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**Journal
des débats
(Hansard)**

Monday 14 June 2004

Lundi 14 juin 2004

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 14 June 2004

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 14 juin 2004

The House met at 1845.

ORDERS OF THE DAY

ONTARIO HERITAGE
AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI
SUR LE PATRIMOINE DE L'ONTARIO

Mrs Meilleur moved second reading of the following bill:

Bill 60, An Act to amend the Ontario Heritage Act /
Projet de loi 60, Loi modifiant la Loi sur le patrimoine de
l'Ontario.

Hon Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs): Mr Speaker, the amendments to the Ontario Heritage Act that this government introduced on April 21 would significantly change the way Ontario protects its heritage. The current Ontario Heritage Act is weak and outdated, and the proposed amendments would, if passed, bring Ontario's heritage legislation in line with leading jurisdictions in North America. Without strong and expanded heritage protection laws, valuable heritage resources and the opportunities they represent will continue to be lost.

Les modifications apportées par notre gouvernement à la Loi sur le patrimoine de l'Ontario introduites le 21 avril modifieront radicalement le mode de protection du patrimoine en Ontario. La Loi sur le patrimoine de l'Ontario, sous sa forme actuelle, est faible et désuète. Les modifications proposées, si elles sont adoptées, permettront aux lois sur le patrimoine de l'Ontario de correspondre davantage à celles des compétences d'Amérique du Nord qui sont des chefs de file en la matière. Sans des lois fortes et ambitieuses sur la protection du patrimoine, des ressources patrimoniales inestimables et les opportunités qu'elles représentent continueront de disparaître.

Many people across the province clearly support the proposed amendments. They say we have seen too many of our irreplaceable buildings fall victim to the wrecker's ball. Ontario's heritage sites give us a sense of place and help us build pride in our own communities. Heritage organizations, municipalities, and museums in small towns and big cities alike are commending the government for the proposed amendments. In fact, I recently received a letter from an association representing 12 municipal heritage committees in the Niagara region. The letter, dated

April 26, says, "We are extremely pleased to note that you have brought forward so quickly after the Liberals took over the governing of Ontario legislation to strengthen the Ontario Heritage Act. You are correct when you say that the act is weak and outdated, and we commend you for moving to strengthen our hands when we at the grassroots are attempting to save Ontario's heritage—built, cultural and natural."

I wanted to say that it's not only people active in the heritage organizations who support this act. I have in the gallery tonight Sandy Smallwood, who is a developer in Ottawa. Sandy has come from Ottawa to be here tonight to listen to the second reading. Mr Smallwood is an example, because he has protected so many precious buildings in Ottawa, and I will name a few: the Wallace House, the Patterson House, Strathcona Apartments and the Windsor Arms. He's a living example that it's well and good for developers to protect heritage, so I wanted to thank him publicly tonight.

1850

Mr Rosario Marchese (Trinity-Spadina): What's his name again?

Hon Mrs Meilleur: Sandy Smallwood.

Since I introduced the amendments to the Ontario Heritage Act on April 21, newspapers across the province have been reporting numerous stories about residents clamouring to save their local heritage sites or establish heritage districts in their communities.

The people of Ontario are demanding that the Ontario government protect their heritage.

La population de l'Ontario demande que le gouvernement de l'Ontario protège son patrimoine. La conservation du patrimoine de l'Ontario dans l'intérêt des générations actuelles et futures tient à cœur au gouvernement McGuinty, qui a pris un engagement à la matière.

Je voudrais aussi ce soir rendre hommage à mon prédécesseur, qui a travaillé très fort aussi pour préparer cette loi, mais qui malheureusement n'a pas pu se réaliser sous son mandat. Une Loi sur le patrimoine de l'Ontario renforcée, si elle était adoptée, permettrait d'empêcher qu'on démolisse des hauts lieux précieux du patrimoine.

The McGuinty government values and is committed to conserving Ontario's heritage for the enjoyment and benefit of present and future generations. A stronger Ontario Heritage Act, if passed, would prevent the demolition of Ontario's precious heritage landmarks. A stronger act would also provide more tools and flexibility to protect heritage at the local and provincial levels and would make Ontario one of the leading jurisdictions in

heritage conservation. We listened to our stakeholders and the changes we have introduced in Bill 60 are based on what we heard.

I would like to provide more information to my fellow members about some of the key proposed amendments to the Ontario Heritage Act.

One of the most important changes: New municipal powers to prevent the demolition of heritage properties would give municipalities tools to prevent rather than delay the demolition of heritage properties. These amendments would also ensure that increased demolition control will be balanced with the property owner's rights to a binding appeal.

Another important amendment would, if passed, provide new provincial powers to identify and designate heritage sites of provincial significance, as well as the ability to prohibit the demolition of those sites. Property owners would have the right to a binding appeal in this case as well.

The proposed amendments also provide for clear conservation standards and guidelines to be established for provincially owned or controlled heritage properties, so that the province will lead by example in the stewardship of its own sites.

Other proposed amendments would, if passed, provide greater clarity in the municipal designation process and provide better planning tools for the protection of heritage conservation districts. We are proposing to standardize the criteria for municipal designations of heritage properties and enable municipalities to recognize and list non-designated heritage properties.

The proposed amendments would allow municipal councils to delegate approvals for alterations to designated heritage properties, set minimum maintenance standards for designated properties and easily update existing designation bylaws to comply with the new designation requirements proposed by these amendments.

We would also require public notice of an opportunity to object to all proposals to remove both municipal and provincial heritage property designations. The proposed amendments would require that heritage conservation districts have a plan and guidelines for managing changes to the district.

The proposed amendments would also extend district controls to cover heritage property features such as landscapes as well as buildings. The amendments will also allow minor alterations in districts to be exempted from the requirement of an approval, and enable interim controls for up to a year for districts being considered for designation.

The amendment act would, if passed, increase provincial protection for marine heritage sites. This would enable the province to protect the most significant and fragile marine heritage sites by prescribing these sites in the regulation and prohibiting access without a site-specific licence.

There are also enhanced provisions to conserve unique archaeological resources, such as increasing fines to a maximum of \$1 million for the illegal alteration of sites.

These provisions would also enable the province to monitor archaeological field work and sites, and provide public access to certain archaeology information collected under the current legislation.

The amended act would also update provisions for the province's heritage agencies to give them greater ability to deliver their mandates. We are proposing to update the procedural powers of the Conservation Review Board, in line with amendments to the Statutory Powers Procedure Act. To address the needs of the board, we also propose that the board be composed of at least five members, rather than the current three members.

The proposed amendment to change the name of the Ontario Heritage Foundation to the Ontario Heritage Trust would better reflect the core nature of the agency's role, holding Ontario's heritage in trust for current and future generations.

La Fondation du patrimoine ontarien est le principal organisme de protection du patrimoine dans la province. Elle œuvre aux quatre coins de la province. Depuis plus de trois décennies, la fondation identifie, préserve, protège et promeut le patrimoine riche et divers de l'Ontario.

La Fondation du patrimoine ontarien rend hommage aux personnages, lieux et événements qui ont façonné, et qui continuent de façonner, notre culture. La fondation détient en fiducie 22 sites du patrimoine et plus de 100 propriétés du patrimoine naturel. Elle détient aussi en fiducie, au nom de la population de l'Ontario, plus de 20 000 objets culturels et plus de 440 000 objets du patrimoine archéologique.

La fondation bâtit des partenariats avec plusieurs partenaires, y compris des comités et des bénévoles qui ont la préservation du patrimoine ontarien à cœur. Elle promeut l'importance de la conservation du patrimoine et encourage les jeunes à s'impliquer dans les activités patrimoniales.

The provincial plaque program is the Ontario Heritage Foundation's oldest and best-known program. Its more than 1,150 blue-and-gold plaques, emblazoned with the provincial coat of arms, promote an understanding of Ontario's past by interpreting significant heritage subjects at locations across the province.

Notre patrimoine divers est aussi célébré par des plaques érigées à Brouage en France, lieu de naissance de Champlain, à Devon en Angleterre, lieu où John Graves Simcoe s'est éteint, et dans 19 autres sites patrimoniaux internationaux.

1900

Perhaps the foundation's best-known restoration project is the renovation of the beautiful Elgin and Winter Garden Theatre. This is the world's only operating double-decker theatre complex. The foundation has restored the building to its original role as an important venue for commercial theatre in Toronto. Other well-known sites held in trust by the foundation for the people of Ontario include the Niagara Apothecary in Niagara-on-the-Lake, Fulford Place in Brockville, and the stately George Brown House on Beverley Street in Toronto.

The foundation also helps ensure that Ontario's wetlands, woodlands, grasslands and geological land formations remain a part of our future. Protected land includes the habitats of endangered species, rare forests, wetlands, sensitive features of the Oak Ridges moraine, nature reserves on the Canadian Shield, and the spectacular Niagara Escarpment.

It was the Ontario Heritage Foundation that launched Doors Open Ontario in 2002, under the leadership of the previous government, to create access to, and awareness and excitement about, our province's heritage. To date, over 700,000 visits have been made to Doors Open Ontario heritage sites. The Doors Open concept continues to spread across North America, with events now being held in Newfoundland and Alberta and, in the US, in Massachusetts, western New York state, New York City and Denver. Every year, Doors Open Ontario attracts large crowds across Ontario. From April to October, residents and visitors are invited to discover first-hand Ontario's hidden heritage treasures, some of which have never been opened to the public. Festival and Events Ontario recognizes Doors Open Ontario as one of the province's top-50 Ontario festivals. That is very much due to the hard work and dedication of the people of the Ontario Heritage Foundation.

Le grand nombre de visiteurs dans les sites de Portes ouvertes et la dizaine d'articles écrits dans les médias récemment à propos des questions touchant le patrimoine témoignent de l'énorme soutien accordé au patrimoine dans toute la province. Nous avons besoin de lois fortes et efficaces pour protéger notre patrimoine.

We need strong and effective laws to protect our heritage. Our heritage expresses our collective experience and values. It gives us insight into who we are and confidence about what we can achieve.

The proposed amendments to the Ontario Heritage Act would provide us with the tools we need to protect our heritage assets, promote civic pride and boost local economic development. Les modifications proposées à la Loi sur le patrimoine de l'Ontario nous offriront les outils dont nous avons besoin pour protéger nos biens patrimoniaux, promouvoir la fierté civique et stimuler le développement économique local.

The proposed amendments to the Ontario Heritage Act will help build strong communities and improve the quality of life for all the people of Ontario. It is time to change the Ontario Heritage Act. Il est temps de changer la Loi sur le patrimoine de l'Ontario.

Monsieur le Président, I forgot to tell you at the beginning that I'll share my time with two of my colleagues, from Stoney Creek and from Stormont-Dundas-Charlottenburgh.

Mr Jim Brownell (Stormont-Dundas-Charlottenburgh): Mr Speaker, it's—

The Acting Speaker (Mr Joseph N. Tascona): You haven't been recognized yet.

The Chair recognizes the member from Stormont-Dundas-Charlottenburgh.

Mr Brownell: Sorry about that, Mr Speaker.

Tonight is an exciting evening—certainly an exciting evening for me. In my work in the riding and what I've done for the conservation and preservation of history and heritage—

Mr Marchese: Tell us about it.

Mr Brownell: I will be telling you about what I have done and what I am so proud of in my riding.

I would like to preface my remarks by first of all saying how proud I was this past Saturday when Madame la ministre was in my riding and she stood at perhaps the most historic spot in Ontario, and that is in historic St Andrews West, where lie the remains of the first Premier of our province, John Sandfield Macdonald. Madame la ministre had a chance to see his burial site. She had a chance to see the 1865 heritage inn that he built in that community, which today has been designated and restored and is a wonderful facility for anybody wishing fine dining. I welcome anybody from Ontario—

Mr Mike Colle (Eglinton-Lawrence): Where is it?

Mr Brownell: It's in St Andrews West.

Mr Colle: Where's that?

Mr Brownell: It's just north of Cornwall in the community of South Stormont.

This is a glorious time for everyone who cares about Ontario's heritage. The amendments to the Ontario Heritage Act that the McGuinty government has introduced would strengthen heritage protection in this province. Minister Meilleur has spoken very eloquently about the need to empower Ontario's residents, the municipalities and the heritage stakeholders to preserve and protect our provincial heritage resources. Her words spoke to me. They moved me because, as of May 5, 2004—this past May—I can personally claim my rightful status as an artifact of Canadian history, and I will explain that.

It was on May 5 of this year that the Canadian government announced 12 new designations of national historic significance: seven newly designated national sites, three historic persons and two national historic events. It's the events that I would like to allude to here. These two events include shipbuilding at the Burrard Dry Dock Co in Vancouver and, in my riding, the construction of the St Lawrence Seaway. It is this latter designation that arguably makes me an artifact of Canadian history. You see, on July 1, 1958, when I was a young lad of 10 years of age, the villages of Mille Roches, Moulinette, Wales, Dickinson's Landing, Farran's Point and Aultsville were submerged under the waters of the St Lawrence River and the new St Lawrence Seaway was born. With my birth community submerged and the designation of the St Lawrence Seaway as a national historic event on May 5 of this year, I believe I can now claim my status—and all those people who lived in those communities—as an artifact of Canadian history.

Hindsight is always 20/20, and I'm not here to second-guess how preceding governments, be they national or provincial, should or could have responded to the challenges of their times. But it is a matter of historic fact that the lead-up to the inundation of these historic towns was a rocky road, coloured by human anguish and loss. I was

there and I saw. I was in grade 4 on the last Friday in January 1958. We said goodbye to that school and moved to our new school in the community: Milles Roches Public School to Long Sault Public School, a school that I retired from teaching in, in December 2000.

To this day, many area residents maintain the view that these lost villages were casualties of progress. Prior to their inundation, the residents of these villages, including my birthplace of Moulinette, were relocated to New Town number 1 and New Town number 2, the earliest names by which Ingleside and Long Sault are known today. I challenge you all to come on down to the St Lawrence Seaway, visit our towns and you will see wonderful little communities along the St Lawrence which continue to grow. We've had tremendous growth in the last number of years while I served on municipal council.

As a life member and past president of the Lost Villages Historical Society, which operates the Lost Villages Museum in South Stormont, I have worked long and hard to ensure that these historic communities are not lost and not forgotten.

1910

Madeleine Meilleur commented about the recognition that is given to individuals in Ontario who work for the preservation and protection of history and heritage. I am mighty proud to say that it was in the autumn of 2000 that I received the Ontario Heritage community recognition award for my long-time involvement there. That's why I shall never let down my guard in the protection of what has to be protected in Ontario, and that is, the cultural, built and natural heritage of our communities.

One of the first paintings I hung on my wall here in my Queen's Park office was that of the Lost Villages Museum, displaying three of the recovered buildings from these lost communities. The historical society, of which I served as president for 11 years, developed the museum site and acquired historic and heritage buildings from the lost villages and surrounding townships. These buildings include the McLeod log house, the Moulinette Grand Trunk/CN railway station, the Zina Hill barber shop from Moulinette, the Manson/Lapierre grocery store from Mille Roches, the Ernie McDonald blacksmith shop, a Roxborough township schoolhouse, the Sandtown Advent Christian Church and the Forbes Memorial Building Reading Room library.

We have, with limited funds, moved those buildings and preserved them at our museum site. I'm absolutely proud of how the volunteers worked so hard, with limited funds, to develop a community where we can tell the story, and where they can continue to tell the story, of those six communities lost to the inundation of July 1, 1958.

As I speak—probably not right at this hour, but I'm sure today—there were members and volunteers from the Lost Villages Historical Society working at the museum site, for just recently the Lost Villages Historical Society relocated the Stuart home, built in 1810, to the museum site. It was built by Dr James Stuart, a United Empire Loyalist, on land upon which Wales, Ontario developed.

Today, Wales is gone—it's one of our lost villages—and the Stuart home has seen its second move in almost 200 years of existence, but we were determined. Before I was elected to this House, I worked with the historical society, and we were determined to preserve that little piece of history. We now have a building at the museum site which is almost 200 years old. Working with the Lost Villages Historical Society to save this slice of United Empire Loyalist history has been one of the great experiences of my life in preserving history and heritage.

But I speak from first-hand experiences when I tell you that the work of the society in saving these buildings and artifacts and establishing the museum—well, it would all have been less daunting if we had had the benefits of the amendments to the Ontario Heritage Act currently under consideration by this assembly.

With my birthplace—which was also the birthplace of several generations of my ancestors—now far beneath the waters of the St Lawrence, I am particularly pleased by the features of the proposed amendments that will have an impact upon underwater and archaeological sites. The proposed amendments will enable the province to prohibit access to the most significant marine heritage sites without a site-specific licence.

The proposed changes would also increase fines for the illegal alteration of an archaeological site, to a maximum of \$1 million; provide the province with the ability to inspect archaeological sites, to ensure compliance with the act; and increase access to the records of Ontario's archaeological heritage.

These and other proposed changes to the Ontario Heritage Act demonstrate our government's—the McGuinty government's—unwavering commitment to heritage protection and preservation. The amendments to the act will certainly serve as an inspiration to those eight forward-thinking municipalities—and I sure hope my municipality is in there one of these days—that have passed bylaws to offer tax reductions or refunds to owners of designated heritage properties. These include Amherstburg, Essex county, Kitchener, Markham, Newmarket, Peterborough, Port Hope and Windsor. I'm hoping that the list goes on and on, because we have to get our communities and our province moving in protecting the cultural, natural and built heritage of the province.

The amount of tax relief can be sizable: up to 40% of the taxes that would normally be paid on a property. It's a terrific incentive for people to maintain buildings of heritage significance. It's great news for communities that want to maintain their distinctive appeal and vital character while improving their quality of life. Municipalities and their resident heritage stakeholders want respect for local decision-making, as well as effective, flexible tools, such as heritage designation of individual properties and heritage conservation districts.

I'll just digress for a moment from some notes that I prepared here, but I look at the city of Cornwall. We have Heritage Cornwall working to protect and designate sites in that community, and to preserve a specific district. I speak of the Sydney Street district in the city, one of the

most historic, with glamorous homes, beautiful landscapes and mature trees. We need to protect those areas.

The proposed amendments delivered on this score will certainly help all those who work to preserve our heritage. Developers and the real estate industry want procedural fairness and requirements that are upfront, transparent and consistent. The proposed amendments deliver here as well, and those proposed amendments will allow for heritage groups, heritage organizations and historical societies to work with municipalities to preserve and protect our built heritage.

In her remarks, the minister commented about Doors Open Ontario. I have to say, I've been part of Doors Open Ontario for at least two years now, in promoting that program.

Mr Marchese: How many people show up?

Mr Brownell: A lot of people show up. It's been one of the most successful events with regards to making people aware of our built heritage.

We, in our municipality, this fall, in South Stormont, in the city of Cornwall and throughout the riding of Stormont-Dundas-Charlottenburgh, will have an opportunity to throw open the doors of heritage structures that have been closed for a long time, throw open the doors so Ontarians can truly believe that it is the right thing to do to protect our history.

We shall continue as a government to work in that regard. Indeed, the proposed amendments to the Ontario Heritage Act represent a huge step forward for heritage conservation in this province overall. And I know that the historical societies, the LACACs—the local architectural conservation advisory committees—and the heritage groups in the municipalities throughout Ontario will be dancing in the street tonight, I'm sure, when they hear that we're debating this—

Interjection.

Mr Brownell: They are excited about what we are doing, right.

Interjection.

Mr Brownell: That's right, they can come to our Doors Open Ontario events and laud us for what we're doing.

Preserving our heritage is an evolutionary process that must address new challenges as they arise. The search for innovative solutions must never end. These amendments to the Ontario Heritage Act are a clear demonstration that the McGuinty government, a government that said yes to heritage, is committed to working with stakeholders all across this province, from all sectors, to ensure that Ontario is a leader in heritage conservation.

I'm delighted that the minister introduced Mr Smallwood from Ottawa, not far from my riding. I hope that Mr Smallwood takes some time to come down to the riding and see what we are doing for heritage conservation. I invite all Ontarians to come on down to the seaway and visit all of the sites along the St Lawrence, in Morrisburg and Iroquois, the Iroquois Lock, the only Canadian lock on the new seaway. When we say the new seaway, we mean the seaway finished in 1958—1954 to

1958. There they will see our freighters heading up with cargo and the like. So I invite them down, and they will see that in my community we have truly been blessed with volunteers who have been committed to preserving history and heritage. Heritage stakeholders, municipalities and Ontarians in general can rest assured that my government will continue to seek their valuable input as we strive to preserve and promote Ontario's heritage for the benefit of present and future generations. We will work with the stakeholders; we will work with community groups.

1920

I look at the council for the township of South Stormont. When I left that council, I was a believer that we had to support those people who worked so hard. That's why I was always a believer in the Ontario heritage community recognition award by the Ontario Heritage Foundation. That's why, when I left, I said to the council, "Please continue with that program," never believing I would be the recipient of that award when I stepped down from council. But I can say I was proud to launch it in my municipality. I am proud that the Ontario Heritage Foundation continues to respect those people who work in built, cultural and natural heritage.

Yes, we're talking about built heritage tonight in the main. We're talking about underwater heritage too, but we are also talking about natural heritage, saving and preserving those natural landscapes, saving and preserving the cultural heritage that makes our communities unique.

When I say "unique," I look at the community of St Andrews West, where the Minister of Culture was able to attend on Saturday. I have to say that I also thank the minister for coming to my riding to participate in the official opening of the St Lawrence River Institute of Environmental Studies. That's basically why she was in the riding, but I think I can say I killed two birds with one stone, for when she arrived at St Andrews, she was absolutely interested to see the heritage site of the final resting place of our great first Premier of this province, John Sandfield Macdonald.

Every day, when I come to the Legislative Building and walk up the front walk and look over to the right, and I see John Sandfield Macdonald's memorial, the full statue there, and see the painting of the Premier on the outside of the walls here at Queen's Park, it makes me so proud that the first Premier of this province was born and his house is still preserved in my riding. He articulated in Cornwall and was a lawyer in Cornwall, and then his final resting place was chosen, St Andrews West, in sight of a building that he had the foresight to build for his community. Not only did it serve as a stagecoach inn, but he always believed in his community, just as people believe in their community today when protecting and preserving, because he reserved the basement of that heritage building, which is now designated for the community to be used following funerals, weddings and the like.

I invite everybody to come down, because today the downstairs section is a sports bar. The first floor is fine dining and the top level is our banquet hall. We're mighty proud of that 1865 building which has been preserved in St Andrews West. I invite you all to come down. This is my promotion of a little bit of our heritage.

But you know, it wasn't just today in my community that people were well aware and well into preserving the heritage of the community. I believe it was back in the 1930s that a group of local citizens got together and provided, with some direction from the Ontario government, a stone wall with a beautiful plaque beside the entrance to that cemetery. That plaque talks about John Sandfield Macdonald, and it also talks about another one of our great heroes, Simon Fraser.

Simon Fraser came to my community as a young lad with his mother. They fled the United States. He was a United Empire Loyalist who went out—and we all know the story of Simon Fraser and that great work of history out to the west, the Fraser River—Simon Fraser University, the Fraser River. But where will you find Simon Fraser's final resting place? In historic St Andrews West that the Madam Minister had a chance to see on Saturday. I know the Minister of Culture is watching my words very carefully tonight—I can't wait for the minister to take a heritage tour into my riding.

Mr Marchese: She's coming.

Mr Brownell: I know she'll be coming.

Mr Colle: She's already been three times.

Mr Brownell: She's been there, but she's coming to learn all about the history that we have preserved and to learn something about the history that we've lost. Because I can say, in the mid-1990s, I worked with a group of heritage-conscious individuals in the city of Cornwall to try to preserve the historic Capital Theatre. The Capital Theatre is gone. It was one of only two historic, atmospheric theatres in Ontario. We lost it to what they say is progress. No. We lost it because we didn't have the rules in place that would do what the rules that we're establishing will help municipalities do. So I am hoping that as we work as a government we continue to recognize those people who work in history and heritage, that we look to the built heritage of our communities and hold those heritage sites on a pedestal.

This year is the 200th anniversary of the arrival of Reverend Alexander MacDonell to the village of St Raphael's. St Raphael's is the birthplace of John Sandfield Macdonald, our first Premier. This year, we will have wonderful celebrations in St Raphael's to recognize the arrival of Reverend Alexander MacDonell, to understand what he's done for our community and to promote tourism.

So I say I've been excited to be on my feet tonight to speak to this. I'm excited for the simple reason that Madame Minister of Culture is committed to profiling the best in history and heritage, and making the act right.

Ms Jennifer F. Mossop (Stoney Creek): I stand before you tonight to declare that April 21, 2004, will go down in Ontario's history books as the date upon which

the saving of Ontario's heritage was finally set in motion. This has much support, Minister.

April 21 was already a date of great historical significance. For example, on this day in history, Queen Elizabeth II was born and Henry VIII became king of England. These are historic facts, but as Samuel Crothers wrote in the *Gentle Reader*, "The trouble with facts is that there are so many of them." Ontarians cannot, however, say the same about the province's heritage resources.

Canada's own thinkers and writers had their unique perspective on the subject, but trust a humorist to cut to the chase in the simplest possible terms. Ontario's Stephen Leacock wrote, "Too much has been said of the heroes of history—the strong men, the troublesome men; too little of the amiable, the kindly and the tolerant."

These latter types—the blacksmiths, the cooks, the schoolteachers, the bricklayers, the carpenters, the miners, the dressmakers, the farmers and the gardeners—left behind more than their names in the pages of the history books. These people, our ancestors, built their communities to be strong, to harbour and to protect them from the harshness of this new land and to withstand the passage of time. When they passed on, they left behind for their children, their children's children and, finally, for us, a legacy of artifacts and built heritage. It is our responsibility to guard this legacy for future generations to learn from and to enjoy.

The past is alive all around us, and in meetings with heritage stakeholders, the concerns of Ontarians were communicated to us in clear and unambiguous terms. The McGuinty government had the ears to listen. What we heard very loudly and very clearly was that the Ontario Heritage Act is weak and outdated. We heard example after example of built heritage sites and buildings being bulldozed, regardless of their heritage value and without a second thought to their economic potential. Meanwhile, municipalities have been left to pay the price in lost economic potential and the erosion of local identity that defines and enriches the lives of the residents. Let me briefly review a list of recent casualties to give you an idea of what Ontario has lost to the bulldozer or the wrecker's ball over the past few years.

1930

Built almost entirely from locally quarried limestone, Bellevue House ranked among the finest examples of historical residential architecture in Hamilton. John Bradley, an Irish miller who settled in Hamilton in 1832, built the house between 1848 and 1850. A successful entrepreneur, store owner and tavern owner, land investor and leading local politician, Bradley's contribution to Hamilton's development was significant. Along with a handful of other limestone mansions in the city, Bellevue House represented Hamilton's rapid evolution from pioneer town to important manufacturing and shipping centre by the mid-19th century. Despite efforts by the residents and the municipality, Bellevue House was demolished in 2000.

Despite the best efforts of the Preserve Old Walkerville committee over a period of years, and despite the municipal council's passing a bylaw designating it a herit-

age site, Walkerville's Flat Iron Building was demolished in 1995. Here again, the existing Ontario Heritage Act did not give Preserve Old Walkerville, or POW, enough punch to save its local heritage. The residents of Walkerville in particular, and Ontarians in general, are all the poorer for it.

Ditto for the case of Glengarda's former Ursuline Convent and School, which was established in 1919. The Windsor Architectural Conservation Advisory Committee recommended the building's designation to the municipal council. The council complied. Nonetheless, this particular slice of Windsor's history fell to the bulldozer in 1998. In its place stands a condominium development.

It is sad stories like these that demonstrate the need for changes to our heritage protection laws. The proposed amendments to the Ontario Heritage Act, if passed, would give Hamilton, Windsor, and all other Ontario communities the tools to protect and preserve their heritage so that important buildings like Bellevue and Glengarda may be saved in the future.

Applause.

Ms Mossop: We've got a great cheering section over here, many heritage enthusiasts here this evening.

The proposed amendments include new municipal powers to prevent, not just delay, the demolition of heritage buildings—this amendment is counterbalanced with the landowner's right to a binding appeal—and new provincial powers to identify and designate heritage sites of provincial significance, as well as the power to prevent their demolition. Also, the proposed amendments would enable the Ministry of Culture to develop mandatory standards and guidelines for identifying and protecting heritage property owned or controlled by the province in consultation with provincial ministries and agencies affected.

If these amendments had been introduced earlier, Bellevue House in Hamilton, Walkerville's Flat Iron Building and Glengarda's historic Ursuline convent might still be standing today. As it is, their loss serves to underline the importance of what is at stake.

Other proposed amendments to the act provide greater clarity in the municipal heritage property designation process and empower municipalities further by providing better planning tools for the protection of heritage conservation districts. Can anyone in this House imagine a Paris without a Champs Élysées, a London without a Piccadilly, a Rome without a Coliseum? The great cities of the world long ago recognized the importance of the heritage conservation district.

This begs one of my classic stories, and I know I'll have the attention of my friends when I launch into one of my classic stories. It was not that long ago, about a year ago now, that I was just out of the delivery room with my small baby and I received a phone call to do a consultation job, consulting work, at a workshop in Paris, France. It was pretty difficult to turn that down, but I looked at this two-week-old baby in my arms and I wondered, how on earth am I going to manage to get myself to Paris, France, in four weeks with a two-week-

old baby? But I could not say no to a trip to Paris, so I said yes, and somehow I managed to turn it into a family trip where we could take a six-week-old baby so she could enjoy her birthday in Paris.

But I started to worry when I was making these plans, because it had been 17 years since I had been to Paris. I wondered what might have happened in the intervening 17 years, because I had seen what can happen to places and buildings when they are not looked after.

I arrived in Paris, and what I found was a jewel of heritage. It was spectacular. I had actually forgotten how beautiful Paris is. Every avenue, every façade, every doorway, every alleyway is a delight for the eyes and a celebration of the soul. I was moved. When we left, we promised we would come back as soon as we could.

The reason why Paris is so beautiful is because they have had strict regulations to protect those buildings and their heritage.

The amendments being proposed hold that kind of promise—the kind of great promise for numerous municipalities across Ontario—because the heritage conservation district, planned and implemented strategically, can significantly revitalize a local economy. Why does everybody go to Paris? Because it's so beautiful; because of its culture; because of its heritage, so well preserved. They will come to our communities and our municipalities to see the same thing.

Increasingly, people are seeking out living and working spaces that offer something a little different. For many, the unique features of heritage buildings fit the bill. New-economy employers, footloose employees who can work anywhere and retiring baby boomers are choosing to locate in historic quarters where shopping, restaurants, cultural facilities and other amenities are within walking distance.

Across Ontario, historic properties are being restored and adapted to new uses. In urban centres, factories and warehouses are being converted to new residential and commercial uses. In small towns, main street properties are being rehabilitated, often combining retail downstairs and residential spaces upstairs.

If you really think about it, where do you want to work? Do you want to work in a little work station with four plain walls around you with no window, or do you want to be in a beautiful building that has a tangible history and a soul to it?

The Minister of Finance said to me one time that when he's having a particularly hard day—which they do have, these ministers of finance—"I take solace in the fact that I work in one of the most beautiful buildings in the province of Ontario."

Ontario's own Petrolia—Canada's Victorian oil town—serves to illustrate the impact of heritage district planning. In the heyday of the town's oil boom in the 1800s, Petrolia was one of the principal engines that drove Ontario's economy. Over time, the town's rich architectural heritage showed signs of significant deterioration. Some buildings were lost completely. In 1994, the community mobilized to save its own heritage. The

restoration program it undertook has served to revitalize Petrolia's downtown core. Small business owners are reporting significant increases in trade.

The municipal council's role was key to the success of this initiative. It provided the support necessary to bring the community together to achieve a common purpose.

The amended Ontario Heritage Act would empower municipalities to preserve their heritage and reinvigorate their business economies. Towns like Petrolia will serve as a beacon and a model of what can be achieved when a community's shared vision for the future intersects with respect for the past and heritage resources.

Examples of the innovative use of heritage sites and buildings around the province include a 12-acre steel foundry site established in Dundas circa 1880. It's being redeveloped into an adult lifestyle and retirement community. In Waterloo, a button factory built in 1866 subsequently served as a plywood factory, a glove factory and an office supplies store before it was designated by the city in 1982. The building has housed the Waterloo Community Arts Centre since 1993. In Toronto, a tin lithography factory built in 1900 was purchased by a local architect in 1994 and converted into desirable workspace for artists and dot-com companies.

Mr Speaker and members of this assembly, heritage resources are unlike other kinds of resources in that they are non-renewable. Once the bulldozer or the wrecking ball has levelled an historic building, no amount of money, effort or hope can bring it back. It's gone forever. Over time, it will even lapse from human memory. Its loss is irrevocable, complete and final. This is the tragedy that can befall unprotected heritage resources of virtually any description: a heritage building, a sunken ship, a rare forest or an archaeological site.

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Let there be no mistake; Ontarians genuinely care about their heritage resources and what happens to them. How else can you explain the resounding success of the Ontario Heritage Foundation's annual Doors Open Ontario initiative? In three short years, this OHF program has become Ontario's most popular heritage touring adventure. During the Doors Open season, which runs from April to mid-October, participating municipalities quite literally open the doors of local heritage sites, many of which are generally closed to the public, providing residents and visitors with free access to buildings and properties of architectural, historic and natural heritage value. This innovative opportunity to experience Ontario's rich heritage first-hand has been an unmitigated success since it was launched in 2002.

Heritage is not one of those hot-button issues that inspire attention-grabbing headlines in the daily media. Nonetheless, heritage resources have assumed a greater importance than ever before for the province's municipalities and provincial heritage stakeholders, as well as for individual Ontarians. Heritage encompasses the values and institutions we all share, as well as the distinct histories, expressions and aspirations of many of the communities and cultures that make up this province.

Ontario's character and very identity are rooted in this rich and diverse heritage. Our heritage inspires us, enlightens us and guides us in our growth and development.

We are the current stewards of our heritage resources, and that is a great responsibility. We don't own them; we are just here to look after them. If we cherish and protect these resources, we can benefit from them, enjoy them and pass them on, intact and undiminished. It's like living off the interest while protecting the principal.

Many among us recognize heritage as a valuable cultural and social resource. Fewer may be aware of the direct economic benefits and spinoffs of heritage conservation: for example, revitalizing main streets and downtowns, creating jobs, enhancing desirability of neighbourhoods and bringing tourist dollars into the community.

In a world growing smaller by the minute under the forces of globalization, heritage conservation has, in fact, become a form of community economic development, and a highly efficient one at that. Heritage resources are present in every community in many different forms: museums; archive and library collections; historic buildings, barns and monuments; bridges and railway stations; cemeteries; archaeological sites and artifacts; streetscapes and landscapes. Heritage resources are a big part of what makes every community unique. After all, what would Kingston be without its limestone buildings? Can you imagine Cobourg without a Victoria Hall, Elliot Lake without the Nuclear and Mining Museum, Cobalt without its mine headframes, or Petroglyphs Provincial Park without the petroglyphs?

There are currently 130 municipal heritage committees operating in this province, 65 heritage conservation districts and approximately 20,000 known archaeological sites that have been documented by the Ministry of Culture. Currently, over 75,000 Ontario volunteers are actively involved in some kind of heritage conservation initiative.

These numbers tell me that Ontarians are demanding better protection for their heritage, the kind of protections that these amendments to the Ontario Heritage Act will make possible. The McGuinty government is the first government to bring forward comprehensive amendments to the Ontario act since its introduction back in 1975. All irony aside, it is about time.

These amendments would support the development of strong, vital communities, promote our prosperity and improve the quality of life of all people in Ontario. Our built heritage is an expression of our souls. It is the intangible essential of humanity.

Mr Speaker, I'd like leave to my colleagues and you with a few words by the well-known Canadian journalist Robert Fulford to ponder. Mr Fulford wrote: "Neglect of the past is one of the great dangers of our epoch. Rushing into the future, we are perpetually in danger of letting our traditions become an overgrown graveyard that no one bothers to tend or visit."

I was recently at a heritage conference in Hamilton, and there was a world-renowned expert there, Anthony Tung, who has visited successful heritage cities all over

the world. He said there is one thing that stands between success and failure. He said those who succeed in preserving their heritage have strong legislation.

As long as the McGuinty government is steering the course, the people of Ontario will be heard. The proposed amendments to the Ontario Heritage Act are music to their ears. They have long been called for, and we are delivering. I implore the members of this House to support their adoption and implementation and provide Ontario with the strong legislation that it needs to protect our heritage, to celebrate our history as human beings in this area.

The Acting Speaker: Questions and comments?

Mr John O'Toole (Durham): It's a pleasure to listen to the comments by the member for Stoney Creek, and many of them I would celebrate with her: the importance of heritage and culture and the preservation of the same.

I believe, in the purest sense, most members here would agree that preserving our heritage more belongs to the Conservative caucus, because we are a party of tradition, valuing traditions and heritage. If you looked at the actions taken by us as government, I think we were quite respectful of the role of the municipality here. I understand this debate more thoroughly because I'm listening to my municipality of Clarington, in my riding of Durham, which is undergoing a very exhaustive discussion with respect to the designation of a heritage district. It's quite contentious because on the property rights side—we know that at the end of the day, this is a property rights issue. It gives quite distinct powers, and new powers, I might add. In the briefing that I received today from the minister—I do respect the minister for taking the time to brief the opposition parties.

We do agree and I think we have to find some reasonable balance here, to respect the rights of property owners versus the overarching authority of government. In a heritage district, where you get conflicting views, specifically in a wonderful community like Bowmanville, incorporated in 1856—and I think of the village of Newcastle, which was where the Massey family built and demonstrated a respect for heritage and culture that you must visit. You must visit the riding because the village of Orono this week—you'll see it on 35-115—has the RCMP Musical Ride.

We respect heritage, but we also respect property rights issues. I caution the minister on getting the right balance, not pushing too hard but doing the right thing.

Mr Marchese: I want to say to the people watching that I'll be speaking at approximately 9 o'clock, give or take a couple of minutes, in case you're interested in my opinion. I'll have about half an hour to say what I have to say.

Interjections.

Mr Marchese: I hope I'll be speaking at 9 o'clock, in the event that everything goes well, but you never know what might happen.

In the meantime, in the event that it doesn't happen, I want to say to Mme Meilleur that I support her bill. I do have suggestions to make the bill meilleur, which she may or may not accept. It will be interesting to see

whether or not she might. But there are things we could do, I think, to strengthen the bill.

Interjection: Make it better.

Mr Marchese: Make it meilleur, like Mme Meilleur.

But in the meantime, just to say that we support it, with some suggestions that I'll be making, approximately around 9 o'clock, allowing for the Conservative Party to permit us to have this debate, but we don't know.

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Mr Kuldip Kular (Bramalea-Gore-Malton-Springdale): I rise today to support the Ministry of Culture's Bill 60, the Ontario Heritage Amendment Act, 2004. I'm very much delighted to support this bill because, if passed, it will help us to preserve and promote the precious heritage landmarks in this great province of ours, and in Bramalea-Gore-Malton-Springdale.

If this bill is passed, it will give new powers to municipalities so that municipalities will be able to prevent the demolition of heritage sites. It gives municipalities the power to prohibit rather than delay the demolition of properties designated under the present act. At this time, municipalities are able to delay the demolition by 180 days only, after which the owner can proceed, provided they have obtained a building permit for the replacement building on the property.

So this bill would help to improve the designation process by setting standards for the designation criteria. At the same time, this bill also provides property owners with the right of appeal when property owners do not want to consent to the demolition of the designated heritage property. This bill would also give the Minister of Culture the power to designate and prohibit the demolition of heritage properties of provincial significance.

I strongly support this bill. I urge all other members to support this bill.

The Acting Speaker: The Chair recognizes the member from—

Interjection: Come on, she's in your own caucus.

The Acting Speaker: I know. I want to get it right. Haliburton-Victoria-Brock, all the names.

Ms Laurie Scott (Haliburton-Victoria-Brock): Thank you, finally, Mr Speaker. It's a pleasure tonight to stand. I've listened to my colleagues on both sides of the Legislature speak tonight on the importance of heritage for Ontario. I truly believe it certainly is important to protect Ontario's heritage. My brother has written many books on the history of the area that I come from.

Mr Ted Chudleigh (Halton): A very learned gentleman.

Ms Scott: He is. But I have to agree with the member from Durham that we have to have a nice balance here and protect the property rights of the owners of the heritage buildings. I know that my colleague from Nepean-Carleton is going to speak at length on some of our issues with the bill later.

But it's important to work with the municipalities to preserve our heritage. I come from the long riding name of Haliburton-Victoria-Brock, which is bound by historical plaques all over the riding. It encompasses the largest

geographical portion of the Trent-Severn Waterway and it's been the most travelled, most scenic part—Champlain even wrote in the 1600s in his journals about the beauty of Kawartha Lakes, which is the Indian name for “land of shining waters.”

Interjections.

Ms Scott: It is. See, I'm educating my colleagues on that.

Bobcaygeon, being one of the oldest locks, was built in 1833. My colleague from Peterborough isn't here tonight but I know that the Peterborough Lift Lock, which is part of the Trent-Severn locks, is celebrating its 100th anniversary this year. To think that back in those times, shovels and picks and dynamite were the only way they built those locks. They've been refurbished slightly, but still, the engineering feat at that time was very significant.

Lots of historical societies: Greater Harvey Historical Society, Victoria County Historical Society, Beaverton historical society, Burleigh Road Historical Society—lots of municipal historical societies. I know that there's a mention of districts in the area, and I'll be looking forward to some districts forming in my riding to encompass all the history that it wishes.

The Acting Speaker: Response?

Hon Mrs Meilleur: I would like to thank those who spoke so eloquently about Bill 60. I want to thank the member for Stoney Creek, who is my parliamentary assistant—it was very well done and gracious—and the member from Stormont-Dundas-Charlottenburgh, who spoke with passion about his heritage and his area. Yes, I was there on Saturday again, and it's a beautiful, well-preserved area. And to the members from Durham and Trinity-Spadina and the representative from Haliburton-Victoria-Brock, thank you for speaking positively about my bill.

As I said previously, it's not only the heritage organizations that are in favour of Bill 60, but the municipalities and the developers. I would remind the member from Nepean-Carleton about the beautiful heritage property that we've preserved in Ottawa. It's not only because of the politicians, but also because of the developers in our area. I point out again Sandy Smallwood, who is in attendance today and has a lot of positive experience. I wish that you all had one Sandy Smallwood in your community. I wanted to take two minutes to speak about Wallace House. Wallace House is a success story. This was the first hospital in Ottawa, and it was to be demolished. Sandy preserved it. Now it's 40 beautiful loft apartments in Ottawa, and everybody enjoys it. Thank you again, Sandy, for doing that.

The Acting Speaker: The Chair recognizes the member from Nepean-Carleton.

Mr John R. Baird (Nepean-Carleton): I'm shocked, surprised, troubled that I'm standing up to speak in favour of a government bill. Je ne suis pas un très bon porte-parole pour la culture pour l'opposition officielle à cause du fait que j'ai beaucoup d'admiration pour madame la ministre de la Culture.

Certainly we on this side of the House want to have discussions about how we might facilitate this. At this point, I know I want to talk to my caucus colleagues—we have our caucus meeting tomorrow—about this bill and get their input before any decisions are made. There are certainly a lot of the things that Mr Tsubouchi moved when he was minister. Given that this bill has such a substantial amount of support, with some suggested amendments—and I appreciate M. Guy Lepage, qui a donné un briefing pour quelques-uns de nos députés cet après-midi.

There are three areas where we've suggested some amendments. One is potentially a five-year review of this legislation to make sure it's doing what we expect it to do, that it's not going too far, or not far enough. Second is that there is an actual value assessment for the properties once they've been designated, because potentially, while something may be culturally valuable, it may not be commercially valuable after it receives a designation, so it would be abhorrent for the property owner to have to pay as if it had full value. I see some members opposite showing some agreement to that. And third, most of the powers in the act are vested with the Lieutenant Governor in Council. Perhaps all of them could be vested there, to provide a further check to ensure that they're exercised wisely and well.

Given that these discussions will be ongoing, might I suggest that, given that all parties are likely to support this legislation and that perhaps some time would be worthwhile for discussions about these between the House leaders and madame la ministre, perhaps I could ask—perhaps I could say what I'm going to do before I do it: that we just deem a day of debate having taken place on this important piece of legislation. It would help facilitate some discussion that obviously can't take place this evening with the prospective potential amendments. We shouldn't sit here and debate something that there is unanimous agreement on, with perhaps some tinkering, particularly with respect to property rights, a concern of some folks in my party—but perhaps should move on to other, more important issues.

Having said that, I have a motion carefully drafted by one of the wise helmswomen of the table.

I would seek unanimous consent that the House shall adjourn and that tonight's debate be considered a full sessional day for the purposes of standing order 46.

The Acting Speaker: Is there unanimous consent? Agreed.

Mr Baird: Then I move that the House do adjourn and that tonight's debate be considered one full sessional day for the purposes of standing order 46.

The Acting Speaker: Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour, say “aye.”

All those opposed, say “nay.”

In my opinion, the ayes have it. The motion is carried.

The House is adjourned until 1:30 pm tomorrow.

The House adjourned at 2001.

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		Nickel Belt	Martel, Shelley (ND)
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		Northumberland	Rinaldi, Lou (L)
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Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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