candidates would be able to register any time after that date. Candidates should be able to know the rules that will apply to their campaigns before they file their nomination papers. Clerks need to know the rules before the campaign period starts, so timing is important for this legislation.

I encourage my colleagues, therefore, to support this important piece of legislation. By supporting the Municipal Act, 2001, it will contribute to the new, stronger and more constructive relationship between municipalities and the province. At the same time, it will improve the accountability and efficiency of the election process. I know there will be goodwill in the House because we all care about making sure this piece of legislation is passed for good government in Ontario.

Mr Ernie Hardeman (Oxford): Thank you for the opportunity to say a few words in support of Bill 177, the Municipal Statute Law Amendment Act. I want to refer more specifically to the one the minister was referring to just moments ago, schedule D of the act, which is the reform of the Municipal Elections Act.

As the minister said, the act was rewritten in 1996 and we've had a complete municipal and school board election under the new regime. In discussions with all the players in the process, a number of amendments needed to be made. This bill proposes to make those amendments.

One of the important amendments is the issue of filing the financial statements of municipal candidates. I think it's very important because the present Municipal Elections Act doesn't do a very good job of dealing with the consequences of inappropriate filing or lack of filing by candidates. It doesn't leave an opportunity to deal with the situation, to rectify the problem, while the individual is holding office. It seems to work very well for the people who were not elected who don't file, but for the people who were elected and for whatever reason missed their filing, the situation doesn't presently allow for remedial action to be taken. This new act will do that and I think it will be very beneficial to them.

I also think it's very important that the new Municipal Elections Act of 1996 provided many opportunities for

better and more appropriate ways of voting for a constituent. This was particularly true in the more remote ridings in rural and northern Ontario where not everyone could get to the polls expediently, particularly in cottage country where they didn't live year round and a lot of the time it was difficult to get there.

Different methods of voting were allowed in that act that were previously not allowed under the Municipal Act. Eighty-four municipalities in the last election tried alternative methods of voting: 70 of these 84 voted by mail; 13 allowed voting by telephone; one tried voting by touch screen. Referendums were held in 23 municipalities. The only reason those numbers are important is that after analyzing the results it became very important to look at what worked well and what didn't.

One of the areas that didn't work well—I had the opportunity to speak with a number of communities where they had time-share units, where everyone owned a unit for a week or two of the year. When the municipal clerks went to send out election notices, under the act they had to send them to every one of those time-share owners. In fact, if they all came out to vote, it was quite conceivable that the impact of that election could be greatly affected by one building. That didn't seem appropriate to the residents of that community, and at the time they asked to look at changing that so we would have a better way of monitoring the voting and at the same time not disenfranchise anyone who had the right to vote.

This bill deals with that. It will greatly improve the process and will help the administration of the process. I think it's very important that the clerks are able to administer it properly, because it's very difficult for them to make decisions at the time to say, "No, we're going to do it this way," when the law says they can't do it. They've told us what needs to be changed, and this is what we're doing.

The minister mentioned the 31 days going up to 45, because not sufficient time was allotted for the new methods of voting. It worked fine when you just told folks, "This is when you have to be at the polls and this is when you have to cast your ballot." But if you need a process in place where you have to mail out ballots and get ballots back, 31 days is not sufficient to do that. So I think it's another area where the new act will make the system work much smoother.

It deals with all the things the municipal clerks and treasurers told the government needed to be done in order to facilitate a more appropriate and a more expedient election. I'm very happy to support it and, as the minister did, I would like to ask everyone on both sides of the House to support the bill and get it in place in time for registration January 1 for the 2003 election.

Thank you very much for allowing me a few moments to speak to the bill.

Mr David Caplan (Don Valley East): I will be sharing the time I have tonight with the member for York West and the member for Elgin-Middlesex-London. I do appreciate the opportunity to speak on the bill on behalf of the residents of Don Valley East.

I just want to state up front that the official opposition will be supporting the bill. We think it should go to committee, that some work and some amendments may need to be introduced in order to strengthen the bill, but it is essentially housekeeping legislation. It was at the request of the municipal clerks and treasurers and the Association of Municipalities of Ontario. We certainly want to facilitate it so it's in place in order to govern the election cycle coming up in the year 2003 some time in November.

I'm sure that all members of the House are aware of the parts of the bill and the changes related to the municipal elections, changes such as suspending without pay elected councillors who do not file their returns by the required deadlines—if they have still not filed 90 days after, they would be removed from office; changes like raising the election expense limits from 50 cents to 70 cents per voter; and doubling the filing fees for mayors from \$100 to \$200. Candidates of course must file their nomination papers two weeks earlier, from the now required 31 to 45 days.

But what is not in the legislation is of greatest concern to me. I'm not sure why the government didn't take this opportunity, if they're going to amend the laws, to make sure that we have some real beef, some real muscle for our municipal election finance laws.

I would highlight this and indicate to the House that in May, earlier in this year, there were some serious allegations about a particular individual here in the city of Toronto—allegations, by the way, that the individual denies. I don't know the guilt or innocence, but they are serious allegations nonetheless surrounding a lawyer-lobbyist, a fellow by the name of Jeff Lyons. I'm not in the habit of quoting the Toronto Sun, but I would quote for you a portion of an article from that newspaper. It says:

“But the Municipal Elections Act says ‘a contributor shall not contribute money that does not belong to the contributor.’ This is a provincial offence with a maximum fine of \$5,000.

“Many on council have been treating this as a hot potato. Some didn't want to comment. Others argued, wrongly, it was”—a matter—“between Cross”—the employee—“and Lyons. Others said it was a provincial matter, or an elector would have to make a complaint.

“But while any elector can complain under the act, why should a private citizen have to go through such expense and stress on his own?”

Finally, our colleague in the Legislature, Michael Prue, the member for Beaches-East York, did file such a complaint with the OPP. They turned him down and said, “Go complain to the Toronto police.” The Toronto police turned it down on the basis that the individual, Mr Lyons, was a former member of the police services board and there would be a conflict of interest.

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So this has been passed from one department and one individual to another. It is a weakness in the law and is something that should be shored up. Members of this

chamber would find it astonishing to hear that even with the changes in this act, Bill 177, there is no way to properly enforce the current laws that we have on paper.

Municipal politicians are concerned. Here's what Steve Parish, the mayor of Ajax, had to say just two weeks ago in a speech in Oakville: there is “no proper enforcement of the act. There is no institution or office charged with enforcing the act. It is up to an individual citizen to bring a complaint to the municipal council” in order to have the council order an audit. “If an audit is ordered and no infringement is found then the council has the power to order the complaining citizen to pay the cost of the audit. It is my understanding that this enforcement process has only been used once—unsuccessfully.”

It is important to have accountability and transparency. This section of the current act should be beefed up. Municipal officials are crying out for real standards and real rules. Although the government felt the needed to amend the act, they did not take the time to make this one particular change. So I'm interested in hearing government members in committee talk about this and debate an amendment that would give it some real muscle.

You also have to wonder about the other section of the act, which deals with the Municipal Act itself. Once again, we're seeing a bill that fixes past mistakes. Back in December 2001, my colleague Ted McMeekin introduced a pile of amendments about that thick to the new Municipal Act. Each and every one, as I understand, was defeated by the government. Some of those appear here today in Bill 177.

So I would encourage the government to look before they leap, and at committee I'm going to make several very constructive suggestions to amend this bill.

Thank you, Speaker. I'm going to yield the floor to my colleague from York West now.

Mr Mario Sergio (York West): I wish to add a few comments here on Bill 177 following my colleague from Don Valley East.

It is indeed a bill that proposes some minor technical amendments; nevertheless, they are important in themselves. It purports to make a couple of changes in two areas. One of them is to the Municipal Elections Act, the boards of education acts, laws, as well as with respect to municipal governance as a whole.

This comes with the blessing of the municipal clerks, the Association of Municipalities of Ontario, and the treasurers as well.

We welcome these changes to the Municipal Act and the boards of education acts. But I would like to say to the government that all the changes that have been proposed must be adhered to, must have some enforceable power, must have the respect of the provincial government, and not that the province preserves those powers when it suits the province or uses the local municipalities and the boards of education as a scapegoat when it suits the province as well. If we want to be responsible, if we want to have a responsibility and an accountability, we have to give them that jurisdictional power and not give it to them solely for when it's comfortable and a

commodity for the provincial government. It has to be a real change so that when something does happen, it is enforceable, and enforceable by law.

This does not only apply to the local municipalities and the boards of education. I think this, above all, belongs to the provincial government's accountability. They first have to be responsible. If we claim that we are going to amend those acts on behalf of the local municipalities and the school boards and then we expect them to be responsible and accountable, I think the provincial government has a responsibility to show leadership and say, "We are accountable in the first place, so we want to hold you accountable as well." I think this is the aim of the changes in the two amendments to the act.

The laws are lax already the way they are. From the federal government to the provincial, to the municipal and boards of education, we welcome these changes but, as I said, unless they are enforced, we are going to create more red tape, and who wants more red tape? We already have a commission dealing with red tape. But this is an area where unless the province gets serious in making these amendments, with the full intent of enforcing them, they will become, again, red tape and ready to be removed.

When we deal in the House with matters that are of interest to the general public, we here cannot be seen to be making laws on behalf of the local municipalities or boards of education solely on how they affect those areas. We have to be responsible in this House as well. We have seen in the past that many of the laws that our own government has approved were broken the day after. We cannot show responsibility and accountability if this is the direction we go in those particular areas. Technical and menial they may be in nature, but they are extremely important because at the local level, at the board of education level, elections mean being accountable to the people of Ontario. We have one taxpayer and I think we are all responsible to that single taxpayer. Regardless if it's a trustee, a councillor, an alderman—still in some areas—or an MPP, we are all responsible.

We have no problem supporting this, but I would like to attach the importance—and I hope the government listens—that indeed these changes, these amendments, are not solely to be put on the books but to be enforced, if and when they are needed.

I can see that my five minutes are already up. Unfortunately, I cannot go on and touch on other areas of the bill and do them justice, so I will turn my time over to my good member here, Steve.

Mr Steve Peters (Elgin-Middlesex-London): I don't know how many of us within this Legislature walk into this chamber every day without taking notice of the portrait of Robert Baldwin outside the door. Robert Baldwin was the gentleman who was responsible for responsible government in this province, and he laid the foundation for municipal government in this province. I think we lose sight of the fact that, yes, things have changed since 1849 when those first amendments and the

first legislation were put in place, but at the same time, there are a lot of things that are still here today that were there then.

Local government is closest to the people. I think it's incumbent on every one of us here—those of us who have a municipal background and those who don't—that we do everything we can to keep local government close to the people, but open to the people and accessible to the people.

Yes, this is a piece of legislation that is housekeeping for the most part, but there are some things within this legislation that I think we do need to be wary of. One of them that troubles me is upping the ante as far as donations are concerned. We've seen what's happened in this province right now. We've seen what we've gone through with the \$3-million-man Premier and the dollars that were put behind him to elect him to that office. I think what we've got to do is ensure that we don't start pricing local government out of the reach of the average person. We're upping the cost for somebody to file their nomination papers. We're allowing greater contributions to be made. I think we need to ensure that those changes that are being made aren't going to change the way local government governs, because it is that government that's closest to the people.

I think, too, we need to be concerned about some of the things that are in this act when it comes to mail voting and telephone voting. I have some serious concerns that mail votes and telephone votes can be fraudulent. I know of cases where an individual voted with a telephone on numerous occasions in the last municipal election. They did it on behalf of other people. They were given that code. I have some concerns about that.

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I have some concerns about the mail-in ballot. If we're going to try levelling the playing field—for a federal election and a provincial election, the only way you vote is you go and you mark that X. I think those same rules should apply to the municipal government, but that hasn't happened.

There are some things that are positive in this. One of the aspects that I'm really pleased to see is the amendments that are in here for tax reductions for heritage properties, because I think it's incumbent that we do everything we can to preserve the past for future generations, but that we also find ways that we can encourage developers to restore and preserve a heritage building. Recognizing the challenges they face in doing so, we need to find a way to help them. That, fortunately, is included in this.

But you don't go far enough in this act, Minister, when you look at disabled parking spaces. When it talks of the minimum fine of \$300, the fine should be \$3,000. Individuals who abuse a disabled parking spot should not get off with a \$300 fine. We should be going further there.

A positive, though, in the act is changes to the Forestry Act in allowing us to establish programs to

protect, manage and establish woodlands and encourage forestry. I think we need to recognize that we've chopped down a lot of trees—too many trees in this province. We need to find ways to encourage more trees to be planted. Hopefully, this is part of the initiative that's going to make that happen.

I think the initiative needs to be dealt with under the library situation, where the board chair can expel a person for improper conduct at a meeting. What is that definition of improper conduct?

There are some positives, but there are many things that need to be considered at committee, and I would urge this bill to go to committee for further discussion.

The Acting Speaker: Further debate?

Mr Michael Prue (Beaches-East York): I have the entire 15 minutes—as you can see, I am alone here—and I intend to use it.

This is a fairly good bill and I want to commend the minister for bringing it forward. There are things in this bill that are long overdue, and I would tell you that municipal clerks, treasurers and politicians at the municipal level in all of the 480 or so communities in Ontario would applaud what is happening.

There are, though, some things that I think require further debate, and everyone in the House would agree that this should go to committee for that further debate. If you will allow me, Mr Speaker, I just want to talk about those things that really need to be massaged a little and changed in the bill so that it will bring it quite properly into the best use for every one of Ontario's residents.

The first one is: there is a proposal here to change the municipal voting day from 30 days to 45 days. On balance, this may look very good, and I'm sure that it's going to help clerical staff in the various cities and towns and unincorporated areas around the province to get ready for election day. It is a huge undertaking for any clerk in any municipality to get the forms ready, to get the voting booths ready, to hire people for election day, to do all the things that are necessary in a free and democratic society to make sure that every citizen gets the right to vote. Perhaps it is difficult in 45 days to accomplish that, but I would remind the members opposite, and the members on this side too, that in Ontario we have a 28-day election period, and that is deemed to be sufficient and may be sufficient—

Mr James J. Bradley (St Catharines): No.

Mr Prue: Maybe not, but I'm just telling you, we have different standards for different levels of government. The federal government does not have a 45-day—I think it's around 35 days or 36—

Interjection: Thirty-seven.

Mr Prue: Thirty-seven days. It is 37 days from the time the Prime Minister says that it's time for the election, which is not set at a prescribed point like municipal elections; it could literally come tomorrow. We don't know, on this side of the House, when the Premier will call it. In Ottawa they don't know—anyone, even on his side of the House, doesn't know when the election will be called until he actually does it.

Those can be done very quickly and are done very quickly, sometimes to the complete astonishment of the Canadian and Ontarian public. Yet municipal ones are always on the second Thursday of November of each year.

What we are saying is that it's OK for Ontario to have a 28-day election period and it's OK for Canada to have a 37-day election period, but a municipal government that is having an election on the second Thursday of November every third year—and every person who is even remotely interested in politics knows that's going to happen—must have a 45-day election period. I ask everyone to think whether that makes sense. Quite frankly, it fails on many grounds. Yes, it helps the clerical staff inside the municipality to get the necessary volunteers and the necessary workers and put out the necessary forms and do the necessary advertisements, but a 45-day election period is not warranted municipally unless it is also warranted provincially and federally. That's something you have to ask yourself. Do not impose a standard on others that you are not willing to accept yourself.

If this House sees fit to accept a 45-day standard for the municipalities, please be willing to accept a 45-day standard for ourselves.

Mr Garry J. Guzzo (Ottawa West-Nepean): Make them resign if they're going to run provincially too.

Mr Prue: I'm going to get to that. That's another issue.

What causes a problem with the 45 days? One of them is the resignation of people who work in municipal governments. There are a great many people who work in the 480 or so municipal governments in this province who, as citizens of Canada and Ontario, have the calling—all of us in this House have that calling. We all had it, and maybe we'll have it in the next election too. You want to run, you want to contribute, you want to speak out. For those people who are municipal employees, the requirement is that you take a leave of absence without pay. At present, that leave of absence without pay is 30 days. That is four weeks plus for a person to say to their family, "There's going to be no money coming into our house because I would really like to run for municipal office." What we are saying now is that there is going to be a six-and-a-half-week period where there will be no money coming into that house for someone to exercise that right. Members in this House may not think that is a huge thing, but I want to tell you, from my own personal experience, that twice in my life I ran unsuccessfully for federal government, back in 1980 and 1984, surprise of all surprise for the New Democratic Party, and in Scarborough Centre—and I'm surprised not to see the member for Scarborough Centre here tonight.

Mr Caplan: You should have run as a Liberal.

Mr Prue: The Liberals won once and the Conservatives won once, but both times I increased the NDP vote, you'd be proud to know.

Mr Caplan: No doubt.

Mr Prue: OK. In those times I was a federal public employee. I worked for the federal government in the Department of Immigration, and both times I had to take a leave of absence for the election period.

The 1980 election period, you might remember, was the fall of the Joe Clark government in November or December of 1979 over the gas tax. From the day that I took the nomination, which was very shortly after that, I was without pay, and again in 1984 without pay. That is a really hard thing for a family to absorb. Luckily my wife was willing to accept the fact that I would not be contributing to the household budget or the apartment rent, as then we lived in an apartment, and we had no children, but it was a financial hardship nonetheless.

I do not believe it is fair for municipal employees or any employee having to take a leave of absence to do this. To stretch that time period from 30 days to 45—something needs to be done to address that issue. I'm not sure what it is. If it is to remain 45 days, there must be some mechanism so that people do not have to suffer financial hardship in order to seek elected office. It is the right and the privilege of every Canadian citizen to do so.

We have a second problem: many municipalities, and I suppose it's up to them and justifiably so, set standards of when signs can go up. In the city of Toronto, with which I'm the most familiar, there is a 21-day limitation period. This will not affect that, but in many and most municipalities, the effective day of signage is the day of the nomination period. So instead of signage on the roads and in the streets and on the highways and on every tree in Ontario for 30 days, you're going to have that signage for 45. It is pollution, because all of it ends up in the dump at the end. That's where all the signs go. You have to know it's the sign graveyard.

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Mr Gilles Bisson (Timmins-James Bay): I keep mine and recycle them.

Mr Prue: Yes, some are recycled. Thank you to those who recycle them. But the reality is that many of them end up in the dump and, quite frankly, it becomes very expensive. It takes municipal elections out of the realm of ordinary people, because you have to increase by another 50% the length of time that the signs are up, they constantly have to be replaced, and it will make it much more difficult for ordinary people. I ask the members opposite to consider this when it comes to the committee.

You have the problem of the saturation of media, which is from 30 days now to 45 days. You have the problem—and I think this is an ongoing problem—of people who are at the municipal level and want to run provincially, as I did, or federally. You do not have to resign your seat. I did not have to resign my seat, nor did Judy Sgro have to resign her seat immediately before me when she ran successfully for the federal Liberals, to go to Ottawa.

When you go the other way, there is also a problem. We saw it most recently in the case of John Nunziata, who was an independent member of Parliament, representing a west-end Toronto riding. He had to resign his

seat in order to place his name as a potential mayoralty candidate in Toronto. This is a huge problem, not because he shouldn't have to do that—I think he should in the end—but he had to do that from the day he was seeking the seat in order to raise funds.

How does a person know whether there is support? How can you gauge that support until you go out and try to collect funds? If this is to be done, I would suggest it only be done from the nomination day, whatever that is, rather than the registration date. It seems only fair that if you can go up and literally do anything you want, you should be able to come down from the senior levels of government to the municipal level—should you want to run for mayor or councillor, whether you decide that that's the appropriate move—without having to resign your seat until at least the time of the nomination period. This is not in here.

We have the whole problem of enforcement. I only have four minutes and I have so much to say. We have the recommendation of the arm's-length committee. Quite frankly, that is not going to work. The arm's-length committee and the municipal councils have failed in a number of cases in Ontario. We are proposing in our party an independent commissioner at the provincial level, with a staff. It may be an adjunct to the electoral commissioner in the province, that's fine, but there should be an independent person whom ordinary citizens can go to in order to seek redress.

We have the tale of two cities I'd like to tell you about, the tale of Mississauga and Toronto.

Mississauga had a person on their council who they believed contravened the election bylaws. They hired an auditor for \$100,000 to investigate, following a citizen's complaint. The auditor found that there were sufficient irregularities that required a court case. They then had to go outside and hire an independent lawyer. It has cost them \$100,000 in legal fees to date for the independent, non-city lawyer to prosecute the case. It is not over and there are likely to be appeals. For the whole three-year term of the councillor, who many believe may have contravened the Election Act—and I cast no aspersions—he will likely be there until the next election. The process takes too long and is too expensive. The people of Mississauga ought not to pay for someone who may have broken the law.

We also have the tale of Toronto, which dealt with it in a completely different way by burying their heads in the sand. My colleagues—and I was there—buried their heads in the sand when two councillors—and the allegations were substantial enough to warrant some kind of inquiry—contravened the election bylaw; one by putting out literature with the mayor's picture all over it throughout the ward without claiming it as an election expense; the other, by putting up signage and other things contrary to the Election Act before the date and without putting that in the election expense. It was not investigated because, as the mayor said, and he said it quite forthrightly, "I don't want to investigate any of you. I just don't even care whether this happens." That's what was said in private, in public. I don't care; I'm going to say it

here today. It was said, and it ought not to happen. Those investigations that citizens have made were substantive and needed to be investigated.

I thank my friend from Don Valley who talked about the Jeff Lyons case, because that needed to be investigated. The city of Toronto council refused to investigate a person they had formerly appointed to the police services board. They refused to investigate, even though there were allegations that were substantive, there were corroborating witnesses, and it was not happening. Even if you leave it to the municipality or to a committee of the municipality, it is not the right thing to do. I am suggesting we need someone who is independent, and it is most properly one person in Ontario for all 480 municipalities with a small staff who can investigate and adjudicate upon those complaints in a way that is not cost-prohibitive to either the municipalities or to the individuals who are bringing the complaint. That's where we need to go on that issue.

A couple of other things that are in here: I applaud the government for what I can only call the Maria Minna amendment. Maria Minna is my member of Parliament and she is a wonderful woman. We are not of the same party—she is a Liberal—but I want to tell everyone I think she is a wonderful woman who works very hard for

her constituents. She was caught in a bind because she lived in the south part of the riding and voted in the north part of the riding. As you know, in Toronto they're divided in half. This amendment will very clearly say that you can only vote where you live if there are two different parts and if there is a by-election. This clarifies a lacuna in the law into which she was drawn, and it is absolutely essential. I don't believe she was guilty and I have never said to a single soul that I thought she was wrong, but the lacuna was there and it was not clearly understood. This makes it very clear and it will solve that issue.

Last but not least—in my 18 seconds—we have set out many of these details in our urban vision. I invite people to look at them. There are many things that can be done to improve this within the framework of urban government in Canada, and I commend the minister for bringing this bill forward. I look forward to committee to improve it even more.

The Acting Speaker: In accordance with the agreement earlier tonight, I now do adjourn the House until 10 am tomorrow.

The House adjourned at 1937.

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