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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 18 November 2002**

**Lundi 18 novembre 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

Monday 18 November 2002

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 18 novembre 2002

*The House met at 1845.*

ORDERS OF THE DAY

CONSUMER PROTECTION STATUTE  
LAW AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT DES LOIS  
EN CE QUI CONCERNE  
LA PROTECTION DU CONSOMMATEUR

Resuming the debate adjourned on October 31, 2002, on the motion for second reading of Bill 180, An Act to enact, amend or revise various Acts related to consumer protection / Projet de loi 180, Loi édictant, modifiant ou révisant diverses lois portant sur la protection du consommateur.

**Hon Doug Galt (Minister without Portfolio):** On a point of order, Mr Speaker: I would request that we have unanimous consent this evening that one hour be divided equally among the recognized parties for the purposes of tonight's debate. At the end of that time, the motion for adjournment of the debate will be deemed to have been made and carried and the Speaker shall adjourn the House. For the purposes of standing order 46, tonight's debate will be considered one full sessional day.

**The Acting Speaker (Mr David Christopherson):** You've heard the request for unanimous consent to place the motion. Is there agreement? It is agreed.

You've heard the motion. The motion is deemed to have been moved. All those in favour of the motion please indicate. Any opposed? Good.

*Interjection.*

**The Acting Speaker:** You're usually the source of trouble. The House leader for the third party.

**Mr Peter Kormos (Niagara Centre):** I'm standing to speak to this bill, sir.

**The Acting Speaker:** And I was going to give you the floor so you could do just that.

**Mr Kormos:** This is the remnant of 20 minutes of the leadoff that we commenced, I can't even recall how long ago now. I do want to tell you, though, I was in committee this afternoon when the justice committee considered Bill 179, one of this government's omnibus bills, its latest omnibus bill. The bill has appendices A through P, some 15 or 16 different schedules, if you will, to the bill that amended a huge number of acts. Yet with time

allocation this government caucus, the Tories, the Conservatives—

*Interjection.*

**Mr Kormos:** New Democrats certainly didn't support the time allocation motion—sent this huge bill to committee for about 30 minutes of clause-by-clause consideration. Thirty minutes. That's been done before, but what was remarkable this afternoon in committee—and I counted them—was that every chair in room 151, the televised committee room, was occupied by civil servants. At first I thought there were only 30 of them because I just did a guesstimate, but then I counted them and there were over 40 in the committee room, every chair occupied, all with their briefing binders and the tabs, their big black leather briefcases and books and papers. When I went and took a look outside, there was another dozen at least, if not more, waiting outside. There were over 50 civil servants. I figured roughly, doing some rough calculations, you had around \$3 million a year in salaries there of civil servants sitting inside and outside the committee room for about 30 minutes of clause-by-clause consideration.

This is supposed to be a red tape bill? Those 50 civil servants couldn't have introduced themselves in the 30 minutes the government allowed for clause-by-clause consideration. One of the government members—I of course felt compelled to mention to government members this huge number of civil servants, at great cost to the taxpayer. From a government that purports to be the friend of the taxpayer, I saw this huge flock of civil servants inside and outside the committee room. I felt compelled to mention it to the government members, and the response was, "Well, they're here in case you have any questions to put to them," all with their own area of expertise in view of the fact that the omnibus bill covered so many different pieces of legislation in so many different policy areas.

It was a little embarrassing, I suspect, for the civil servants. It also marred what otherwise would have been a productive day, I'm sure, for most, if not all of them. And it was downright silly to watch; again, an illustration of a government that says one thing and does another, an illustration of a government that really may have lost the direction it might have had, if it had a direction. I'm sure it did back in 1995. Oh, it had a direction all right. But the rudderlessness of the government is illustrated in so many other ways.

**1850**

Here we have supposedly, finally, a new Consumer Protection Act for the province of Ontario. I went

through it at some length last time we were talking about it. I did. Most of it's recycled legislation—same old, same old, a little bit of fine-tuning and refining. But when you look for any sort of core of real, meaningful consumer protection that's new, even if it's not new in other jurisdictions, for instance concepts around plain language in contracts, concepts around print size so that an increasingly aging population can in fact read what they're signing, there was nothing, not even what have become some of the most basic consumer protection issues in—even jurisdictions, quite frankly, leading jurisdictions in the United States. So the bill is pretty much, at this point—a part of me would love to say, "Why should we support the bill? We should vote against it." Yet at the end of the day the bill in itself is benign, but benign to the point where it becomes offensive. If this is the government's kick at the can when it comes to consumer protection, when the story is finally told, there isn't a whole lot of regard for consumers there because the real test comes down to the ministry itself.

My colleagues in the NDP caucus and I over the course of the last several years have had time, from time to time, have had the occasion, to call that ministry to get information about a consumer protection issue, to report what we believe might have been a violation of the existing consumer protection legislation, to get information about appropriate standards or whom we might call to conduct an investigation, and we find a ministry, the Ministry of Consumer and Commercial Relations, the new ministry name now—perhaps it should be named, because it's certainly not the ministry it used to be.

It's a virtual ministry. It has privatized the biggest chunk of the regulatory function that it originally historically had done. It has participated, not entirely inappropriately in many circumstances but entirely inappropriately in others, gone the road of self-regulation of any number of bodies and groups. As I say from time to time, a self-regulatory regime is desirable at other times, but when public safety is at risk—you've had occasion to talk about this yourself; other members of the NDP caucus certainly have—it is probably inappropriate to promote self-regulation. Self regulation/privatization has never demonstrated itself to be in the public interest but very much in the service of private interests.

What is the number one consumer protection issue out there in Ontario right now, November 2002, and will be for some good chunk of time yet? It's folks like the folks down where I come from in Niagara Centre, Welland, Thorold, Pelham and south St Catharines who are being shafted royally on their electricity bills, who are getting ripped off, scammed, conned by door-to-door private electricity peddlers. If they weren't being gouged by them, they were being gouged by their own government: debt repayment on an asset that they weren't going to own any more; taxes on debt repayment; and electricity prices that skyrocketed through the roof. The biggest hoax that could ever be perpetrated on consumers is the McGuinty-Eves solution of rebates. What's going to happen is that taxpayers are going to be paying them-

selves, out of their own pockets; paying from, or borrowing from, Peter to pay Paul. Taxpayers are going to be called upon to subsidize the private profits of private sector for-profit electricity generators.

Taxpayers are going to be called upon to contribute public dollars, which are oh, so sorely needed by way of investment, be it in education, be it in health care, be it in—well, earlier today there was a pathetic announcement by the Ministry of Community and Social Services, a pathetic announcement regarding funding for IBI treatment for kids with autism, funding that isn't going to be provided in its entirety until five years is transpired, funding for IBI treatment that is not going to address the huge waiting lists of young boys and girls now across this province, like kids in every one of our constituencies, every one of our communities, be it the youngsters down in Niagara Centre that I have talked about, be it kids in the Hamilton area that you've talked about, be it young people that Shelley Martel or any one of our caucuses talked about day after day after day it seems in this Legislature, whose families are paying out \$25,000 and \$30,000 a year or more for privately funded IBI treatment because, you see, the waiting list is simply too long. You're only good on the waiting list until you're six years old because the treatment is available only to kids under six.

So what we've seen over and over again is kids on that waiting list for a year, two years, three years, and then their folks realize that child is turning six years old and won't be eligible for treatment anyway, even if he or she has sort of climbed up the ladder on the waiting list. Those families then have to dig into their own pockets. Those families have exhausted their resources, second and third mortgages on their houses; they've borrowed. We talked about a family just a while ago that was selling the family home for what little equity there was in it, in a desperate move to ensure that their kid has access to IBI treatment.

You see, the real issue shouldn't be an argument over the adequacy of funding. The real issue is whether or not it is proper for the Ministry of Community and Social Services to be funding this IBI treatment with the envelope-style funding that they've employed. In British Columbia the matter has been litigated and the British Columbia courts have determined that, yes, IBI treatment is medical treatment that young people should have access to under OHIP.

It shouldn't be a matter of a waiting list, it shouldn't be a matter of how much money there is in the envelope this year so that maybe 40% or 50% of the kids who need the treatment, whoever is lucky enough to be there first in the lineup, get it. It should be a matter of regarding autism as a medical condition that requires appropriate treatment, IBI being that appropriate treatment that can have huge positive impacts. But this government, rather than facing the issue, facing their responsibilities, rather than accepting responsibility, treats these kids and their families with disdain, contempt. I find that a sad, sad scenario.

We know now that this government has to scramble to find anywhere from 500 million to a billion bucks a year out of its public coffers to perpetrate the scam of its phony hydro rebates, to use public money for private profits. I can't help but think and believe that the money that could have gone to ensure that every child in this province with autism gets IBI treatment, the money that should have gone to that, is being rerouted by this government in a pathetic Band-Aid exercise to cover up its privatization deregulation monster.

And that is sad, sad indeed. Kids aren't getting IBI treatment because this government is still hell-bent on privatization and deregulation, wants to use those scarce tax dollars not to treat those kids, not to give them access to IBI treatment, but to effect a phony rebate scheme that will do nothing to lower the price of private, deregulated electricity, that will do nothing to halt its agenda of privatization and deregulation of Ontario Hydro. There is no protection for those people in this legislation. There's not even a hint of sympathy from these government members.

#### 1900

Last week was constituency week. We were in our constituencies. I was with Mayor Cindy Forster down in Stevensville visiting CAW workers northwest of Fort Erie, locked out of their plant—Ronald—a small workforce: done a good job, not particularly high-paid. At the bargaining table their requests of their employer were relatively modest, but they got locked out by a German-based boss who wants to bust the union just before Christmastime. You see, the workers simply want to get back to the bargaining table, and that German-based operator of Ronald wants to starve these people out as we enter the winter months with new household costs like heating bills and with a family occasion like Christmas coming. So these CAW workers are out there on a picket line—not a whole lot of trees or buildings down there in Stevensville to harbour them from the cold wind.

The question to be put is, where is this government when it comes to protecting the workers at Ronald, or the workers at Atlas Steel down in Welland, whose corporate owner has told them they're going to be shutting down the 10-1 mill, with a loss of anywhere from 150 to 200 jobs? Where's the protection for those people?

Over the course of the weekend, Speaker, I was out with some friends of yours, some workers, some trade unionists, auto workers and others down in St Thomas—Talbotville—kicking off their campaign to restore anti-scab legislation here in Ontario. You see, the reason bosses like Ronald know they can lock workers out—let me be a little more specific: Ronald makes those custom mag wheels, again an incredibly good product, due in every way to the skill and commitment of the workers. As a matter of fact, they had the contract for the production of the wheels for the new Volkswagen Beetle that was very popular. They're now making wheels for the Ford F-150 truck, a very popular seller. But Ronald wants to crush that union and make them compete with low wages from eastern Europe or Mexico. So the kinds

of jobs the Ronald workers or the Atlas Steel workers have, value-added manufacturing jobs, wealth-creating jobs, are incredibly important, not just to them and their families but to our economy.

Oh, I've heard the stuff coming from this government, from some of the local Tory members down in Niagara about the new jobs in Niagara. Well, let me tell you this: you don't buy houses and cars with the salary or hourly wage you make in the service industry or in the hospitality industry. A whole bunch of members of the hotel employees' and restaurant employees' union down in Niagara Falls told me that a couple of nights ago when I visited them, as they're in the midst of contract negotiations with the Sheraton Foxhead and the Hard Rock Cafe. You don't send kids to university, least of all with the deregulated tuitions of this Conservative government, on the salaries you make in the service industry or the hospitality industry or quite frankly in the call centre industry.

Those jobs are important, not just to those workers but to our economy, and this government has shown no interest in protecting those workers. This government, this Premier, has shown no regard for the important role those workers, be they the locked-out Ronald workers, be they the Atlas Steel workers at threat of losing their jobs—a very realistic threat, I might add. This government has shown no interest in protecting them.

I was out in Talbotville at the kickoff of the CAW's restoration-of-anti-scab-legislation campaign. One of the things that was noted was that during the period of time when the NDP's anti-scab legislation existed in Ontario, there were fewer strikes or lockouts and they existed for a far shorter period of time because scab labour wasn't an alternative for the boss. That meant there was serious negotiating at the bargaining table and that meant that differences got resolved and contracts got signed.

This government—nor quite frankly the Liberals—appears to be particularly interested in protecting our workers, our good, hard-working men and women here in Ontario, from scabs stealing their jobs. The New Democrats care. The New Democrats will stand there with those workers. New Democrats remain committed to anti-scab legislation here in the province of Ontario.

New Democrats remain committed to maintaining and restoring the value-added manufacturing jobs, the high-wage jobs that make this economy historically—although we have seen that historical role eroded significantly during the course of the last seven years of Conservative rule—a prosperous one, where that prosperity is shared and where there is a working middle class.

This government is hell-bent on destroying the working middle class. There is nothing coming from this government by way of policy or agenda or legislation that constitutes any protection for that working middle class, for the high-wage worker who earns decent wages but works darned hard to do it, pays good taxes, fair taxes, and builds schools, hospitals and other public things that everybody shares and enjoys.

I suppose New Democrats will vote for this bill at the end of the day. As I say, it is relatively benign; it's

benign perhaps to the point of offensive. This bill's failings illustrate the failings of this government when it comes to protecting the interests of real Ontarians.

**The Acting Speaker:** The floor is now open for further debate.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** It's my pleasure to speak today in support of the proposed Consumer Protection Statute Law Amendment Act, 2002, Bill 180.

As you know, the bill introduced on September 26 proposes to consolidate six core consumer protection laws, including three proposed sector-specific statutes, into a single act, cutting red tape, bringing more clarity and consistency to Ontario's consumer protection rules, and encouraging a level playing field for businesses.

The bill, if passed, would extend consumer protection to services as well as goods. The service economy has grown to the point where almost half of our transactions involve services; for example, cable, cell phones, lawn care, home repairs. This legislation would make certain consumers are protected in these transactions. It would extend to protect leases. Leases used to be almost exclusively business-to-business arrangements, but now many consumers lease items such as cars and computers.

This legislation would ensure that consumers know the true cost of these leases. It would require clear disclosure. Many unscrupulous operators hide important information in fine print or use ambiguous language that is hard to interpret. The proposed consumer protection act, 2002, would help combat this by requiring that information be disclosed clearly and prominently, not hidden in fine print.

The proposed legislation also specifies that if the language in a contract provided by a business is ambiguous, it would be interpreted in the interest of the consumer. While it is always important for the consumer to read the entire contract before signing it, this provision would put less of the onus on the consumer to read the fine print, and require the business to be clear and up front.

It would also extend protection to the Internet. The Internet has grown tremendously in recent years, providing incredible speed and convenience and revolutionizing the way we do business. Three years ago, the ministry didn't even track consumer complaints about Internet transactions because there were so few of them. Now we receive about 250 complaints per year. Many consumers are still not confident in the safety and security of on-line shopping, creating a barrier to the growth of e-commerce.

The bill would extend the protections enjoyed by those who shop in their local stores to those who shop on the Internet. For example, it would require a contract for Internet sales, which could be in the form of an e-mail, which the consumer could retain just like a regular paper contract. The regulations under the bill would strengthen disclosure requirements so that consumers have more information to make a more informed choice.

For example, the vendor would be required to list a bricks-and-mortar address so that the consumer would

know if the business they are buying from is located across the street or around the world. It would allow consumers to use the same common sense they use when making purchases in a shop.

We want to make Ontario a trusted destination for e-commerce. When Ontario is more widely recognized as a secure place to do business on-line, consumers will be more confident in shopping on Ontario-based sites, and more Internet business would be encouraged to set up in this province.

It would invalidate the negative option billing. Many consumers have complained about the practice of negative option billing. This occurs when you are billed for a good or service simply because you did not contact the business to opt out of it. This proposed legislation would require positive consent.

#### 1910

Combining the six consumer protection statutes into one would also make it much easier for consumers and businesses alike to understand and follow the law. The bill also includes proposed changes to three sector-specific laws—the Real Estate and Business Brokers Act, the Travel Industry Act and the Motor Vehicle Dealers Act—that would strengthen the regulation of some of the most significant purchases most consumers ever make: vehicles, homes and travel. These changes would provide supportive tools to regulators of the travel, real estate and automobile industries. Currently, these industries are regulated by the following delegated administrative authorities: the Real Estate Council of Ontario, also known as RECO; the Travel Industry Council of Ontario, also known as TICO; and the Ontario Motor Vehicle Industry Council, OMVIC.

The Real Estate Council of Ontario registers real estate agents and provides educational programs for professionals as well as public information for consumers. If passed, the proposed Real Estate and Business Brokers Act, 2002, will arm RECO with a code of ethics in the regulations to help further promote a currently booming real estate industry.

TICO performs functions delegated to it, including registering travel professionals, investigating any consumer complaints and operating the industry-sponsored Ontario Travel Industry Compensation Fund. If passed, the proposed Travel Industry Act, 2002, will assist the Travel Industry Council of Ontario in performing regulatory functions assigned to it, in order to help cultivate a stronger travel industry.

The Ontario Motor Vehicle Industry Council is a delegated, not-for-profit organization that administers Ontario's Motor Vehicle Dealers Act. If passed, the proposed changes to existing legislation would provide OMVIC with stronger rules specifically pertaining to disclosure and enforcement to help foster the growing motor vehicle industry.

I would like to take a moment to talk about the incredible growth in the real estate industry that makes it vital that this proposed legislation come into force, as more and more resale homes are bought and sold in this

province. We know that the Ontario population is getting older. In this quarter century it's estimated that the number of people aged 65 and over will double from about one million in 2000 to approximately two million in 2026. These facts tell us that a lot of existing homes are going to be bought and sold as consumers' needs and wants change over time.

Already the sales figures are very impressive. The Toronto Real Estate Board reported the most sales ever for the month of September this year. In the Toronto area alone in that month, 5,846 homes were sold through the Multiple Listing Service, MLS, system. That's up 16% from last year, a major increase in the demand for the services of real estate professionals. Part of the reason for pursuing this proposed legislation is that our government wants to assure the high standards of real estate and business brokers, so that Ontario's consumers will continue to live in homes they enjoy.

The government has worked with consumers and with entrepreneurs in the real estate industry to help make Ontario the best place in North America to live, invest and raise a family. Modernizing Ontario's Real Estate and Business Brokers Act to meet the needs of the people of Ontario is part of the government's plan for the ongoing support of a vital industry and the continuation of a tradition of excellence in providing protection for Ontario's consumers.

While the real estate market is booming, the travel industry is trying to pick itself up after an unfortunate rough patch over the last year or so. Due to the difficulties experienced by the travel industry since the tragic events of September 11 and the bankruptcy of the Canada 3000 group of companies, the Ontario government brought in accelerated reforms.

Our government acted to support consumers and industry business alike. The changes announced in January this year were designed to enable travellers to access the Ontario Travel Industry Compensation Fund directly and allowed for an increase, from \$3,500 to \$5,000 per event for each individual, in claim limits for the failure of an airline or cruise line. Our changes also provided for claims that resulted from any event that occurred in the six months prior to September 11, including the failure of Canada 3000, to become eligible for payment from the fund. These changes have a double objective: to help consumers regain their money in the event of a failure and to help prevent travel agents from being bankrupted by consumers' claims.

These recent changes also help travel agents by permitting agents who reimburse consumers or arrange alternative travel at their own expense to claim reimbursement from the fund. Making the industry-sponsored compensation fund directly accessible to consumers for such situations helps the travelling public and supports an important sector of the economy. That is why we have proposed amendments to the Travel Industry Act in Bill 180. The proposed changes would harmonize provisions for inspection, investigation and enforcement with those in other registration statutes,

support industry growth and, finally, further protect consumers.

Proposed changes to the Travel Industry Act include strengthening the legislation underpinning the Ontario Travel Industry Compensation Fund. In current consumer law, the compensation fund exists through regulations, but in the proposed amendments to the Travel Industry Act in Bill 180, known as the Consumer Protection Statute Law Amendment Act, 2002, the fund would be entrenched in the statute itself. Bill 180 would also give the registrar the power to deal with false advertising more strongly than the current legislation allows. For example, if a travel agent advertises a trip special that promises beachfront accommodations but delivers property that is close to the beach but has a line of condos between it and the water, the current legislation could address this by allowing the regulator to order that the advertising be stopped. False advertising would become a specific offence for travel businesses under Bill 180, thereby promoting consumer protection and fair competition between businesses. The proposed changes to the Travel Industry Act in the Consumer Protection Statute Law Amendment Act, 2002, would permit the registrar to order the correction of the ads, and the registrar could request that future ads also be submitted for review and approval prior to release.

Another key component proposed to the Travel Industry Act in Bill 180 is the importance of ensuring that fines are paid. The proposed changes include the ability to report any unpaid fine to a credit bureau. Consumers who make travel arrangements and purchases through registered travel firms enjoy strong protection. The proposed changes to the Travel Industry Act in the Consumer Protection Statute Law Amendment Act, 2002, would also address the importance of using an Ontario-registered travel agent. The proposed changes are meant to crack down on unregistered travel agents.

Another important area I'd like to talk about is time-shares. Many scams cause serious financial loss for victims. This is often the case with victims of unscrupulous time-share or vacation home sellers. Time-shares is another area that the proposed Consumer Protection Statute Law Amendment Act, 2002, would address. Consider this scenario. A couple attends a time-share presentation and is bombarded by promises of a glorious location, access any time they want etc from a very aggressive salesperson. Exasperated, they agree to buy. They make a \$2,000 down payment and commit a further \$8,000. The next day, they read the contract in greater detail and realize they won't be getting the location or time entitlement they had understood they would get based on the sales presentation. They try to cancel the purchase, but the seller refuses. They hire a lawyer to help them out, but after paying \$1,200 in legal fees, can no longer afford to fight the claim.

Under current consumer law, time-shares are not defined and consumers do not have cooling-off rights. Under the proposed Consumer Protection Statute Law Amendment Act, 2002, time-shares would be clearly

defined and consumers would gain a 10-day cooling-off period within which they could reconsider their purchase. This would help those who have been caught off guard by high-pressure sales tactics.

In the real estate, motor vehicle and travel sales sectors, Bill 180 would provide greater enforcement powers to shut down deceptive practices and discipline the perpetrators as well.

#### 1920

Under the proposed legislation, there would be authority to establish a code of ethics for these industries, as well as a discipline committee and an appeals committee. Registrants found to be in breach of their code of ethics could be fined up to \$25,000 or a lesser prescribed amount. Broader enforcement powers would be available to address contraventions of these requirements, including compliance orders, restraining orders and orders to cease false advertising.

Because automotive spending is one of the largest sectors of consumer spending, and an important part of the Ontario economy, significant changes to the Motor Vehicle Dealers Act have also been proposed in Bill 180. If passed, it would be mandatory for automotive repair shops to give consumers estimates before charging for their work, whether consumers request them or not. If they fail to do so, the shop would not be able to charge for repairs done unless the consumer authorizes, in advance, a maximum amount they would be willing to pay.

The proposed Bill 180 would also provide better protection to the many consumers who lease their personal vehicles by providing for more information on the final cost of leases. If passed, the Consumer Protection Act, 2002, would bring rules regarding 30-day delivery and a 10% estimate cap to fruition so that consumers in today's competitive marketplace can enjoy increased protection.

A 30-day delivery rule is proposed so that if a good is not delivered or a service has not started within 30 days of the delivery or start date in the contract, the consumer is entitled to cancel the agreement.

A 10% estimate rule is proposed so that the consumer should not be charged more than 10% above the amount estimated in the consumer agreement. Such a requirement already exists for motor vehicle repairs; this bill would extend it to all sectors. This proposed 10% rule would make it easier for families who are trying to budget for big-ticket purchases such as home repairs.

Bill 180, as a whole, includes some key provisions. One of them is disclosure. The proposed Consumer Protection Act, 2002, would require that information for general goods and services purchased be disclosed clearly and prominently, not hidden in fine print. It would also specify that if the language in a contract provided by a business is ambiguous, it would be interpreted in the interest of the consumer.

The new remedies and enforcement options proposed in Bill 180 are: (a) increased maximum fines for a person who is guilty of an offence under the proposed Consumer

Protection Statute Law Amendment Act, 2002; and (b) maximum fines would increase from \$25,000 to \$50,000 for individuals and from \$100,000 to \$250,000 for corporations.

Uniform limitation periods for commencing a prosecution would be set at two years for all of the statutes proposed in the bill. This is another example of consistency, because in existing legislation this limitation period varies from six months to three years. The court would be authorized to order that a convicted person make restitution. Under the Consumer Protection Act, 2002, the ministry would have the power to freeze assets and order a business to stop using false or misleading advertising.

In short, Bill 180 would help protect consumers by ensuring that they have enough information to make informed decisions and by providing clearer laws so that consumers and businesses know their rights and obligations.

This proposed bill was developed to be fair to consumers and businesses, to be easy to understand and enforceable and to be flexible enough to stay current in our changing world.

By strengthening protections for consumers in sectors such as travel, motor vehicle and real estate, we are helping businesses, because consumers feel more comfortable spending their hard-earned money in a marketplace they know is safe and secure.

Strong consumer confidence encourages a strong, thriving economy where businesses can grow and create jobs, and that is a major goal of the Ernie Eves government.

In the last little bit of time I have, I just want to say that what we're focusing on here is consumer protection by bringing out a uniform system in terms of how consumers can be best protected in this changing business environment. What we're looking at is uniformity, we're looking for disclosure and we're also looking to actually put forth that legal maxim where the party that prepares the document should not have that contract interpreted in their favour; it should be interpreted against them. That's one of the great protections that this bill is putting forth. It is certainly making sure that the contract would be interpreted in the consumer's favour. On those big-ticket items that families face in terms of motor vehicles, the travel industry and in home purchases, we're putting forth greater obligations on those associations in terms of codes of ethics and requirements on them to monitor their own industry.

With respect to the Internet industry and also dealing with time-shares and home repairs, I think the requirement with respect to the 30-day rule in terms of the delivery of the goods or services is obviously in favour of the consumer. Also, with respect to the 10% figure and what is being quoted to you, that obviously is in the protection of the consumer to ensure that they get a fair price, but also to make sure that they get the goods or services they want, because now this bill is going to deal with services. I think consumers are better protected and better off.



**Mr James J. Bradley (St Catharines):** I appreciate the opportunity to speak on the issue of consumer protection and, peripherally, on the provisions of this particular piece of legislation. First of all, I would say that when you are looking at a number of areas where people are concerned about being gouged or treated unfairly by others, particularly in businesses, one of the areas we looked to immediately is one that my colleague Bruce Crozier has raised a number of times in this House, and that is those who are retailers of gasoline. Really, they're at the mercy of the wholesalers of gasoline at the pumps in the province. No matter how many times I hear the representatives, the higher-ups in their organizations, tell me that there is true competition in gasoline retailing—and wholesaling, for that matter—I find it very difficult to believe. It's always interesting that, in your community or mine, all the gas prices seem to go up to the same amount. Nowadays, of course, everyone is conditioned to think that 68 cents is cheap, whereas four years ago when the gas busters were around, we would have thought that was very expensive.

So it seems to me that one area where we could be of much more assistance would be that area related to gasoline prices at the pump. I've watched them in my own community. You'll see them at 67.9—it's always at .9 when they start out—then all of a sudden they'll jump to 74.9 and people will wonder what rationale there could be for that. They'll read in the newspaper or hear through the electronic media that the price of petroleum in the world price has gone down, yet they'll see the price going up in their particular community. Where people are particularly vulnerable—that is, where there is not a great choice of gasoline stations—again, we see some drastic increases, and those prices are often sustained. Anyone who tries to tell us there isn't a co-operation at the very least, if not actual price fixing, in the gasoline field simply has no one out there who will believe them.

I know that case is made. And I'll get letters, as will some others who'll speak on this, from the people who are responsible for the gasoline companies. I feel sorry, I must say, for the retailers, the people who actually sell the gas to the consumer, because they are instructed as to the amount to charge for their gasoline. The people who are really in a vulnerable position are the people who are genuine independents that face some unfair competition. All of this is something that is concerning to people who are facing many new, additional and increasing charges for basic needs. We're not talking about frills here; we're talking about basic needs.

Now, I notice this particular bill deals with false advertising, and I'm pleased about that because I have seen emanating from the government of Ontario—I wouldn't say any member of this Legislature, because I would be in contravention of the rules of the Legislature—I have seen government advertising coming from the government that is represented by people on the other side which I would consider to be in a personal sense, as would many people in the province, false advertising. I hope that we could use the provisions of this legislation to in fact challenge that advertising.

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We know that this government has now spent well in excess of a quarter of a billion dollars on government advertising. The latest is to advertise their new policy on hydro. We see the full-page ads in the newspaper. We see the television ads. We'll hear it on the radio. It'll be a multi-million dollar program designed to promote the government's position using your tax dollars—though you are, in another sense, a member of the New Democratic Party when you're not sitting in the chair. Members of the Liberal Party, people who have no affiliation, all must contribute to government advertising costs. That advertising is, for the most part, self-serving advertising, something to make the government look good in the eyes of the consumer or in the eyes of those who are watching the advertising.

*Interjection.*

**Mr Bradley:** This is from a government, I say to my good friend from Kitchener, that has a war chest that no one has ever seen. In other words, it is my understanding that the Conservative Party of Ontario has more money in its political war chest than any federal party does at this time. That of course is understandable, because their policies have been geared to the most powerful and the wealthiest people in the province.

*Interjection.*

**Mr Bradley:** The payback is the contributions that come in to the various constituency associations and to that huge fundraiser you have in Toronto where you have to open the additional walls of the convention centre so that you can get all those corporate types in to pay homage to you and to thank you for policies which have helped them at the expense of the consumer and the poor in this province. I know everybody on the other side would agree with this, otherwise I would expect during a two-minute response that I would be challenged on this, and somehow I don't think that's going to happen.

I see my friend the Minister of Health and Long-Term Care here with us today. He was a member—you'll remember this—of the gas busters. I remember this group. It was a photo opportunity. Somebody got a Polaroid camera out, took pictures of these people. CFTO made sure they were there; don't worry. Ken Shaw was there to be cheering you on, saying, "Look at the gas busters." The gas busters are out there somehow protecting the consumers. I was surprised to see that the price of gasoline did not come down, that there was a lot of barking that took place, like the dogs snapping at the vehicle as it's pulling away, but I didn't notice the price of gasoline come down. My friend Bruce Crozier tells me there was a report that came forward and some recommendations on what the provincial government could do in terms of gas prices, but—

**Mr Bruce Crozier (Essex):** It's gathering dust.

**Mr Bradley:** It's gathering dust, he tells me, at the present time.

I know those who were members of the gas busters team will be deeply disappointed that all of their photo opportunities and all of their hard work—because I know

they worked very hard at getting those photo opportunities set up—turned out to do nothing for lowering the price of gasoline in this province. It was simply a public relations sham that a few media outlets fell for.

**Hon Brad Clark (Minister of Labour):** Name names.

**Mr Bradley:** I can't name names because I don't want to offend those media outlets, but I can tell you there were some of them that fell for it, and others who didn't. But it was a good photo opportunity. If one wants to sit on this side of the House and say, "Do you think that was a good public relations idea?" you'd have to say, if you wanted to be fair, "a good public relations idea." It produced nothing, but it did have some nice photos, and I'm sure in the constituency newsletter of the gas busters they were all there to protect the consumer. And yet the price of gasoline is consistently now above—except for today, when it got lowered for some reason—70 cents a litre.

This bill is not going to solve that. This government has steered clear of that. The barons of the oil industry are saved from any sharp teeth to be found in this legislation, although I have to say, and I'm a very fair-minded person, there are some provisions in this bill, in fact many provisions, with which I would find myself in agreement. I think there would be a consensus on it in this House. We might ask why this government didn't do it six years ago, which does beg another question I won't ask. They were probably contemplating it but never got around to doing it.

*Interjection.*

**Mr Bradley:** Well, it took somebody from the Niagara peninsula to do it, which it always does, I have to say.

Insurance rates: it doesn't seem to deal with skyrocketing insurance rates. Not only automobile insurance—and that's going up considerably—but other forms of insurance are going up under the pretext, I am told, of the unfortunate incidents of 9/11—the disaster that happened, the terrorist acts in New York and Washington. One has to wonder how many in the insurance industry are using that as a reason to jack up the rates, and how much of it is legitimate. From time to time—for instance, if you have an ice storm and there are a lot of payouts from that—I understand that you may see some premium increases as a result. I'm not being an unreasonable person, but the suspicion is always in the back of our minds that somehow this is going to increase.

Now I know how the government is going to deal with the automobile situation. They will simply decrease benefits to bring down the price of automobile insurance. I put that out there because I think there are a lot of people who are living on the margin and require an automobile who are finding it difficult. They have to have much larger deductibles. Some may even be encouraged, and shouldn't be, because it would be very wrong—but I have been reading about people who don't even have automobile insurance in some cases. Most of us here might find that reprehensible. But there are people out there in that predicament, and others end up paying that tab.

I think of another situation this doesn't protect. It doesn't protect the patients in this province from some of the charges that are being levied against them because of the delisting of services provided under the Ontario Health Insurance Plan. For instance, patients sometimes have to pay for forms that doctors fill out. It is probably much better for doctors to be able to charge that against OHIP, a legitimate cost against OHIP, than having to charge individual patients for that particular service. There are other charges now, the PSA tests for instance, the prostate specific antigen—Hansard will pick that up—test. It costs \$20 at the present time, and there are many people who are concerned about that particular cost. I thought the Minister of Consumer and Business Services might have tried to include that in his bill by doing a bit of an end run around the Minister of Health, but he has not been able to do that.

I look at these kinds of charges that are not covered by this legislation. Perhaps the Minister of Health, when he has some pangs of conscience, will want to ensure that people are compensated for those costs, which are incurred through no fault of their own. It isn't as though they've gone out to purchase something; these are essential services this government has delisted. While wealthy people can afford it, those who are at the lower end of the pay scale or are on fixed incomes have a difficult time with it.

I wish I could fit ambulance dispatch service into this somehow, but I don't know if I can, other than to say that people who have to take ambulances have to pay a user fee for those ambulances. This does not protect them against that particular user fee. Often it's very onerous on them. You and I know, Mr Speaker, because you represent an area that's had problems with ambulance dispatch as well, that that problem is far from solved at the present time. It has been alleged that there are people who have actually died because an ambulance has not arrived in time. The poor people working in the dispatch centre are working under very, very difficult circumstances: antiquated equipment, a workload which is far too high, often training which is not adequate and often lack of compensation that would keep people there in a stressful job for a period of time. This bill does not protect that particular service.

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Another thing I'm worried about—I want to put this bug in the minister's ear. I suspect this is happening—you heard it first here; actually you heard it first in the committee. I think this government is secretly preparing to get into the business of Internet gambling. I really happen to think that's the case.

**Hon Tim Hudak (Minister of Consumer and Business Services):** Is Mike behind it?

**Mr Bradley:** No. The new minister will now be behind it. I noticed when I was sitting in my impartial position as Chair of the government agencies committee when we were reviewing people who are coming before us, I think the last two people appointed to—you would know the name. It is the gambling commission, or the

gaming commission, as you call it. I call it gambling. Both have had some expertise in the field of Internet gambling, and I think this is the next initiative. This government is now desperate for money because you have to pay all those rebates after you totally bungled your policy related to—

**Hon Mr Clark:** You believe in the X-files, do you?

**Mr Bradley:** —totally bungled your policy related to hydro. You're going to need some money now and I suspect that what you're going to do is find yet another way to bleed money out of the most vulnerable people, the most desperate people, and that's those who are often addicted to gambling and can easily avail themselves of gambling opportunities, thanks to this government at this time.

I really wonder about the family coalition over there. The family values crowd that I remember used to speak with some authority within the government caucus. The cat seems to have their collective tongue on this one, because those gambling opportunities continue to spread. What I think you need now is a moratorium, that no more communities out there should have these gambling opportunities thrust upon them by this particular government. Just as when I opposed originally the Sunday shopping, it's now of course a fact of life. Virtually everybody is Sunday shopping. I have even shopped on Sunday.

*Interjection.*

**Mr Bradley:** I have. I must confess to that. I have found that all the issues I thought the family coalition over there stood for—Bill isn't one of them; he's not one of the family coalition. But I'll tell you, a lot of the people there who portrayed themselves as the family values crowd have had to rethink their position as members of this government.

One thing I will say is that those of us on this side were successful in preventing you from doing what you really wanted to do, and that is put video lottery terminals, the crack cocaine of gambling, into every bar and every restaurant and every corner store of every hamlet and village and town and city in the province of Ontario. We prevented that from happening. You wanted to do it. There was a lobby group out there that was in favour of it. You wanted to do it and it didn't happen.

Once again you see the pressure of the opposition coming to bear on the government, just as we forced you

to give funding now for Visudyne treatments, even though you haven't done it properly. It's still skewed so that people have to pay a lot themselves. But you were forced into that. Today I see that you were forced into assisting another group: children with autism. The minister made an announcement after a barrage of criticism from the public and the opposition.

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** This would mean that you should stay in opposition.

**Mr Bradley:** My friend Bill is in opposition—on the government side, but he's in opposition. I don't think we'll have to do that, Bill. You are from time to time—at least back when you were in Owen Sound, in that part of the province—very independent-minded with this government. When you get down here, you're a bit of what we call a government man. But when you're up there you do a great job.

I wanted to say a couple of good things about the bill too. I think the telephone solicitation provisions offer some help. I think the door-to-door provisions, the cooling-off period, certainly offer some help.

I know the Niagara group that is part of the realtors' association had some concerns about the bill. They probably directed those concerns to the minister, who no doubt would have given them fair consideration.

I see under "Officers, directors" the word "may" used, and that concerned me. It says, "the director may disclose the name of the defaulter" and the director may also create a lien against the property. I would have thought "will" would have been superior to "may," but perhaps earlier when the minister spoke, he gave a reason for that.

So all in all, I think the bill falls considerably short of what it should be. Union Gas customers and the Ontario Energy Board, of course, are good examples of that. I see that you've attacked Floyd Laughren, the former NDP finance minister, when everybody knows you appoint the Ontario Energy Board and you set the rules for the Ontario Energy Board, and then you attack it.

But there is sufficient in this bill, I think, that even I could support this legislation. I know my friend the minister will be delighted to hear that.

**The Acting Speaker:** By previous order of this House, I now declare this House standing adjourned until tomorrow at 1:30 pm.

*The House adjourned at 1946.*

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