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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 9 May 2006

Mardi 9 mai 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 9 May 2006

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 9 mai 2006

The House met at 1330.

Prayers.

WEARING OF RIBBONS

Mr. Norm Miller (Parry Sound–Muskoka): Mr. Speaker, I'd like to ask for unanimous consent to allow members to wear this green ribbon, which marks Children's Mental Health Week 2006.

The Speaker (Hon. Michael A. Brown): Mr. Miller has asked for unanimous consent to wear the green ribbon for Children's Mental Health Week 2006. Agreed? Agreed.

MEMBERS' STATEMENTS

HOSPITAL FUNDING

Mr. Bill Murdoch (Bruce–Grey–Owen Sound): Last Thursday the Minister of Health came to Markdale hospital with an approval to proceed with the planning and design for a new hospital. That approval also came with \$3 million, and on behalf of the residents of the area, Jim Wilson and myself, I would like to say thank you.

While we recognize that this is just another step in the process, it will certainly give all the hard-working individuals, who have raised \$13 million so far, some added incentive. However, I want to say to the minister and this government, don't let this fall off your radar.

It is a unique design. The proposed new hospital will be connected to Grey Gables, a country home for seniors, incorporating a new medical clinic and a community health care centre.

The editorial in today's Owen Sound Sun Times captures this well: "This does not guarantee a new hospital will be a reality in Markdale. But it is a huge step forward in a province that isn't winning any awards for the investments it is making in rural Ontario." In fact, a recent poll found that voters believe rural Ontario is being neglected by this Liberal government and that it is biased toward cities. I challenge the minister and this government to prove that wrong and get a shovel in the ground in Markdale.

I urge other cabinet ministers to follow Minister Smitherman's example and include opposition members of a riding to attend this type of announcement. We are either not informed or are notified far too late to change our schedules and attend events in our ridings.

For four years, the community and hospital officials have waited and worked for a new hospital. The demand from new residents and visitors to the area makes it imperative that a new facility be built. Without it, there is no ability to sustain primary care services for Centre Grey.

INTERNATIONAL WALK TO SCHOOL AWARDS

Mr. Vic Dhillon (Brampton West–Mississauga): I'm very pleased to announce to the House that Morton Way Public School in Brampton West–Mississauga was selected from an inspiring list of applicants for the second International Walk to School Award. This award will be officially presented at the Melbourne Walk 21 conference in October 2006 in Australia. Morton Way will be having its own special celebration later this month. Along with my son Robin, who attends Morton Way, and the Minister of Health Promotion, we invite you to recognize the efforts of this school in promoting daily physical activity, community safety and cleaner air.

Their achievements are amazing and complement exactly what we as a government are striving for in health promotion through programs such as Active 2010. Morton Way holds regular walking/wheeling Wednesdays, participates in the IWALK club, has organized parent-led walking school buses and has set a target of "25 or less" cars dropping students off at school every day. They also accompany their Walk to School program with a walk at school program to ensure that all students have an opportunity to participate. They have increased participation in the Walk to School program in the last six years from 40% to 90%, and it's still growing.

I'm very proud to recognize this very special achievement by a role model school in the promotion of healthy, active students.

NURSES

Mr. Norm Miller (Parry Sound–Muskoka): I rise today to recognize the contribution of the nurses of this province. In particular, I would like to recognize nurse practitioners who provide excellent services at the nursing stations in my riding. Nursing stations are located in the communities of Britt, Pointe au Baril, Argyle, Whitestone and Rosseau. Moose Deer Point also has a nursing station. However, funding shortages have prevented operation of that office. In a rural area that suffers from chronic physician shortages, these dedicated nurse

practitioners offer vital health care services to both year-round and seasonal residents.

Nurse practitioners bring primary health care close to home. They provide vaccination clinics and home visits. They can also order lab tests, X-rays, mammograms and other imaging tests. They also provide information on health promotion, injury and disease education. Nurse practitioners alleviate mounting pressure on local hospitals.

Just as importantly, these nurse practitioners are an important part of their communities. Despite funding challenges, these nursing stations continue to provide excellent health care services to their communities. I urge the Minister of Health to consider increases to funding so that these nurse practitioners have the support they need to continue to provide top-notch health services.

I would like to thank Carmen Broughten of White-stone, Donna Kearney of Rosseau, Patty Riches of Pointe au Baril, Ann Palimar of Britt and Terry McDougall of Argyle, who provide front-line health care services through these nursing stations.

EAST YORK STRATEGY

Mr. Michael Prue (Beaches–East York): Last night, a group was founded called the East York Strategy. It is designed and run on the same model as the Boston Strategy, that has proved so effective in that city. All members of the House will remember a few weeks ago, or perhaps a month ago, that Dr. Eugene Rivers came to Toronto and discussed with community leaders, the mayor and other people how Boston got itself away from youth violence. The people of East York are very concerned about it as well, and last night they decided that they needed a faith-based approach to reducing violence everywhere. They are also, at the same time, organizing mentorship opportunities for youth so that young people can learn from each other.

The whole thing was spearheaded by Rev. Jim Parker of Bethany Baptist church, and to his great credit there were about 100 people at the founding meeting last night. There will be an additional meeting later this month, on May 24 at 7 o'clock at Bethany Baptist church, at Pape and Cosburn. For those who would like to get involved and would like to help our youth to formulate a plan and to make sure that young people have an opportunity so that we can end violence everywhere, the website is eastyorkstrategy.com, or you can phone the church at 416-425-9470.

We would really welcome an opportunity for anyone at all to get involved and to help our youth stay out of trouble. Again, it's the East York Strategy.

1340

ENERGY CONSERVATION

Mr. Khalil Ramal (London–Fanshawe): There are some exciting energy conservation initiatives taking place in London. Minister Cansfield and London Hydro recently unveiled the Chill Out London appliance re-

cycling program, which allows customers to retire their old, inefficient refrigerators and freezers at no cost and provides customers with a rebate of \$75 when they replace their unit with an Energy-Star-rated appliance. This initiative will save residents up to \$175 per year in energy costs.

In addition to the Chill Out London program, the city of London, with funding support from London Hydro, undertook the municipal traffic and pedestrian signals upgrade project. Traffic and pedestrian signals at 394 intersections, with over 11,000 bulbs, were converted from incandescent lamps to energy-efficient LED modules.

The two initiatives combined will result in energy savings of more than 10 million kilowatts per year, which is the average energy requirement of more than 1,100 homes. Also, the project will eliminate an estimated 2,790 tonnes of greenhouse emissions annually.

I want to commend the city of London and London Hydro. The McGuinty government understands that energy conservation does not mean compromising quality and can lead to significant cost savings. Creating a culture of conservation is a priority of this government and part of the plan to keep the lights on in Ontario.

MUNICIPAL ELECTIONS

Mr. Tim Hudak (Erie–Lincoln): Another day, another broken Dalton McGuinty promise. Members will recall that Dalton McGuinty campaigned on a promise to “let the public decide how elections work.” And now what do we see in practice? Buried deep within an unrelated finances measure, a commitment to reduce the frequency of local elections for municipal leaders and school board trustees to four years. Not only was it hidden deep inside an unrelated finance bill, but at the same time, not one single minister rose in this House during introduction or second reading debate to defend or explain the policy—not one single member or minister stood in this House to justify the changes.

Then, to make matters worse, they rammed the bill through with only two hours of committee hearings, limiting it so that I think only eight or so groups were able to speak to the bill.

Dalton McGuinty said in 2004: “Elections do not belong to the party in power. They belong to all citizens. When it comes to how people elect their representatives, the people of Ontario will have their say.” Little did we know that that was limited only to members of the Dalton McGuinty cabinet and not voters across the province of Ontario.

I see in the papers today that former finance minister Greg Sorbara—and, I suspect, many members of the Liberal caucus—is objecting to this measure. Please follow what we did in our Democracy Challenge. Take schedule H out of the bill. A stand-alone bill for province-wide public—

The Speaker (Hon. Michael A. Brown): Thank you. The member for Markham.

Interjections.

The Speaker: Order. Now the member for Markham.

POLICE SERVICE AWARDS

Mr. Tony C. Wong (Markham): Recently I joined our Premier and more than 1,000 York region residents and business and community leaders to attend the 14th annual York Regional Police Appreciation Night to celebrate the achievements of the region's "Proud Past and Bright Future" police officers.

That night, seven officers received police officer of the year meritorious awards for 2005. They are:

—Constable Anthony Emanuel, who received the award for bravery in the line of duty for saving the life of a hit-and-run victim;

—Constable Douglas Cooper, recipient of the outstanding service to the community award for devoting countless hours of his own time mentoring youth;

—Constables James Hilton, John Loughry, James Ward and Detective Mike Slack, awarded with police officers of the year award for excellence in policing; and

—Constable Paul Chiang, recipient of the Herbert H. Carnegie community award for his involvement and efforts both in the community and in foreign aid relief.

Every day we rely on the dedication and compassion of our men and women police officers. As the Premier said that evening, "These men and women do so much good for so many."

The next time you meet an officer in the street, I encourage you to show your gratitude and support by saying thanks, for keeping our streets safe, our communities secure and for making a difference in Ontario.

CHILDREN'S MENTAL HEALTH SERVICES

Mrs. Liz Sandals (Guelph-Wellington): I'm grateful for the opportunity to speak to you about a very important issue: children's mental health. One in five children and youth between the ages of 13 and 17 are living with a treatable mental health problem. Left untreated, the mental health and behaviour of these children worsens. They may become bullies. They may disrupt classrooms or drop out of school. They could develop an eating disorder. They might even abuse drugs. Worse—far worse—they may attempt or commit suicide.

We know that early intervention and treatment can ease the burden of the emotional and financial cost of mental illness. We also know that the funding for children's mental health agencies had not kept pace with the increasing need for treatment. With that in mind, our government has invested an additional \$38 million in children's mental health on an annual basis since taking office. The funding went to enhancing services for children and youth with mental health needs, including the creation of 113 new programs and the expansion of 96 existing programs across the province to help communities respond to existing and emerging local needs.

Yesterday marked the beginning of Children's Mental Health Week. I would like to welcome representatives from Children's Mental Health Ontario to the Legislature today. They are doing a tremendous job raising awareness around children's mental health.

NURSES

Ms. Deborah Matthews (London North Centre): Yesterday, I had the pleasure of spending the morning with Michelle Angelini, a registered nurse in the neonatal intensive care unit at St. Joseph's health centre in London. I shadowed Michelle and her fellow nurses, including Val Rosum, the NICU director, and Marlene Ritchie, an admissions nurse. I saw first-hand the challenges faced by our nurses, the hard work they do, and the dedication, commitment and love they bring to their jobs every day.

This work included caring for baby Carter Harris and the Vagueiro quadruplets: Maia, Haily, Cole and Sarah. I wish Christine and Paul Vagueiro the best of luck with this quadruple handful, and all the best to Carter's mom, Raffaella Harris, too.

Although there's always much more to be done, our government has provided much-needed funding to improve the quality of health care at St. Joe's. The nurses in the NICU are providing excellent care in what is clearly a challenging facility, and they all look forward to the completion of their future home at London Health Sciences Centre.

We are fortunate to have so many dedicated and skilled nurses like Michelle and her colleagues working in our hospitals, clinics, schools, health units and seniors' homes throughout Ontario. I encourage all MPPs to participate in their hometown hospitals' Take Your MPP to Work Day. On Friday, I will be shadowing another nurse in my riding in the cardiac intensive care unit at the University Hospital campus of London Health Sciences Centre.

Again, I want to thank Michelle and the NICU nurses for letting me disrupt their daily routine and for giving me a glimpse into their lives and those of their patients.

INTRODUCTION OF BILLS

LEGISLATIVE ASSEMBLY AMENDMENT ACT (SEVERANCE ALLOWANCE), 2006 LOI DE 2006 MODIFIANT LA LOI SUR L'ASSEMBLÉE LÉGISLATIVE (ALLOCATION DE DÉPART)

Mr. Murdoch moved first reading of the following bill:

Bill 113, An Act to amend the Legislative Assembly Act with respect to severance allowances / Projet de loi

113, Loi modifiant la Loi sur l'Assemblée législative en ce qui concerne les allocations de départ.

The Speaker (Hon. Michael A. Brown): Is it the pleasure of the House that the motion carry? Carried.

The member may wish—no?
Introduction of bills. Motions.

MOTIONS

COMMITTEE SITTINGS

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): Mr. Speaker, I believe we have unanimous consent to move a motion without notice regarding Bill 56 and the standing committee on justice policy.

The Speaker (Hon. Michael A. Brown): Mr. Caplan has asked for unanimous consent. Agreed? Agreed.

Hon. Mr. Caplan: I move that in addition to its regularly scheduled meeting times, the standing committee on justice policy be authorized to meet on Monday, May 15, after routine proceedings until 7:30 p.m. for the purpose of conducting public hearings on Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997.

The Speaker: Mr. Caplan has moved that in addition to its regularly scheduled meeting times, the standing committee on justice policy be authorized to meet on Monday, May 15, 2006, after routine proceedings until 7:30 p.m. for the purpose of conducting public hearings on Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act 1997.

Is it the pleasure of the House that the motion carry? Carried.

HOUSE SITTINGS

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Tuesday, May 9, 2006, for the purpose of considering government business.

The Speaker (Hon. Michael A. Brown): Mr. Bradley has moved government notice of motion number 132. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1352 to 1357.

The Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arthurs, Wayne
Balkissoon, Bas
Bentley, Christopher

Gerretsen, John
Hoy, Pat
Jeffrey, Linda

Pupatello, Sandra
Racco, Mario G.
Ramal, Khalil

Berardinetti, Lorenzo
Bradley, James J.
Brownell, Jim
Bryant, Michael
Cansfield, Donna H.
Caplan, David
Colle, Mike
Craitor, Kim
Delaney, Bob
Dhillon, Vic
Di Cocco, Caroline
Dombrowsky, Leona
Duguid, Brad
Flynn, Kevin Daniel
Fonseca, Peter

Kular, Kuldip
Kwinter, Monte
Levac, Dave
Marsales, Judy
Matthews, Deborah
Mauro, Bill
McNeely, Phil
Meilleur, Madeleine
Milloy, John
Mitchell, Carol
Mossop, Jennifer F.
Oraziotti, David
Parsons, Ernie
Peters, Steve
Phillips, Gerry

Ramsay, David
Ruprecht, Tony
Sandals, Liz
Sergio, Mario
Smith, Monique
Smitherman, George
Takhar, Harinder S.
Van Bommel, Maria
Watson, Jim
Wilkinson, John
Wong, Tony C.
Wynne, Kathleen O.
Zimmer, David

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Arnott, Ted
Barrett, Toby
Chudleigh, Ted
Dunlop, Garfield
Elliott, Christine
Hardeman, Ernie
Kormos, Peter

MacLeod, Lisa
Martiniuk, Gerry
Miller, Norm
Murdoch, Bill
O'Toole, John
Ouellette, Jerry J.
Prue, Michael

Runciman, Robert W.
Scott, Laurie
Sterling, Norman W.
Tabuns, Peter
Tory, John

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 52; the nays are 19.

The Speaker: I declare the motion carried.

Mr. Tony C. Wong (Markham): On a point of order, Mr. Speaker: I rise with great pain and emotion to advise the members of this House that Min Chen, the person accused of having murdered Cecilia Zhang, the nine-year-old girl who was kidnapped from her home in North York about two and a half years ago, pleaded guilty to second-degree murder. I still remember attending the memorial service—

The Speaker: Order. Statements by the ministry.

STATEMENTS BY THE MINISTRY AND RESPONSES

ENDANGERED SPECIES

ESPÈCES MENACÉES

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): It gives me pleasure to rise in the House today to announce that the Ontario government is launching a public review to update and strengthen the legislation that protects our province's species at risk and their habitats.

J'ai le grand plaisir de prendre la parole aujourd'hui pour annoncer à l'Assemblée que le gouvernement de l'Ontario vient de lancer un examen public afin d'actualiser et de renforcer la législation qui protège les espèces en péril de la province ainsi que leurs habitats.

This is the first time since the Endangered Species Act was passed in 1971 that Ontario's species-at-risk laws will undergo a comprehensive evaluation and update. After 35 years, it's clear that the time to update this important legislation is overdue.

Ontario is home to more than 15,000 species of plants and wildlife, and together, these species and the eco-

systems that support them make up our province's amazing wealth of biodiversity. Although most of Ontario's species are stable, a growing number are not. In fact, Ontario has more species at risk than almost every other jurisdiction in Canada, which lends some urgency to our task. Right now, 176 species of plants and wildlife in Ontario are identified as being at risk. This means that they may disappear from our province if their current rate of decline continues.

Stronger legislation will give us the tools we need to help reverse that rate of decline and ensure that our native plants and wildlife have the habitat they need to thrive. Stronger legislation will also support industries such as tourism that rely on healthy ecosystems as part of their business. As well, the updated legislation will provide a clear legal framework and greater certainty for anyone wishing to pursue economic development opportunities that are environmentally sustainable.

Species populations in Ontario have declined, largely due to habitat loss, pollution and competition with invasive species. Our goal is to update and broaden Ontario's species-at-risk legislation so that it addresses those issues and all aspects of protection and recovery.

In some ways, the job will be easier this time around because we know more about our natural world today than we did 35 years ago. Since then, there have been significant advances in knowledge of natural science and in mapping technology that will boost our efforts to identify, monitor and conserve species and their habitats. Today, there's also a greater overall awareness and acceptance that conserving biodiversity is essential to a healthy natural environment, healthy communities and a healthy economic future.

I would also like to point out that protection of species at risk is a key commitment under Ontario's biodiversity strategy, which was unveiled by this government last summer, and is just one way in which that strategy supports a balance between conservation and sustainable use of land and resources.

In April, I established an advisory panel made up of individuals from a variety of backgrounds with experience and expertise related to species at risk and recovery planning. With input from the members of this advisory panel, my ministry developed proposals for a discussion paper that will be the basis for public consultation on species-at-risk legislation.

One thing we know for certain at the outset of this review is that to be effective, species-at-risk protection and recovery efforts must be a shared responsibility among governments, communities, organizations and individuals. That is why I'm strongly encouraging all interested members of the public, stakeholders and aboriginal peoples to take part in the consultation process to help us determine the necessary measures for optimum protection and recovery of species at risk.

We also know that voluntary private land stewardship is essential to achieving our goals.

Nous savons aussi que la gestion écologique des terrains privés, sur une base volontaire, est essentielle au

succès des mesures de protection et de reconstitution des espèces.

A great deal is already owed to the farmers and landowners who have been volunteering for years to help with recovery programs on their land. There are also many environmental, agricultural and community organizations that have taken on an important stewardship role to protect essential habitat and green space. The leadership and on-the-ground work of these groups and individuals over many years have given us a strong foundation on which to build, and I am counting on their continued involvement and continued support.

Helping a species at risk to recover can be costly and complex, and the best course of action is to prevent any species from becoming at risk in the first place through responsible land use stewardship practices. The government is encouraging group stewardship through a variety of programs, including the greenbelt, the natural spaces program, incentives such as tax credits and conservation easements, land trusts, land acquisitions and new protected area designations.

I am very proud that the review we are launching today signals the beginning of a new era of species-at-risk protection and recovery in Ontario. Stronger species-at-risk legislation will give us the tools we need to ensure our native plants and wildlife continue to have a home. Stronger legislation will also help us conserve more of our rich natural heritage and provide future generations with the benefits of a healthier, more diverse and natural environment.

EMERGENCY PREPAREDNESS

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I rise today to draw attention to the observance of Emergency Preparedness Week in Ontario.

Emergency Preparedness Week is a joint federal-provincial-territorial initiative to increase awareness about how being prepared for an emergency can reduce risk and improve community safety. During the week of May 7 to 13, Emergency Management Ontario along with communities province-wide are coordinating a number of events aimed at raising awareness of the need to prepare for emergencies.

I was pleased to join the Premier, the Minister of Energy and the Commissioner of Emergency Management this past Saturday in kicking off Emergency Preparedness Week with the Girl Guides at Centennial Park in Etobicoke. I look forward to joining my colleagues in London for their Emergency Preparedness Week celebrations on May 10, which is tomorrow, in Hamilton on May 13, and then in Cobourg on May 18.

Emergency Preparedness Week is about recognizing our first responders in a disaster and reminding people of what they can do to ensure that they and their families are prepared in the event of an emergency, whether natural or man-made. Before I go any further, I would like to take this opportunity to thank our first responders for the

exceptional job they do. You put your lives on the line each time you answer a call, and for that we extend our sincerest thanks.

As a government, it is also our role to provide first responders with the tools they need to effectively respond to an emergency so that they can keep our communities safe. While we actively encourage individuals to be prepared personally, we as a government are also working to ensure that communities and first responders serving our communities have the tools they need to respond to all emergencies.

That's why our government has provided annual funding of \$100,000 for five years to the chemical, biological, radiological and nuclear units, and \$300,000 to the heavy urban search and rescue units to respond to significant emergencies. We've also provided \$30 million to assist fire departments, especially in rural and small municipalities, to meet their training needs and purchase equipment.

1410

On Monday, I joined my colleague Gerry Phillips, the Minister of Government Services, to applaud and thank the employees of the Ontario public service who provided assistance to the victims of Hurricane Katrina. The hurricane wreaked havoc along the coastlines of Louisiana, Mississippi and Alabama, and Ontario assisted with relief efforts in the United States. Sixty-four trained and highly skilled OPS employees were deployed to the hurricane-ravaged southern US for three-week periods. They were involved in helping the American Red Cross with evacuee management and emergency operation centres, logistics management, food, clothing, registration and inquiry.

We're also working with communities across Ontario to ensure that they have programs in place to respond to emergencies and protect our citizens. Our recent experiences have tested that capacity and taught us that we have to be prepared for the unforeseeable. No emergency is like the one before it, and that's why we've introduced Bill 56, which, if passed, would give the Premier and cabinet the powers they require to deal more effectively with provincially declared emergencies.

We have also learned that the public is the first line of defence in any emergency. A little preparation on the part of individual Ontarians can go a long way to mitigate the effects of disaster. That is the message of Emergency Preparedness Week: Prepare Now and Learn How.

At events during this week, EMO will educate the public on some of the steps they can take to prepare themselves to manage during times of disaster and so help ease the burden of first responders. Some of these steps are as simple as preparing a 72-hour survival kit and having it on hand at all times. A survival kit would include a three-day supply of canned food and bottled water, a flashlight and batteries, a first aid kit, blankets and sleeping bags, and other necessities.

I urge the members of this House to join us in spreading the word to their constituents during Emergency Preparedness Week that the best way to cope with an emergency is to Prepare Now and Learn How.

ATHLETES LES ATHLÈTES

Hon. Jim Watson (Minister of Health Promotion): Earlier this afternoon, I was proud to welcome Ontario athletes and coaches who competed in the Winter Olympics and the Paralympic Games in Turin, Italy, and the Commonwealth Games in Melbourne, Australia, to a reception with our Lieutenant Governor and Premier McGuinty. We had over 20 Olympians, Paralympians and Commonwealth Games athletes. A number of them have stayed with us, and I'd like to welcome them to the gallery above and thank them for being here.

Applause.

Hon. Mr. Watson: We gathered to show our pride in the accomplishments of these amateur athletes. Every Ontario athlete present here today and at the games abroad represented Canada with pride, and they should be an inspiration to us all.

The medal total for Team Canada athletes from Ontario speaks to our success: five of 24 medals captured at the Winter Olympics, four of 13 medals at the winter Paralympics and 26 of 86 medals at the Commonwealth Games. But as Silken Laumann, who overcame injury to achieve bronze and silver medals in single sculls in 1992 and 1996, said, "It's important to know that at the end of the day it's not the medals you remember. What you remember is the process—what you learn about yourself by challenging yourself, the experiences you share with other people, the honesty, the training demands. Those are things that nobody can take away from you whether you finish 12th or you're an Olympic champion."

At this year's Paralympics, Team Canada and its Ontario contingent experienced some exciting firsts. In the first-ever Paralympic wheelchair curling event, skip Chris Daw of London led his team to a gold medal with a 7-4 win over Great Britain. Canada also won its first gold medal in sledge hockey, due in no small part to the efforts of the team's 12 players from Ontario. Bradley Bowden of Orton is one of the talented athletes on the sledge hockey team. Not only was he a star at the winter games in Torino this year; he is also an accomplished wheelchair basketball athlete who won a gold medal in that sport in Athens.

Tracy Ferguson of Toronto is a highly accomplished athlete who has excelled at both the national and international levels in women's wheelchair basketball, and decided it was time to take a new competitive challenge in athletics. At the Commonwealth Games, her first time competing at this level in athletics, Tracy gave a tremendous performance and managed to qualify for the final in the 800-meter open wheelchair class race.

Jessica Zelinka of London, Ontario, competed in the gruelling heptathlon; that's seven events over two days. She finished with an amazing fourth, just outside the medals.

In lawn bowling, Ryan Bester of Hanover, Ontario, who formally won the title of youngest world champion, won a bronze in the men's single. He's the first Canadian to win a medal in that event in 72 years.

One of the most outstanding performances of these games was by rhythmic gymnast Alexandra Orlando, from Toronto. Alexandra won six gold medals and managed to tie a Commonwealth Games record. It's not surprising that she was selected to carry Canada's flag in the closing ceremony.

J'aimerais personnellement féliciter tous les athlètes ontariens qui ont participé aux Jeux Olympiques et Paralympiques ainsi qu'aux Jeux du Commonwealth. Leurs performances inspireront certainement tous les Ontariens.

It also requires support from all levels—coaches, volunteers and sponsors—all who help to achieve these goals. The Ontario government, through the Ministry of Health Promotion, is committed to amateur athletes. Last year we provided \$15.6 million for amateur sport, and that includes the \$2.9-million Quest for Gold program that this group of athletes directly benefits from. The first phase of the Quest for Gold program has been a great success, providing \$1.9 million directly to 892 athletes; \$558,000 has been directed to providing athletes with enhanced coaching; and \$279,000 has been directed to training and competition opportunities.

Lorsque la seconde phase du programme Quest for Gold sera lancée cet été, nous nous ferons un plaisir d'offrir un appui continu aux athlètes de haut niveau.

Actuellement, nos subventions pour les organismes provinciaux et multisports contribuent à la formation et aux programmes compétitifs de 2,2 millions d'athlètes, entraîneurs et arbitres inscrits.

On another front, we now have in place an international amateur sport hosting policy. This policy will guide our decisions to participate in and determine the value of the province's investment in bids to host sport events in Ontario. Members will know that international amateur sport hosting can deliver economic, community, sport and health promotion and international exposure benefits. These events are the pinnacle of sport development globally. Not only will this policy allow us to bring international-level competition to our backyard; it will raise the profile for and increase public support of Ontario athletes. Our recent win of the World Junior Hockey Championships for Ottawa in 2009 is an example of the potential of our commitment to attracting and hosting international amateur competitions.

L'appui accordé à nos athlètes doit demeurer une priorité pour le gouvernement McGuinty. Les athlètes ontariens ont démontré qu'ils avaient le potentiel, la détermination et la capacité d'exceller sous la pression intense associée à la compétition.

It is our responsibility to ensure that all athletes have the resources and support they need to reach their full potential. We must work together within our communities and at the provincial level to develop our athletes, starting in the playground, all the way to the podium.

We are committed to supporting all of our athletes in their quest for excellence, and I congratulate each and every one of them. They inspire pride among us all in their quest for excellence.

My thanks to his honour the Lieutenant Governor for graciously hosting our reception, and to the Premier and the many members of provincial Parliament who were there to say thank you and how proud we are of the athletes and the others who are not able to be with us today.

The Speaker (Hon. Michael A. Brown): Responses?

ENDANGERED SPECIES

Mr. Norm Miller (Parry Sound—Muskoka): It's my pleasure to respond to the statement made by the Minister of Natural Resources regarding undertaking a review to modernize and strengthen the laws that protect the province's native species at risk and their habitats.

I think it's important, before this government embarks on new commitments, that they fulfill some of the existing commitments they've made in the past.

For example, during the election campaign the Liberals promised "to give the MNR the resources it needs to once again properly manage Ontario's fish and wildlife." That was made in a letter—one of many letters—sent out by a certain Dalton McGuinty to the Ontario Federation of Anglers and Hunters, I believe, saying that he would properly fund the fish and wildlife department. That's just one of the many promises that have not been fulfilled by this government.

1420

In fact, we learned from the OFAH in their statements during the pre-budget consultations that there is a some \$25-million shortfall in funding for the fish and wildlife division of the Ministry of Natural Resources. What the province should do is match the \$60 million contributed annually to the special purposes account by fishing and hunting activities. We've seen reductions in fish stocking and support for fish hatcheries, closures of field offices to the public, and reduced funding for park wardens and conservation officers. It's illustrated in a letter to the editor in one of my Parry Sound—Muskoka newspapers: "Closure a Sign of Graver Financial Crisis at Ministry of Natural Resources." In the middle of it: "There has been a dramatic decline in the ability of the MNR to fulfill its mandate. Fish hatcheries have been closed, invasive species programs cut back, fish-stocking programs gutted, the hats for hides program given away, offices downsized or closed, conservation officers let go." That was written by Ron McIntosh of Bracebridge. That outlines the way the public feels about the activities going on in the Ministry of Natural Resources.

I note in this proposed review that they're talking about consultation. I hope that the consultation will be more thorough than some of the consultation this government has delivered so far. For example, on Bill 107, the Human Rights Code, I know there's a long list of groups that feel they were not consulted, despite the promises of this government to do some consultation.

On the announcement itself, there are certain places in the province where habitat is posing a threat to species at risk; for example, the Thames River at Springbank dam,

where water quality is having an effect on species such as the bigmouth buffalo, the spotted sucker and the black redbhorse.

I hope that the minister will show some real leadership and get on with doing a thorough job with this consultation.

EMERGENCY PREPAREDNESS

Mr. Garfield Dunlop (Simcoe North): I would like to respond to the minister's comments on Emergency Preparedness Week. I'd like to begin by thanking all those folks who help us in any kind of a disaster, whether it's in our country or around the world—they being emergency service workers, police, fire, paramedics, organizations like Canadian Blood Services, the Salvation Army, Red Cross, all of our health care professionals and of course the volunteers who always come through at a time when we have emergencies.

This being Emergency Preparedness Week, I'd like to talk a little bit about the current government's actions in emergency preparedness. The first thing the former government did following the 9/11 disaster was put in place a couple of key advisers—some top Canadians: former RCMP Commissioner Norman Inkster, and we also had in place retired Major-General Lewis MacKenzie. The first thing this government did when they came to power was remove the Ontario Security Council and get rid of these two outstanding Canadians, who acted as advisers in key roles. As well, we know all too well that they unceremoniously removed a person who was a key adviser under the SARS epidemic, and that was Dr. James Young.

Bill 56 has taken three years to come, to date. They originally started with some kind of a committee bill, and now, here we are today; we still haven't passed anything.

I'd like to read from an article today and put it on the record, referring to Bill 56:

“‘This power is awesome,’ concluded Mr. Justice Archie Campbell, commissioner of an inquiry into the SARS outbreak. ‘It represents a profound change in our legal structure and raises issues that must be addressed whenever a statute is proposed that so fundamentally alters our system of government by law.’ He was analyzing the earlier private member's bill, but a spokesman confirmed yesterday that his concerns apply equally to Bill 56.”

What I'm trying to say here today is that this government has really done nothing to prepare for emergencies. They've waited three years, and right now we're in a position where we have a controversial Bill 56 before the House.

ENDANGERED SPECIES

Mr. Gilles Bisson (Timmins–James Bay): The evidence is everywhere that the Ontario Endangered Species Act is ineffective and needs to be updated. I think we can all agree with that.

One of our concerns is that while the McGuinty government issued a white paper to begin discussions leading to legislation reform, it continued to make decisions that negatively impacted the habitat of threatened and endangered species across this province.

New legislation, in my view and I think in the view of others, is not going to matter unless it provides for meaningful protection for the threatened and endangered species, and protection for endangered species means protecting their habitat.

It's somewhat ironic that today, the government, on the one hand, is talking about stronger protection for endangered species while simultaneously an aggregate quarry on the Niagara Escarpment, or on the gravel belt, I should say—the greenbelt is what it's really called—is destroying and threatening endangered species. Just today, a proposed quarry inside the government's greenbelt is in the news because the quarry development will impact on the Jefferson salamander, a threatened species under the Endangered Species Act, as well as the butter-nut tree, which is an endangered species under the provincial act. In fact, the proponent of the quarry, Neilsen aggregate, is reported as having already cut down several of those trees that are already protected under the act. So it's quite clear from these actions that the government failing to protect endangered species, and we look forward to the debate.

And I would remind the minister that there is another endangered species, and those are workers across northern Ontario who are losing their jobs as a result of this government's policies in places like Smooth Rock Falls.

EMERGENCY PREPAREDNESS

Mr. Peter Kormos (Niagara Centre): Well, I'm just so delighted that the government is recommending 72-hour survival kits, a couple of bottles of Evian water, some candles, perhaps, and a sleeping bag. I mean that's the sort of hokum and jingoism that governments were trying to promote in the 1950s when they were telling kids, “If you roll up in a ball once the air raid sirens sound and cover your ears, that nuclear blast isn't going to affect you.” What silliness and what an incredible lack of content to the government's purported concern and interest in emergency management. Quite frankly, Bill 56 misses the mark by a long shot. It doesn't even come close to the bull's eye; it doesn't hit the target.

The fact is that emergency preparedness is all about what's there on the ground in communities across this province, not just big-city Ontario but small-town, rural, northern and remote Ontario. The reality is that if you don't have adequately staffed, trained, tooled and resourced firefighting services, if you don't have adequately staffed, trained and resourced police services, if you don't have adequately staffed, trained and properly directed paramedics, and if you don't have health professionals working in our hospitals out there in public health and across the field in the emergency rooms, as well as in critical care, you're not prepared for emergencies. This

government has abandoned those people, those front-line emergency response personnel here in the province of Ontario.

One thousand new cops: You haven't delivered, and police services across Ontario have a hard time delivering even core services, never mind responding to an emergency. You still haven't sat down with health professionals represented by unions like OPSEU, SEIU and ONA to negotiate a protocol as to how they're going to conduct themselves in the context of response to an emergency, and they were there, Minister, in a way this government wasn't during the SARS crisis. You haven't ensured that the same health professionals, along with other first-time front-line emergency responders have the tools to protect themselves, for Pete's sake. Nurses got sick out there along with other health professionals caring for victims of SARS.

You can't expect communities, with your maintenance of the downloaded tax base, to be able to afford the adequate staffing and resourcing of firefighting, policing or these health personnel. This government, rather than providing relief for communities with their increasingly stressed tax base, continues to download and refuses to fulfill its obligation—Dalton McGuinty's and the Liberals' obligation—to support firefighters, health professionals, paramedics and police services.

I suggest to you, Minister, that rather than talking about history—the \$30 million for firefighting services is gone, it's finished, it's over and it's done nothing to upgrade the levels of staffing in communities across Ontario. Your denial of the reality of the disaster-prone areas of this province puts people at risk, and your suggestion that a 72-hour survival package—a candle, a couple of bottles of Evian, some matches and a sleeping bag—is an adequate or realistic or meaningful response to an emergency is foolish, silly and downright naive.

VISITORS

Ms. Kathleen O. Wynne (Don Valley West): On a point of order, Mr. Speaker: I'd like to draw members' attention to the members' gallery here. We have summer interns Anika Khanna, who's working in community safety; Delia Greco, who's working in education; Andrew Block is going to be in community safety; Damien O'Brien, working in tourism; Ted Gotlieb is working in education; and Amber Kanwar is working in education. We welcome you all, and we're glad to have you here.

1430

ORAL QUESTIONS

ONTARIO DRUG BENEFIT PROGRAM

Mr. John Tory (Leader of the Opposition): My question is for the Premier. Yesterday, your minister, despite being confronted by his own leaked cabinet docu-

ment, denied that you and your government are moving the Ontario drug benefit program towards reference-based pricing. He said that competitive agreements would keep this from being the case.

However, the leaked document also indicates that competitive agreements, or "preferred formulary listings," are common in US-style HMOs, where of course we have bureaucrats and managers making treatment decisions instead of doctors.

Premier, is it your intention through this bill which you're now trying to ram through the House to turn the Ontario drug benefit program into a US-style HMO, where managers and bureaucrats make decisions about health care and drugs, and not doctors?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the Minister of Health.

Hon. George Smitherman (Minister of Health and Long-Term Care): As I had a chance yesterday to say to the honourable member, who seems to have taken a smoking gun and shot himself in the foot with it, no. The reality is clear. But I'm very happy to spend more time today and also to visit with the honourable member, if not at Bloor and Jarvis, then on a street corner more familiar or comfortable to him, to have a very thorough debate about this subject. Because at the heart of it, this is about improving access for Ontarians to important pharmaceutical product and at the same time making sure that the people of the province of Ontario get appropriate respect and acknowledgement for the volumes that we purchase.

I can only say again to the honourable member, this is not reference-based pricing; we've rejected that. This is not therapeutic substitution; we've rejected that. This very simply is making sure that in respect of the volumes that we purchase, we get very good pricing so that we can turn that into improved and more timely access for the people, the patients of the province of Ontario.

Mr. Tory: What this is, actually, is therapeutic elimination, which is even worse than therapeutic substitution. This leaked cabinet submission dated March 30, 2006, which is about two weeks before you brought the bill to the House, states that your competitive agreements plan, the basis upon which you'll have these drugs selected, is based on the US Department of Veterans Affairs model.

There's a study published last October by Frank Lichtenberg called *Older Drugs, Shorter Lives?* It looked at these veterans' affairs formulary listings and it found that the majority of the drugs delivered by those programs are more than eight years old, and 40% of the drugs are more than 16 years old, meaning they're not new drugs at all; they are in fact the oldest drugs, because those are the people who win these competitions that you're going to be running here in Ontario.

Your new scheme has proven to be a dismal failure elsewhere where it's been implemented. Why are you insisting on bringing in a US-style program where bureaucrats and managers pick old drugs for people—

The Speaker (Hon. Michael A. Brown): The question has been asked. Minister of Health.

Hon. Mr. Smitherman: If it is so, if it is as the honourable member says, then why did the Cancer Advocacy Coalition of Canada say the following in response to the introduction of Bill 102: “Ontario appears to have set a new standard for access to drugs, one that other provinces can emulate.... Today, cancer patients have renewed confidence that they have been heard and their needs will be addressed”?

Simply put, the honourable member is grasping at straws here. Like I said, he thinks he found a smoking gun, and he shot himself in the foot with it. But the reality is that his imagination cannot create the circumstances that he is conjuring up. It is clear: We believe fundamentally that the relationship with respect to prescribing is primarily the responsibility of a doctor and a patient, but that does not mean that Ontario should stand on the sidelines and pay any price. We believe fundamentally that because we purchase \$3.5 billion worth of pharmaceutical products, the patients of the province of Ontario deserve to know that they are getting—

The Speaker: Thank you. Final supplementary.

Mr. Tory: What the patients of Ontario deserve to know is that they’re getting an excellent price and that they will get the drug their doctor prescribed for them, which will work best for them, not a drug selected by some bureaucrat who works for you.

Now, you’ve denied all of this, but your cabinet submission speaks for itself. The fact of the matter is, if a manufacturer cannot successfully negotiate with you or compete successfully on one of these agreements, then the people who are prescribed that drug are not going to get it paid for by the drug benefit plan. You have a quote; let me read you this one. Gail Attarra, executive director of the Canadian Society of Intestinal Research, says that the use of the word “similar” in your legislation is unacceptable. In fact, she says it’s outrageous because it will open the door to precisely this kind of thing and that your bill will allow interference in the doctor-patient relationship.

So my question to you is this: She wants the word “similar” removed from the legislation so that we’re certain that what a doctor prescribes is what the patient will get, paid for by our program, not something where you interfere with that. Will you commit to removing that word from the bill?

Hon. Mr. Smitherman: Now the honourable member, because he doesn’t even understand the subject matter that he’s delved into, is drawing us into an altogether different arrangement. The use of the word “similar” in the legislation is designed to give Ontario the capacity, in a circumstance where a drug manufacturer chooses to change the delivery mechanism from a capsule to a tablet—the same product otherwise, but to change the delivery mechanism—that we would characterize that as similar to ensure that if there was a generic product available, Ontario would be in a position to take advantage of it. It is a very narrow range of circumstances. On this one, I’m involved in very detailed conversations with the pharmaceutical industry in the

recognition that as we move towards committee—we don’t presume it will happen there, but we will work hard to attempt, through better use of language and detail, to address concerns that are raised. On this one, it’s a very narrow definition and has nothing to do with the subject matter that the honourable member raised in his first question.

NATIVE LAND DISPUTE.

Mr. John Tory (Leader of the Opposition): My question is to the Premier. It has been some time since we heard from you and your government with respect to the status of the Caledonia situation. I wonder if you could provide us with an update as to where things stand, progress made or lack thereof and how much longer we would expect the discussions to go on and this situation to persist.

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the minister responsible for aboriginal affairs.

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): I have to tell you that this is the issue that this government is seized with 24 hours a day. We have many ministries, many deputy ministers right across all the ministries working on this. There are daily conference calls between ministries, also with Ontario’s chief lead, David Peterson, as he gives us feedback on his discussions with the various groups, organizations and individuals involved in the Caledonia dispute. We feel we are making progress. We have to be patient with the political and democratic processes of the aboriginal people, such as when we reach certain levels of agreement, then there has to be consultation, and we wait for those responses.

Mr. Tory: Reports from witnesses close to the front lines indicate that things could be getting worse, and not better, while these discussions are ongoing. We’ve been informed, for example, that the occupation perimeter has now been expanded to north of the Grand River. We’ve been informed that the protesters are now also occupying the overpass over Highway 54. There are concerns that are increasingly being expressed with respect, for example, to objects falling off the bridge onto the highway below.

I wonder if you could confirm or deny that this is the case, that in fact the area of occupation and some of the things that are being occupied have expanded in the last period of time, and give some indication to us as to what is being done to stop this from happening while the discussions are going on with respect to the original area that was being occupied.

Hon. Mr. Ramsay: I have to say to the member that I’m not aware of an expansion of the area of occupation. I have been concentrating on the issues of resolution of this dispute with our chief lead, David Peterson, and working with other officials within the government. Again, I would ask that people have some patience with this. This is a very difficult situation. We’re dealing with

various groups within the Six Nations community, not only the elected chief and council but also Chief MacNaughton of the Haudenosaunee organization. So we're dealing with all the various organizations and groups there. It is taking time, but we're looking for a peaceful resolution to this, and I'd ask for the member's support in trying to find this.

1440

Mr. Tory: Of course you have our support in trying to reach a peaceful resolution, but I think these are questions that are quite properly asked on behalf of the people.

There are signs. In fact, the OPP know about some of the new area that seems to be in question, which I made reference to earlier, so I would think you should know as well from these briefings.

I also had an e-mail this morning in response to one I had written back, where that person had written to me. There was quite a change in the tone of the e-mail, which I regret, because I reported to you that when I was down there to have a look, people had expressed a real wish to see the long-standing historical relationship between the First Nations people and the other residents maintained. There's a change in the tone of these e-mails, but the one I got back this morning talked about other problems: Imperial Oil in Nanticoke not able to ship by rail as the track is closed; Lake Erie Steel having problems with the ash, which they can't ship, and they're having issues with the Ministry of the Environment; various businesses referred to—Winegard Motors, Searles Chev, Zehrs etc—noted a large drop in sales, as much as 50% to 75%; and add to that the fact that, from the e-mails I'm getting now, the tone from the residents there is changing, which can't be a good thing.

I just wonder, given the apparent deterioration, both geographically, if I can call it that, and also in terms of business and other things, what are you doing to step up the pace of trying get this resolved to the maximum extent you possibly can?

Hon. Mr. Ramsay: As the member knows, we did appoint David Peterson, former Premier of the province, highly qualified in this area, and let me tell you that he and his team, backed by the Ontario government, are doing everything they can to resolve the immediate issues.

I'd remind the member that we are also looking at the long term. I have a very good relationship with the federal minister, Jim Prentice. Together, we have both appointed long-term negotiators, he, Barbara McDougall, and I, Jane Stewart on behalf of the government here, two highly qualified people who will start tomorrow with long-term discussions. Entering into that, we hope to get a short-term resolution and, in the end, solve this problem once and for all.

CANCER TREATMENT

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Premier. Lori Borsos is a 46-year-old

mother from Hamilton. She has three children. She also has cancer. She says that your government's new two-tier cancer drug policy doesn't bring her any closer to getting the cancer drugs she needs to battle multiple myeloma. I want to quote her. She says, "It's such a shame. We're supposed to have universal health care, but it's going to be about who has the money. Everyone should be able to get it. It could mean the difference between me living or dying."

Premier, your scheme will help wealthy Ontarians pay their way or buy their way to the front of the line for the cancer drug Mrs. Borsos can't afford. How is that not a two-tier health care system?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): I'm pleased to take the question and lend some insight into our thinking on this. First of all, we have not adopted any particular policy. We've asked Cancer Care Ontario to come up with their very best advice in this regard, and one of the things we've asked them to consider is the model, of which the member is being critical, which has been adopted by Saskatchewan, the birthplace of Canada's medicare system. They have in place there a model which requires that all their public hospitals administer drugs which are not publicly funded for cancer, for example, by means of intravenous administration. So all we're doing at this point in time is considering the fact that what we have in place is kind of a hodgepodge. Some of our public hospitals are in fact administering these drugs, which are not funded through the public system, and other of our public hospitals have chosen not to do so. So we're asking Cancer Care Ontario to look at the model which has been adopted in Saskatchewan and some other options as well.

Mr. Hampton: Premier, there is no such policy in Saskatchewan. Velcade is approved and funded for cancer patients in Saskatchewan.

Like many Ontario cancer patients, Lori Borsos is too ill to work. She's getting by on her workplace disability benefits, hardly enough to afford a drug like Velcade for her multiple myeloma. The drug can cost over \$40,000 a year. But as I say, seven other provinces pay for Velcade, Saskatchewan included, for cancer patients who need it. But instead of doing that, your plan is to help people who are wealthy enough to buy the drugs for themselves, while people like Lori Borsos, who has a modest income, do without. I ask you again, how is that not two-tier health care?

Hon. Mr. McGuinty: I think it's important for all of us to acknowledge that the second tier is already there. There are certain drugs that are publicly funded and there are others that are not. Some are in a financial position to be able to buy drugs that are not publicly funded.

The issue we are grappling with today is whether or not our public hospitals should facilitate the administration of those drugs, particularly intravenous drugs. That's what we're grappling with at this point in time. I gather that what the honourable leader of the NDP is telling us is that he does not feel that public hospitals should be administering intravenous drugs that are paid

for through that second tier which already exists in the province of Ontario. I appreciate that advice, and I'm sure that Cancer Care Ontario will want to consider that together with their other considerations.

Mr. Hampton: What I advocate is that your government do a better job in terms of drug therapy. The most recent review, report card, of provinces and their cancer drug therapies puts your government next to the bottom in all of Canada. For example, Saskatchewan is funding nearly twice as many of these drugs as the McGuinty government.

It seems to me, Premier, that you have a choice: You can stand up for cancer patients like Lori Borsos, who doesn't have a lot of money, by making drugs like Velcade available to them when their doctor says they need them, and make them available at no charge, or you can turn your back on medicare and promote your two-tier cancer drug scheme that will help those Ontarians who are wealthy enough to buy the drugs, and turn your back on low- and modest-income Ontarians like Lori Borsos. My question to you is, which is it going to be: two-tier medicine under Dalton McGuinty—

The Speaker (Hon. Michael A. Brown): The question has been asked. Premier.

Hon. Mr. McGuinty: Just so we're clear, our new drug funding program has been growing at an average annual rate of over 40%. Drug spending overall, all drugs included, is growing in the double digits, an average of 13.6% per year over the last five years. It's going to be a real challenge, obviously, for Ontario to fund every possible new drug that is introduced into the marketplace, as the Minister of Health indicated when he announced funding for Herceptin at a cost of \$148 million.

What we're doing right now is trying to have an honest debate as to whether or not that second tier, which already exists, is something that the public system should facilitate by way of administration. Do we tell these people, "No, you're going to have to go south of the border and pay that additional cost down there," or do we say in Ontario what they're saying in Saskatchewan, which is that the public system does have some responsibility to help in the administration of those drugs which are not publicly funded? That's something that we're grappling with. It is not an easy issue, but we're trying to do it in an open and transparent way.

MEMBER FOR PARKDALE-HIGH PARK

Mr. Howard Hampton (Kenora-Rainy River): To the Premier: I think it's pretty clear you want to facilitate two-tier medicine.

Premier, during the last election you promised to strengthen democracy in Ontario, and it seems to me that the very least you can do to strengthen democracy in Ontario is to make sure that your own MPPs treat their responsibilities as members of the Legislature as full-time jobs. For all intents and purposes, the MPP for Parkdale-High Park, Mr. Kennedy, is no longer serving his constituents on a full-time basis; they're an after-

thought in his current world. Yet he continues to collect from the public of Ontario an office, personal staff and \$1,600 every week for his personal salary, all paid for by the average Ontarian. My question is this: Is this acceptable to you, Premier?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): Let me take the opportunity to say how grateful we are that Gerard Kennedy committed himself to public service, served in our party for some 10 years and has now decided that he's going to carry on that public service in another level of government. He has always worked long and hard on behalf of his constituents, and he has indicated very clearly that he will, at some point in time, resign, but that is a matter for careful consideration by Mr. Kennedy and his constituents.

1450

Mr. Hampton: Premier, let me tell you about some of the good work Mr. Kennedy has been doing for the people of Parkdale-High Park over just the last two weeks. According to his own website, he has criss-crossed the Rockies of British Columbia, he has wandered the Atlantic coast of New Brunswick and on Saturday he announced he was house-hunting in Quebec. Meanwhile, Ontario's working families are paying Mr. Kennedy \$1,600 a week.

I ask the question again: Is this acceptable to you?

Hon. Mr. McGuinty: Something that the leader of the NDP overlooked in describing Mr. Kennedy's activities is that just last week a project which he has been working on actively for some time now came to fruition. He announced the redevelopment of St. Joseph's hospital here in western Toronto, complete with its modern maternal and newborn services, two surgical in-patient units, capacity for a six-bed child and adolescent mental health unit and added capacity for an up-to-28-bed medical unit. I know that's something Mr. Kennedy has been personally very much committed to that has come to fruition on his watch, and I expect that he will continue to work in an active way for his constituents.

Mr. Hampton: I guess that was just before he announced he was house-hunting in Quebec.

Just a few years ago members of your caucus expressed serious concerns when the former MPP for Mississauga West, Mr. Snobelen, moved out of Ontario but continued collecting his MPP paycheque. One of them told then-Premier Ernie Eves, "Your government and your leadership have been nothing short of an abysmal failure ... the people of Ontario deserve much, much better."

Who said that? Why, it was Dalton McGuinty.

Premier, how is it that you condemned part-time MPPs just a few years ago when in opposition, but today, when it's one of your own MPPs, Dalton McGuinty's standards suddenly change?

Hon. Mr. McGuinty: The leader of the NDP and I obviously see this differently. I think there's a difference between leaving the country and spending four or six weeks in an adjoining province. I think there's a differ-

ence with an individual like Mr. Kennedy, who remains very much committed to his constituents, who has been actively involved in supporting their causes, who was involved with an important health care announcement just last week, who has indicated clearly that he intends to resign and has also said that is a matter for discussion between himself and his constituents. I think we have to take him at his word, and I ask the leader of the NDP to be patient in this regard.

Interjections.

The Speaker (Hon. Michael A. Brown): Order. New question, the Leader of the Opposition.

Mr. John Tory (Leader of the Opposition): I'd like to continue with this with the Premier.

Interjections.

The Speaker: Order. Stop the clock. Minister of Education, Member for Trinity–Spadina, order.

The Leader of the Opposition.

Mr. Tory: If you listened to people calling this morning talking about this, they're of the view that it is almost impossible for someone who is criss-crossing the Rockies and being in New Brunswick and being in Quebec for weeks at a time—in fact, originally months at a time—to serve their constituents. I think it is about leadership and it's about example, because we are doing damage to the process and the confidence that people have in all of us by trying to pretend that it is possible for someone, when they're gone from this place for weeks at a time, to also serve their constituents. So in that sense, I'm asking you to reconsider. You've said there will come a point in time. You've said that it's someone else's responsibility. I would suggest it is your responsibility to say to him that you can't do two things at once and that the time has come, when he's crossing the country and indicating his intention to move elsewhere, to step down from his seat.

Hon. Mr. McGuinty: I have every faith in the good people of Mr. Kennedy's riding to pass judgment on this. At some point in time, Mr. Kennedy will step aside, there will be a by-election and the good people of that riding will be able to take whatever circumstances they wish to into account. In the interim, Mr. Kennedy, I know for a fact, remains very much committed to his constituents. He continues to work actively on their behalf. Ultimately, his departure is an arrangement he's going to come to with his constituents.

The Speaker: Supplementary, the member for Leeds–Grenville.

Mr. Robert W. Runciman (Leeds–Grenville): I think Mr. Kennedy is very much committed to his entitlements, and that's the Liberal mentality. This really is about the Premier's leadership or lack of leadership. We can understand, given the Premier's sorry record in respect to broken promises, why he doesn't—

Interjections.

The Speaker: Minister of Education, I won't warn you again.

The member for Leeds–Grenville.

Mr. Runciman: Premier, given your sorry record of broken promises, I can understand your difficulty in trying to compel another Liberal to keep a promise. But this is important. He's showing contempt for the constituents. You say that he referred this to his constituents. They can't find him: British Columbia last week, New Brunswick next week, this man is never in the province of Ontario. How can you, as the leader of the Liberal caucus, endorse this kind of activity? How can you stand on your feet here and endorse that kind of activity?

Hon. Mr. McGuinty: Nobody can muster indignation like the member opposite when it comes to these kinds of issues. Again, I have confidence both in the member, Mr. Kennedy, and in his constituents. Mr. Kennedy remains very much devoted to his responsibilities. He remains very much committed to his constituents. Just last week, he participated in a very important announcement that the members opposite may not feel is important to the constituents of that riding, but I know that Mr. Kennedy in fact feels is very much the case. Eventually, Mr. Kennedy and his constituents will come to an arrangement regarding his departure, but until that time I'd ask the members opposite to remain patient.

NATIVE LAND DISPUTE

Mr. Howard Hampton (Kenora–Rainy River): My question is to the Premier. I'm tempted to ask again about the Liberal MPP who has gone Snobelen, but I have another important issue to raise.

Premier, the Kitchenuhmaykoosib First Nation is being sued for over \$10 billion by Platinex, a mineral exploration company, because the First Nation has acted to protect their traditional territory. This First Nation is a remote fly-in community of 1,200 people; 80% of the people are unemployed. They're poor. Yet this mining company is going to sue them for \$10 billion because the community has dared to stand up and defend their own traditional territory. The chief has asked me to ask you this question: Will you intervene on the side of the First Nation in this vexatious lawsuit?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): Minister of Northern Development and Mines.

Hon. Rick Bartolucci (Minister of Northern Development and Mines): We certainly take this issue very seriously. The member would know that my ministry staff have been in contact with both the First Nation community and the company. We were hoping for some type of resolution. It appears, at this point in time, that the company will be taking the First Nation to court. It would be inappropriate for us to comment on this as it could be the subject of a legal matter.

1500

Mr. Hampton: Here's the great irony. This court case is due to be heard on June 21—National Aboriginal Day.

Premier, it was your government that issued the permit to this mining company. The First Nation said, "Look, we object to any kind of mineral exploration taking place

in our territory.” They explained that to officials of your government. Since that date, they have not heard a word from your government.

Now, Caledonia is a situation where your government ignored all the warning signs. Here you’ve got a remote First Nation; there are no non-aboriginal people who live anywhere near it. They’re saying to your government, “Do not promote this kind of conflict. Do not issue these kinds of permits when you know the First Nation is opposed and when you haven’t consulted with the First Nation.” They’re simply asking you, since you created this problem by giving the mining company the permit in the first place, will you now intervene on the side of the First Nation and help them defend their traditional rights and their traditional land, or do you want to see a more serious conflict here?

Hon. Mr. Bartolucci: To be perfectly honest with the member who’s asking the question—and he certainly knows that our ministry has been in constant contact with the First Nations community. Because it is a matter that’s before the courts, we’re not—

Mr. Hampton: That is a bunch of BS.

Interjections.

The Speaker (Hon. Michael A. Brown): Withdraw that remark.

Mr. Hampton: I withdraw—

Interjections.

The Speaker: Just withdraw.

Mr. Hampton: I withdraw the remark.

Hon. Mr. Bartolucci: The member would know that ministry staff have visited the community to hear the concerns of the First Nations people. He would also know that mining claims and leases are valid under the Mining Act. Certainly it’s the view of this ministry that we want to work with both sides to try to come to some resolution before these matters end up in the courts. We will continue to do that, as we will continue to honour our commitments that we must live up to under the Supreme Court decision, which says that we have a duty to consult. We take that very seriously.

NURSES

Mr. Tony C. Wong (Markham): My question is for the Minister of Health and Long-Term Care. Minister, you announced an exciting new initiative yesterday that will guarantee full-time employment for new nursing graduates. With Tom Closson at the helm, I have great confidence that our future nurses will find rewarding employment here in Ontario.

In York region, which includes my riding of Markham, there is a growth rate of 100,000 people each year. This influx of residents, coupled with an aging population, requires additional nurses to handle the increased volume. Nurses are vital to our health care system, and it is imperative that we value the incredible contributions they make.

Minister, we need to keep our new nurses in the province and the more experienced nurses working. How will this initiative help the nursing workforce as a whole?

Hon. George Smitherman (Minister of Health and Long-Term Care): Of course, on a subject matter as important as nursing, nothing less than a comprehensive strategy will do. Accordingly, that’s what we’ve been developing, and we added important new elements of it yesterday.

I don’t know about you, Mr. Speaker, but I’m one of those who believes it’s just about time, in this province, that those young nursing grads being freshly minted from our colleges and universities are given the opportunity to practise their craft in a fashion which is good for our patients, and that means full-time employment. So yesterday we moved forward to implement a guarantee in 2007 that will see each of our new nursing grads given a guarantee of a full-time job.

We’re making progress with respect to the nursing file. For the first time in nine years, we’ve flatlined the age. That means that the average age of nurses is not going up any longer. We’ve been able to fast-forward by a full year the expansion of nurse practitioners seats to 150—

The Speaker (Hon. Michael A. Brown): Thank you, Minister. Supplementary?

Mr. Wong: It is encouraging to know that we at Queen’s Park are listening to what nurses want and are taking action. Under previous governments, the number of working nurses in Ontario dropped significantly, and I’m proud that under our government that number has considerably increased. Doris Grinspun of the Registered Nurses Association of Ontario estimates that there are 4,500 new nurses working in this province. Minister, yesterday’s announcement was part of the larger strategy called health force Ontario, with a goal to make Ontario the employer of choice for health care workers. Can you elaborate on how the nursing graduate guarantee fits into the broader strategy as a whole?

Hon. Mr. Smitherman: I most certainly can. I want to thank the honourable member for Markham for his tremendous commitment to health human resources in this province. Our goal, simply put, is that Ontario must be an employer of choice, that in an environment which is competitive, we have an obligation to do our very best. We haven’t yet achieved that, but we’re making tremendous progress.

We’re working with new and expanded roles in health care, including physician assistance. We’re going to develop our workforce so that all of those internationally educated health professionals—not just doctors—are given a single portal and an easier transition so they can be out there on the front lines working for Ontarians. We’re doing that in co-operation with the Minister of Citizenship and Immigration. We’re going to compete for health human resources wherever we have to. The United States is home to 9,000 doctors who have left our province. We’re working to repatriate them.

The efforts of the honourable member for Markham and his commitment to his local community are going to be part of what we can sell: historic opportunity to do a better job for our nurses—

The Speaker: New question. Thank you.

NATIVE LAND DISPUTE

Mr. Toby Barrett (Haldimand–Norfolk–Brant): To the Premier: The Caledonia standoff is in its 72nd day. Provincial Highway 6 is blocked. The main street of Caledonia is blocked. The railroad to Nanticoke is blocked. This weekend the encampment moved north of the Grand River, and your minister was not aware of that, even on 24/7. Also this weekend, in spite of all this, David Peterson is quoted: “We’ve made some headway. I feel positive.” But now we have a native warrior flag flying on top of one of the new hydro towers. Premier, just what headway have you and Mr. Peterson made in keeping the new power line project on track?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the minister responsible for aboriginal affairs.

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): I say to the local member that I understand his frustration and his impatience with what’s gone on for a very long time. I want to assure him that the Ontario government is working very hard with all its resources to try to resolve this. It is a very difficult situation. We want to make sure we resolve this peacefully. We’re working with all the parties involved, with your community, keeping your municipal officials well informed as to what’s going on. It’s a very challenging task for David Peterson and his team, but they’re working very hard at it and they’ve got the support of the whole Ontario government behind them.

Mr. Barrett: Lack of leadership has turned this into a boondoggle. We now have trestles from one of the new hydro towers creating the new blockade north of the Grand River. I know you’re not aware of this; you should go down and take a look. A warrior flag is flying 130 feet high on top of one of the hydro towers. This is a massive power project. It runs the length of the Niagara peninsula from Thorold into Caledonia and beyond. It has 800 megawatts of transmission capacity, reducing transmission losses, reducing the risk of blackouts. I’m told it will serve 300,000 people. But now we have warriors on the towers, not Hydro One workers. Minister—in your role as Minister of Energy perhaps—how long can this project be delayed before the lights actually go out in the province of Ontario?

Hon. Mr. Ramsay: I want to say to him, and reinforce what I said earlier, that we have a lot of people on the ground in your community supporting David Peterson as the provincial lead in these discussions. As he knows very well, there are a lot of different groups involved in this dispute. We are totally engaged with all the groups that are involved in this dispute. We’re doing that 24 hours a day. I said to your leader earlier, we have to be patient with the consensus-building process of the Six Nations people as they work through that. We think we are making progress. Believe me, when we get to the point where we think we’ve got this solved, I will be very happy to be informing this House when we get there.

1510

SCHOOL SAFETY

Mr. Rosario Marchese (Trinity–Spadina): My question is to the Minister of Education. The so-called Safe Schools Act, sometimes known as the gang recruitment act, is a proven failure. Teachers, parents, youth, even the Human Rights Commission, say that your government is targeting youth at risk and forcing them out onto the streets, and in many cases sending them into the hands of gangs with this ill-conceived legislation. For three years, you’ve been promising changes. When are you going to deliver on this promised change?

Hon. Sandra Pupatello (Minister of Education, minister responsible for women’s issues): I appreciate this question as well. This member likely knows and has followed the work that my predecessor did in this ministry from the moment that we took office. We launched a very significant review of what we felt was a very difficult act called the Safe Schools Act. That review has been done. It invited literally hundreds of participants to speak to us about what the issues were with this act. We believe that it has caused a tremendous amount of difficulty for vice-principals, for teachers, for all of the supports in schools, in how to deal with our students. We know that now that we’ve received all of these submissions, a special task force, which we have had in place for at least a year, is now doing a review and is preparing a final report that I should be receiving very shortly. We intend to act on that very quickly.

Mr. Marchese: Minister, in December 2004 you said you’d have a report by the spring of 2005. In the spring of 2005, you said you’d have a report by last fall. Last fall, you said the report would be complete by next year, which is this year. Meanwhile, parents of colour, parents of children with special education needs, continue to file lawsuits on behalf of their children. Meanwhile, students are out on the street without a plan that would give the young people an opportunity to stay in school and get the social and educational support they need to succeed. Why haven’t you scrapped this regressive and ill-conceived legislation?

Hon. Ms. Pupatello: I think it’s fair to say that in these 30 days as a minister I have spent an inordinate amount of time on the issues around the Safe Schools Act and on the issue of special education. Those both happen to be particular interests of mine. I hope that people in communities across Ontario will recognize that it is part of my own personal history as well. We know that there are significant changes that need to be made. I am determined to see that they be done so that students—and I mean all students—can benefit from an educational experience, be they kids with special needs, kids with children’s mental health needs. People such as those in our gallery today are representing those agencies that take care of many of those same children. I will commit to you today that I will work as quickly as possible to make those changes and to do them well.

TENANT PROTECTION

Ms. Kathleen O. Wynne (Don Valley West): My question is for the Minister of Municipal Affairs and Housing. Last week, our government introduced Bill 109, the Residential Tenancies Act, and I'm very happy that happened. That bill aims to do three things: to protect tenants, to protect landlords and to promote investment in the Ontario rental housing market.

Approximately 1.35 million households in Ontario are renters; that's 32% of Ontarians. In my riding of Don Valley West, approximately half of the residents are tenants. They, along with all of the tenants in the province, have been concerned about the Conservative legislation that has been in place. My tenants' advisory council has been eagerly awaiting the new legislation. We're setting up meetings in two parts of the riding to look at Bill 109. Minister, what's our government doing to help 1.35 million Ontario tenants who are looking for legislation that will keep their buildings maintained?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing): First of all, let me thank the member from Don Valley West for her tireless advocacy on behalf of her constituents, on an ongoing basis. Let me also say very quickly that this legislation is fully balanced for good landlords and for good tenants. That's what the legislation's all about.

Now let's talk about what it does for tenants. First of all, we've eliminated the automatic eviction process. Every tenant facing eviction will have the right to a hearing before the landlord and tenant board. Secondly, landlords will not be able to increase rent when there are outstanding work orders and maintenance issues. In effect, that means that there will be better-maintained buildings. Next, as far as the annual guideline increase is concerned, it will be based on the consumer price index. In other words, it will be a much more transparent process than is currently the case. This legislation is good for the tenants of Ontario.

Interjections.

Ms. Wynne: Contrary to the heckling from the other side of the House, I really think that this is very balanced legislation. It's legislation that's good for good tenants and is good for good landlords.

Toronto Mayor David Miller has said this about our bill that the current legislation "is very anti-tenant and there are significant improvements in the"—

Interjections.

The Speaker (Hon. Michael A. Brown): The member for Niagara Centre needs to come to order.

The member for Don Valley West.

Ms. Wynne: What David Miller said about this legislation is that the current legislation, the Conservative legislation, "is very anti-tenant and there are significant improvements in the" proposed "legislation that will increase tenants' rights and make the system much, much fairer for them." That's why I'm pleased with this legislation.

Ontario tenants are happy to hear that our government has introduced this bill that aims to protect them, and the

landlords of rental properties also have asked for a fairer system. They've asked for better protection so that they can offer a well-maintained living environment to their tenants, and that's the fair thing. Minister, how does our proposed legislation better protect good landlords?

Hon. Mr. Gerretsen: Before dealing with that, let's just deal with another issue that's good for tenants. If there are above-guideline increases that have been granted by the landlord and tenant board, either for capital improvements to a particular unit or for increased utility costs, those costs will come off once they've been paid for or the utility costs go down.

It will help good landlords in a situation where a tenant does wilful damage to a unit. Under those circumstances, a landlord will be able to get rid of a tenant who does wilful damage or is involved in illegal activities in that unit much quicker than is currently the case.

When you look at the bill in its entirety, it is much more transparent than the current legislation. I don't know why that member on the other side doesn't go for this good, balanced legislation that is good for both landlords and tenants. This is what good landlords and good tenants want for the rental properties in Ontario. We totally support this bill and we would ask the members on the other side to support this bill as well.

NATIVE LAND DISPUTE

Mr. Garfield Dunlop (Simcoe North): My question today is for the Minister of Community Safety and Correctional Services. Since February 28, the OPP have had a presence in Caledonia 24 hours a day, seven days a week. The officers at Caledonia have been dispatched from detachments right across our province, and many of them are from detachments that are under municipal policing contracts. As you know, many of the municipal contract forces are already understaffed. Minister, how are you preparing to compensate the municipalities for the use of their officers who are working full time at Caledonia today?

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I thank the member for the question. I'm sure he realizes that the responsibility of the deployment of officers is in the hands of the commissioner and her senior staff. I have been assured by the commissioner that all of their responsibilities have been covered and that they have adequate provisions to make sure that they can deal with the situation in Caledonia without in any way impacting their responsibilities in other areas of the province.

Mr. Dunlop: Minister, a week ago I asked you what was the daily cost to the OPP to have officers in Caledonia. At that time you didn't provide me with the answer, and I thought that was an answer you would have at the tips of your fingers. I am told by reliable sources that the accommodation cost alone to have officers in Caledonia is \$100,000 per week. In other words, since February 28, the OPP have likely absorbed accommodation costs alone in the range of close to \$1 million.

1520

Minister, with salaries, overtime, vehicles, accommodation and administration costs, I believe that Caledonia has cost the taxpayers of Ontario and the Ontario Provincial Police budget somewhere in the range of \$8 million. If you're not prepared to help the municipalities, are you prepared to go back to the cabinet table and find the millions of dollars for the unexpected costs that the OPP have been subjected to at Caledonia?

Hon. Mr. Kwinter: The member, with all due respect, is wrong. The OPP have a global budget. They don't go out and hire new people to deal with a particular situation. So their budget is the same regardless of whether those people are in Caledonia or whether they're somewhere else, as long as they have the coverage, which they do. The only time that would change is if they had to go out because they needed additional resources. To this point, they have indicated to me that they don't. So there's no additional cost; it has just been reallocated within the province. They have assured me that the requirements to police the various communities under their contractual obligations are being carried out.

COLLÈGE BORÉAL

M. Gilles Bisson (Timmins–Baie James): Ma question est pour le ministre des Collèges et Universités. Vous savez que la population de Timmins s'est prononcée en faveur de la construction d'un nouveau campus pour le Collège Boréal à Timmins. Plus de 500 citoyens vous ont envoyé des lettres exigeant que votre gouvernement finance la construction de ce campus. Quand les gens de Timmins pourront-ils s'attendre à une annonce positive envers la construction d'un campus permanent à Timmins pour le Collège Boréal?

Hon. Christopher Bentley (Minister of Training, Colleges and Universities): Merci, monsieur le Président, pour la question. I thank the member for the question. What I indicated to the member several weeks ago, when he asked me about the campus proposals in Timmins, was the following: We are determined as a government to ensure a very strong Franco-Ontarian college/university presence in the province of Ontario. It was one of the features of the Reaching Higher plan: more money for all colleges and universities; more support in particular for Franco-Ontarian education; and a special advisory committee set up to ensure greater access to and success in our French-language colleges and universities.

What I said to the member was that we are working right now with the parties, in particular with the presidents of the two colleges, to develop a stronger system. When that discussion is complete, we will have discussions about capital needs throughout Ontario.

M. Bisson: Ce qui est clair est que ce qui est là présentement comme localisation pour le Collège Boréal n'est pas adéquat. On ne peut pas offrir les programmes nécessaires pour attirer les jeunes, et pour les jeunes qui veulent continuer au postsecondaire en français, c'est

difficile à Timmins. Parfois ils choisissent d'aller soit à Ottawa soit à Sudbury parce que ces locaux ont les programmes qui sont capables de les attirer.

La communauté a fait ce qu'elle avait à faire. Ils ont fait les partenariats, ils ont engagé les jeunes et ils ont engagé la communauté dans le processus de choisir le Collège Boréal. C'est un collège qui est actif. C'est un collège qui fait partie de la communauté. Nous, on a fait ce qu'on avait à faire sur le bord de Timmins et du Collège Boréal. C'est la seule proposition du Collège Boréal à travers l'Ontario.

On vous demande encore, quand est-ce qu'on peut s'attendre à une réponse positive pour pouvoir commencer la construction avec ce site permanent?

Hon. Mr. Bentley: Thank you once again. I think the member raises a very important point, which is ensuring access to post-secondary education throughout the province of Ontario, not just in the largest centres of the province. It was for that reason that the Reaching Higher plan included an increase in the small northern and rural grant. And so colleges, including French-language colleges, throughout the north, throughout the province of Ontario, received greatly increased funding during the past fiscal year to ensure that they have a better ability to provide access to programming for young people, for persons not previously served in smaller and remote communities. It is also the reason that we are having discussions through the various advisory committees, not just the francophone committee, not just the aboriginal advisory committee but also the first-generation committee, on how to expand the reach of educational post-secondary opportunities to the community at large and in particular the Franco-Ontarian community. I look forward to continuing those discussions. We are going to develop a very vibrant plan to improve—

The Speaker (Hon. Michael A. Brown): Thank you. New question.

TRANSPORTATION INFRASTRUCTURE

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): My question is to the Minister of Transportation. When our government came to office two and a half years ago, we faced not only a fiscal deficit but deficits in health, education and public infrastructure. I am proud that our government has stuck to the plan to address these deficits and, in the most recent budget, the investments we have made in transportation infrastructure.

We know the opposition feels we should put off these necessary repairs. That seemed to be their policy for everything—put it off until later—and the crumbling infrastructure of Ontario that we inherited was the result. We all know how much less expensive it is to repair roads before they deteriorate to the point of needing to be dug up and replaced. I know from my time as reeve of the township of South Stormont that townships simply cannot afford to bear this cost entirely on their own. For example, we struggle in my area with the provincial download of the old provincial Highway 2.

Minister, can you describe what our government has done to help smaller and rural municipalities fund road infrastructure after years of downloading by the previous government?

Hon. Harinder S. Takhar (Minister of Transportation): First of all, I want to thank the member for asking this question and I also want to thank him for his advocacy for smaller and rural communities.

Let me just say what our government has done for smaller and rural communities. In the last budget that the Minister of Finance introduced in this House, we provided \$400 million for small and rural communities under the Move Ontario program so that these municipalities will be able to address some of their long-outstanding needs for bridges and roads under this program. In addition to this, our government was the first government ever to provide stable funding for public transit for all communities across Ontario. Under that program, some of the member's communities are also eligible to get some funding, and I can address some of these issues in the supplementary.

Mr. Brownell: After working so hard with municipal leaders in my riding of Stormont–Dundas–Charlottenburgh to bring the message that our transportation infrastructure needed provincial attention, I'm pleased to say our government listened. Move Ontario is truly a landmark investment, and I know municipal leaders in my riding were relieved to see our government working with the city of Cornwall and the surrounding townships to help fund road projects. This relief was long overdue. Neglected for years, these municipal roadways are important in linking smaller communities to one another, as well as connecting us all to the broader network of provincial highways. Beyond the tax savings that both municipalities and the province can realize through preventative maintenance, how else do you expect that this investment in transportation infrastructure will help our economy?

Hon. Mr. Takhar: I want to thank the member again for asking this question. It is important for us to keep our infrastructure and our roads in good repair. As I said, in the last budget we provided \$400 million under the Move Ontario program for rural and smaller municipalities. Under that program, the Stormont and Dundas community got \$2 million and the city of Cornwall got \$2 million. Also, under our stable funding program where we share the gas tax with all municipalities, the city of Cornwall will get another \$2 million. I'm sure that with this funding they will be able to address some of their long-outstanding need for roads and bridges and also for public transit.

BIOSOLID MANAGEMENT

Mr. John O'Toole (Durham): My question is to the Premier, in the absence of the Minister of the Environment. Last week, the municipality of Clarington passed a resolution with respect to paper fibre biosolids. The resolution states that biosolids should not be used in our envi-

ronment until advice from an expert panel is followed and we can be assured that safety is addressed.

The impact of paper fibre biosolids has been a huge issue in my riding. SoundSorb is one product and another product they're using is NitroSorb. This has been an issue for Durham region as well as other parts of Ontario. In fact, your previous Minister of the Environment would know much about it as well.

This report was filed with your government in January 2005. When are you going to respond to the expert panel report on the use of paper fibre biosolids on our land in the discussion around Bill 43, the source water protection bill? It's very important.

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): I appreciate the opportunity. I know the Minister of the Environment is carefully considering this issue, is taking the appropriate time to ensure that all of the interested parties have an opportunity to provide some advice and reaction to the report, and that in due course she will be speaking to it with some detail.

1530

Mr. O'Toole: I would like to put on the record that I would like a written response to this from the minister because it is a technical issue. You would know that the real essence of the issue here is regulation number 347. This regulation exempts what would otherwise be a waste by calling it a product. By mixing paper fibre biosolids with sand or other materials, it becomes a product. That's the issue. It has been before you for a number of years, and I'm now asking for you to respond to the expert panel. You're the government. In the context of source water protection, this is a fundamental issue. What you apply to the land ends up in the aquifers and other source water protection areas.

Premier, will you assure me that you will get back not just to me but to the people of Ontario about safety in our soil as well as our drinking water?

Hon. Mr. McGuinty: I know that the member opposite would want to admit that the challenges created by this regulation are the result of regulation created by the previous government. Let me say that I know the minister will give this municipal resolution all the serious consideration it deserves. Again, I know she's carefully considering the matter and will get back in due course.

PENSION PLANS

Ms. Andrea Horwath (Hamilton East): My question is for the Minister of Labour. The McGuinty government plans to appoint an anti-labour, anti-worker Liberal Party hack as the chair of the Workplace Safety and Insurance Board, but while you push the partisan appointment of your well-pensioned friend Steve Mahoney into the WSIB chair, will you push equally hard for WSIB workers who are fighting to have some say over their own pension plan? Recently, I asked you this question and you mentioned the issue of an RFP that has been issued, but the RFP restricts the consultant from even

considering joint trusteeship. Will you encourage the WSIB to expand the scope of the RFP and include joint trusteeship as a governance model for the WSIB pension plan?

Hon. Steve Peters (Minister of Labour): I'm disappointed to hear the member's comments about the selection that has been put forward, and I would ask her to partake in the government appointments process that is in place. It's an open and transparent process, and I would encourage you to be there. As the member should be aware too, the WSIB is an arm's-length agency. The issue she has raised has been raised previously in this House. I know it is a matter that the WSIB is addressing, and I thank the member for the question.

PETITIONS

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr. Ted Chudleigh (Halton): I have a petition to the Legislative Assembly dealing with tomorrow's special session.

"Whereas, without appropriate support, people who have intellectual disabilities are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

"Whereas quality supports are dependent on the ability to attract and retain qualified workers;

"We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have intellectual disabilities continue to receive quality supports and services that they require in order to live meaningful lives within their community."

RECYCLING

Mr. Mario G. Racco (Thornhill): "To the Legislative Assembly of Ontario:

"Whereas waste from Ontario public schools that could otherwise be recyclable is contributing to increased landfill sites; and

"Whereas diverting waste is critical to sustaining a healthy environment now and in the future; and

"Whereas there is a need to encourage recycling initiatives in all schools; and

"Whereas the private member's bill proposed by the geography club from Georgetown District High School under Making the Grade will require all Ontario school boards to have two recycling bins in each classroom, one for paper and one for drinking containers. As well, cafeterias must have adequate recycling containers outlining items acceptable to be recycled;

"We, the undersigned, petition the Legislative Assembly of Ontario to pass the private member's bill that will amend the Ontario school boards education act to divert waste from Ontario high school classrooms and cafeterias."

I'll sign this petition.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): I have a petition to the Legislative Assembly of Ontario:

"Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

"Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

"Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in government-operated services and other sectors;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario address, as a priority, funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives within their community."

I have signed this.

COMMUNITY MEDIATION

Mr. Bob Delaney (Mississauga West): I'm very pleased to present this petition to the Ontario Legislative Assembly. I especially want to thank Patrick Thomson and Navpreet Randlay, both from Brampton, for having gathered the signatures for me. It reads as follows:

"Whereas many types of civil disputes may be resolved through community mediation delivered by trained mediators, who are volunteers who work with the parties in the dispute; and

"Whereas Inter-Cultural Neighbourhood Social Services established the Peel Community Mediation Service in 1999 with support from the government of Ontario through the Trillium Foundation, the Rotary Club of Mississauga West and the United Way of Peel, and has proven the viability and success of community mediation; and

"Whereas the city of Mississauga and the town of Caledon have endorsed the Peel Community Mediation Service, and law enforcement bodies refer many cases to the Peel Community Mediation Service as an alternative to a court dispute; and

"Whereas court facilities and court time are both scarce and expensive, the cost of community mediation is very small and the extra expense incurred for lack of

community mediation in Peel region would be much greater than the small annual cost of funding community mediation;

“Be it therefore resolved that the government of Ontario, through the Ministry of the Attorney General, support and fund the ongoing service delivery of the Peel Community Mediation Service through Inter-Cultural Neighbourhood Social Services.”

This is an excellent petition. I am pleased to sign it and to ask page Haakim to carry it for me.

GASOLINE PRICES

Mr. Gerry Martiniuk (Cambridge): A petition to the Parliament of Ontario:

“Whereas gasoline prices have increased at alarming rates during the past year; and

“Whereas the high and different gas prices in different areas of Ontario have caused confusion and unfair hardship on hard-working Cambridge families;

“We, the undersigned, hereby petition the Parliament of Ontario as follows:

“(1) That the Ontario McGuinty Liberal government immediately freeze gas prices for a temporary period until world oil prices moderate; and

“(2) That the Ontario McGuinty Liberal government and the federal government immediately lower their taxes on gas for a temporary period until world oil prices moderate; and

“(3) That the Ontario McGuinty Liberal government immediately initiate a royal commission to investigate the predatory gas prices charged by oil companies operating in Ontario.”

As I agree with the petition, I affix my name thereto.

CAFETERIA FOOD GUIDELINES

Mr. Kevin Daniel Flynn (Oakville): “To the Legislative Assembly of Ontario:

“Whereas childhood obesity rates have tripled over the past two decades in Canada; and

“Whereas the annual amount of money the health care system uses to mend preventable obesity-related illnesses is \$1.6 billion; and

“Whereas the Ontario food premises regulation only provides safety policies that must be followed by the Ontario school boards’ cafeterias, but no defined regulations regarding the nutrition standard of the food being served at the cafeterias; and

“Whereas there is a need to encourage nutritious standards in high school cafeterias that support Canada’s Guidelines to Healthy Eating; and

“Whereas the private member’s bill proposed by Nupur Dogra under Making the Grade and her fellow students at Iroquois Ridge High School will require all Ontario school board cafeterias to adopt and abide [by] healthier eating standards (similar to Canada’s Guidelines for Healthy Eating) that will govern the food choices;

“We, the undersigned, petition the Legislative Assembly of Ontario to pass the private member’s bill,” number 93, “that will amend the Ontario school boards’ cafeteria food guidelines” to educate students about nutritional standards in all Ontario high schools.”

1540

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe–Grey): “To the Legislative Assembly of Ontario:

“Whereas Sir Frederick Banting was the man who discovered insulin and was Canada’s first Nobel Prize recipient; and

“Whereas this great Canadian’s original homestead, located in the town of New Tecumseth, is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

“Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Minister of Culture endorse Simcoe–Grey MPP Jim Wilson’s private member’s bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come.”

I obviously agree with that petition, and I’ve signed it.

LONG-TERM CARE

Ms. Laurie Scott (Haliburton–Victoria–Brock): “To the Legislative Assembly of Ontario:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

This is brought to me by many long-term-care centres in the riding of Haliburton–Victoria–Brock.

ONTARIO DRUG BENEFIT PROGRAM

Mr. Gerry Martiniuk (Cambridge): I have a petition, signed by good citizens of Cambridge, directed to the Parliament of Ontario. It's headed:

"Preserve Our Seniors Drug Plan

"Whereas the McGuinty Liberal government is considering cutting and diminishing the present program of necessary prescription drugs for Ontario seniors; and

"Whereas Ontario's seniors are presently struggling to maintain their health and homes against cost-of-living increases, including Ontario's new health tax, Ontario's increased hydro rates, increased municipal taxes and gasoline prices;

"We, the undersigned, hereby petition the Parliament of Ontario as follows:

"That the McGuinty Liberal government of Ontario maintain the present program of providing prescription drugs for seniors."

As I agree with this petition, I affix my name thereto.

SPEECH AND LANGUAGE SERVICES

Mr. Ernie Hardeman (Oxford): I have a petition sent to me by a constituent, Carol Harrison from RR4, Woodstock. It is a petition to the Legislative Assembly of Ontario.

"Whereas over one million Ontarians of all ages suffer from communication disorders relating to speech, language and/or hearing; and

"Whereas there is a growing need for awareness of the profound developmental, economic and social consequences that communication disorders have on people and their families; and

"Whereas persons with communication problems require access to the professional services of audiologists and speech language pathologists who provide treatments to improve and enhance quality of life; and

"Whereas effective treatment of communication disorders benefits all of society by allowing otherwise disadvantaged persons to achieve their academic and vocational potentials; and

"Whereas investments in treatments for communication disorders pay economic dividends in reduced reliance on other social services,

"We, the undersigned, in conjunction with the Ontario Association of Speech-Language Pathologists and Audiologists, call on the Legislative Assembly of Ontario to proclaim the month of May as Better Speech, Language and Hearing Month."

I affix my signature, as I agree with this petition.

ABORTION

Mr. Gerry Martiniuk (Cambridge): I have a petition signed by good citizens of Cambridge directed to the Legislative Assembly of Ontario.

"Whereas 68% of Ontarians do not support the funding of abortion on demand in our province (Leger poll, November 2003); and

"Whereas over 30 million health dollars are spent annually on abortion on demand; and

"Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

"Whereas pregnancy is not a disease, injury or illness, and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has the exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

"Whereas Ontario taxpayers funded over 39,544 abortions in 2000;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to stop provincial funding of abortion on demand in Ontario."

As required, I affix my name thereto.

BORDER SECURITY

Mr. Peter Fonseca (Mississauga East): "To the Legislative Assembly of Ontario:

"Whereas the United States government, through the western hemisphere travel initiative, is proposing that American citizens require a passport or single-purpose travel card to travel back and forth across the Canadian border; and

"Whereas a passport or single-purpose travel card would be an added expense, and the inconvenience of having to apply for and carry a new document would be a barrier to many visitors; and

"Whereas this will mean the loss of up to 3.5 million US visitors in Ontario, losses of \$700 million, and the loss of 7,000 jobs in the Ontario tourism industry by the end of 2008; and

"Whereas many of the northern border states in the United States have expressed similar concerns regarding the substantial economic impact of the implementation of this plan; and

"Whereas the safe and efficient movement of people across the border is vital to the economies of both of our countries;

"Therefore be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to support the establishment of a bi-national group to consider alternatives to the proposed border requirements and inform Prime Minister Harper that his decision to not pursue this issue with the United States is ill-advised."

HIGHWAY 35

Ms. Laurie Scott (Haliburton-Victoria-Brock): "Highway 35 Four-Laning

"To the Legislative Assembly of Ontario:

“Whereas modern highways are economic lifelines to communities across Ontario and crucial to the growth of Ontario’s economy; and

“Whereas the Ministry of Transportation has been planning the expansion of Highway 35, and that expansion has been put on hold by the McGuinty government; and

“Whereas Highway 35 provides an important economic link in the overall transportation system—carrying commuter, commercial and high tourist volumes to and from the Kawartha Lakes area and Haliburton; and

“Whereas the final round of public consultation has just been rescheduled;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Liberal government move swiftly to complete the four-laning of Highway 35 after the completion of the final public consultations.”

It’s signed by many constituents in my riding, and I’m going to present it to my page, Kate from Lindsay.

ORDERS OF THE DAY

RESIDENTIAL TENANCIES ACT, 2006

LOI DE 2006 SUR LA LOCATION À USAGE D’HABITATION

Mr. Gerretsen moved second reading of the following bill:

Bill 109, An Act to revise the law governing residential tenancies / Projet de loi 109, Loi révisant le droit régissant la location à usage d’habitation.

The Speaker (Hon. Michael A. Brown): Minister?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing): I’m happy to be here on the occasion of starting the second reading debate on the proposed Residential Tenancies Act, 2006. I will be sharing my time with my parliamentary assistant, the member from Scarborough Centre, Brad Duguid.

I should tell you that in order to come up with this piece of legislation, an extensive amount of consultation was done. My parliamentary assistant, Brad Duguid, visited 10 cities and met with numerous individuals who had some input into the legislation and certainly had their opinions about the rental market in Ontario in general.

1550

The reforms we are proposing would implement a fairer rent system. It will protect both tenants and landlords and promote a healthy, vital rental housing market. Judging by the reaction so far, particularly editorially, I am convinced that we have found the right balance.

I’ll quote from an editorial in the Toronto Star just last week; I believe it was last Friday. It stated that our proposed new rental rules find the right balance. The direct quote is this: The “proposed Residential Tenancies Act is a reasonable compromise that rolls back some of the

excesses of the previous Conservative government, while protecting the health of the residential rental market.”

We took the time to listen to landlords and tenants across the province, and we consulted experts. We wanted to determine what was best for good tenants and good landlords and what was also best for the economic health of our rental housing market.

We believe, first of all, that all Ontarians need a safe, secure and affordable place to live. As I said before, our government’s aim is to create a rental system that benefits good landlords and good tenants while promoting investment in our rental housing market. Let me provide you with greater detail on how we propose to achieve this aim.

For tenants, the proposed legislation would result in a fairer, more transparent annual rent increase. It will also result in better maintained buildings and a fairer dispute resolution process with a greater emphasis on mediation.

As we know, the current eviction system has been called unfair and draconian. It basically allows a tenant to be automatically evicted if the tenant does not respond to the landlord’s eviction application within five days. As the Ontario Ombudsman stated in his 2003-04 annual report, this process is having “disproportionate and oppressive consequences for vulnerable tenants: seniors, single parents ... individuals with disabilities and those for whom English is a second language.”

We are addressing this concern. Under our proposed legislation, all eviction applications would automatically go to a hearing or to mediation. Our reforms would require an adjudicator to consider all the relevant landlord and tenant matters in deciding whether to grant an eviction for rent arrears. Adjudicators would consider the tenant’s circumstances in all eviction applications. For example, if a tenant had been hospitalized for some time and was unable to send the landlord his or her rent cheque, the adjudicator would take this into account when determining whether or not to grant the eviction.

With regard to better-maintained buildings, our proposed legislation would give tenants the ability to make an application to stop all rent increases until serious outstanding work orders or serious maintenance problems were resolved. This provision would help put a stop to landlords who keep hiking rents without properly maintaining their buildings.

Our government has also created a more transparent annual rent increase guideline calculation that would result in more stable guidelines. The guidelines that we will use, if this legislation is passed, will be a real cost indicator: namely, the consumer price index.

When we started down the path of rebalancing the rental housing system, we first fixed the annual rent increase guideline by eliminating the automatic 2% bonus given to landlords, and that was a couple of years ago. As a matter of fact, over the last two years, we’ve had the lowest rent guideline increases in the history of rent control over the last 30 years. For the year 2005, it was 2% and for the current year, 1.5%.

The interim measure that we took some two years ago resulted, as I mentioned before, in two historically low

annual rent increase guidelines. But with this legislation, we now have the long-term solution to the current confusing and complex calculation that takes place annually. The proposed guideline calculation would result in an annual guideline that more closely reflects the real rate of inflation. The determination of the guideline would be clear and objective.

Another way we intend to ensure fairer rent increases is to create a new system for granting above-guideline increases, a system that will be based on real and necessary investments and that would reverse increases after costs fell or an improvement had been paid for. Sitting tenants would receive rent reductions when utility costs decline, if their landlord had received an above-guideline increase for higher utility costs and that increase had been given to those tenants. The same thing would apply to capital improvements like roof or masonry repairs. Sitting tenants whose rents had increased due to this work would receive rent reductions when the capital items were paid for. We would also redefine capital items so that they would not include maintenance and repair issues not regarded as capital improvements. These provisions are fair and make sense.

As well, landlords would face a stricter test for capital expenditures on which they could receive an above-guideline increase. That means that seniors and other vulnerable groups would not be slowly priced out of their homes for frivolous items such as lobby redecorations or simply routine annual repair, such as painting hallways and staircases.

We would also protect landlords and offer incentives to them to invest in and maintain their buildings. This again is to ensure that there's a balance in the system.

Under Bill 109, we would lower the interest rate on rent deposits by basing it on the consumer price index to reflect current market conditions. Currently, a landlord must pay 6% interest on rent deposits. We would also lower the fees associated with above-guideline applications for small landlords and for other landlord and tenant board services.

We've all heard stories about bad tenants as well as bad landlords. We know who these people are. They are the ones who disturb other tenants or vandalize property, and generally make living in an apartment building an unpleasant experience for one and all. Our proposed reforms would help landlords get these tenants out quickly to protect their investment and retain their good tenants. We would create a fast-track eviction process for tenants who cause wilful damage—I repeat: for tenants who cause wilful damage—or who are interfering with the reasonable enjoyment of a landlord's own home. The time required to evict these tenants would be cut in half of what it currently is. In the case of excessive wilful damage, eviction could happen immediately, but only in the case of excessive wilful damage as determined by the adjudicator.

The other goal of our proposed legislation is to promote investment in keeping our rental housing market strong. The McGuinty government wants to ensure that

the favourable conditions, such as the high vacancy rates and increased rental housing construction, that we are currently experiencing in the rental housing market continue.

Over the last few years, Ontario has been experiencing high vacancy rates. As a matter of fact this year, province-wide, it's 3.7%. The vacancy rate is forecast to remain high until 2009. These are according to CMHC statistics—not our statistics but statistics derived by CMHC in over 50 central market areas. To put this in real terms, average rents have gone up only a few dollars and sometimes they've even gone down. These favourable conditions have worked to the benefit of tenants. The market is acting to protect tenants and will continue to do so in the foreseeable future.

When our government developed the proposed legislation, we wanted to ensure that we did not compromise our investment climate. We wanted to ensure that we didn't harm the current and future supply of rental housing. We wanted to strike a fine balance between the needs of tenants and landlords. Our government achieved this by continuing to allow landlords and tenants to negotiate starting rents on vacant units. But as I mentioned before, over the last three years they have gone up marginally from what the previous tenant paid.

1600

We will also continue to exempt rental units built after 1991 from rent controls, which have been in existence since 1991. To help landlords attract good tenants and to help tenants even further, we would give landlords the flexibility to offer rent discounts of up to three months' rent. These provisions are and continue to be significant contributors to investment in the renewal of Ontario's rental housing supply.

Of course, for some low-income tenants, paying the rent will always be an issue, particularly those individuals who pay more than 40% to 50% of their income towards rent. But this government has not forgotten this group of tenants. In fact, helping vulnerable Ontarians is a priority for the McGuinty government. The proposed legislation is but one part of our integrated housing strategy to improve the availability, affordability and quality of housing across this province, with the focus on helping vulnerable persons such as low-income tenants. Let's just see what we've done in that area.

Just over a year ago, an agreement was signed with the federal government that would allow for the investment of \$734 million for affordable housing under the Canada-Ontario affordable housing program. It will create more than 15,000 units of affordable housing—of which about 1,500 have already been delivered, another 1,600 to 1,700 are currently under construction and the rest are in the planning stage—and provide housing allowances for some 5,000 lower-income families in Ontario to take advantage of those vacant units that are currently in the housing market throughout Ontario.

This program provides units for vulnerable Ontarians such as victims of domestic violence, persons with mental illness, families on social assistance and the work-

ing poor. Our Ontario rent bank program, which contains some \$14 million, promotes housing stability by helping low-income tenants avoid eviction for non-payment of rent due to an unforeseen crisis. Up to the end of last year, 4,177 Ontario households have received assistance for short-term arrears and avoided eviction through our local housing service providers, to whom the \$14 million for the rent bank was provided for the province of Ontario in total.

The Ontario strong communities rent supplement program, which contains approximately \$50 million on an annual basis, assists low-income households in obtaining housing. To date, some 6,670 low-income households have received rent supplements. These are three other programs that have come into existence over the last two to three years that, quite frankly, weren't there before.

Another important part of Bill 109 I'd like to highlight is our provision to promote energy conservation by enabling smart meters in rental housing buildings. On November 3 of last year, my colleague the Minister of Energy, the Honourable Donna Cansfield, introduced the Energy Conservation Responsibility Act, and this act received royal assent on March 28 of this year. This act establishes a legislative framework for the installation of smart meters in Ontario homes and small businesses. Our government has committed to installing 800,000 smart meters by 2007 and to ensuring that smart meters are installed in all homes and small businesses by the year 2010.

Our proposed Residential Tenancies Act, 2006, contains provisions to enable installation of smart meters in rental housing while protecting tenants.

Currently, most tenants do not pay directly for their electricity. They pay it as part of their rental payment. Implementing a system for tenants to be billed directly for their own electrical consumption has the potential to significantly increase electricity conservation.

Our proposed legislation will enable this type of energy conservation in the following ways: It will allow landlords to install smart metering without the unanimous consent of tenants, and it will require landlords to give automatic rent reductions to remove the electricity cost from the rent. This means that tenants who receive smart meters would have more control over their energy costs and would save money.

As well, tenants who receive smart meters would pay electricity bills based on their own electricity use, but not until the smart meters have been in place for at least one year. Smart meters will be installed. Obviously the landlord will continue to pay for those individual meters for a year, so that at the end of the year we will be able to determine how much should be deducted from an individual's rent based on the smart meter that has been installed for that unit. In that way, comparisons can be made and the proper rent deduction can be applied to that particular tenancy agreement.

This way, the rent reductions to remove electricity costs from the rent would be based on the real cost for that unit. If the tenant, after that, utilizes the way the

electricity is used in that unit in a more cost-efficient and energy-efficient way, then of course the tenant will benefit from that.

There are no specific provisions in the Tenant Protection Act to ensure that tenants are adequately protected from landlords whose buildings and appliances are not energy efficient, and for tenants who worry about this issue, our proposed legislation includes protections. Tenants who receive smart meters would be able to make an application to the renamed Landlord and Tenant Board for remedies if their landlords fail to maintain the energy efficiency of their units or appliances.

Landlords would also be required to disclose a unit's usual electricity consumption to a prospective tenant, so when a tenant moves into a unit or makes the tenancy agreement, the obligation will be on the landlord to tell the tenant what the electricity consumption was for the prior year.

We, as a government, simply believe that we want all Ontarians to do their part to conserve energy. Installing smart meters in rental buildings represents a huge opportunity for the people of this province to really get a handle on our energy consumption and will assist us in creating a culture of conservation.

The last piece to building a more balanced rental housing system is addressing the concerns that both landlords and tenants have had with the Ontario Rental Housing Tribunal processes. During our conversations with tenants and landlords, we heard over and over again, particularly from tenants, that the tribunal processes need to be improved. They want a change that would make the tribunal more customer focused, more accessible and more transparent, and our bill speaks to that.

I will also be working with the chair of the Ontario Rental Housing Tribunal, or the renamed Landlord and Tenant Board, Dr. Lilian Ma, to make these requested changes happen.

To reflect the spirit of our new legislation and the tribunal's renewed mandate, we will be changing the name, as I mentioned before, of the tribunal to the Landlord and Tenant Board.

In conclusion, we are ushering in a new era of tenant-landlord relations with this proposed legislation, a new era that is characterized by fairness, compassion, economic common sense and balance between the rights of landlords and tenants. We want to bring balance back to the rental housing system and keep our rental housing market vital and robust. I believe our proposed Residential Tenancies Act achieves both goals. I urge members on both sides of the House, as I mentioned earlier during question period, to support this bill as it will bring about a rental system that will build stronger communities across this province.

With that, I will turn it over to my parliamentary assistant, Mr. Brad Duguid.

1610

Mr. Brad Duguid (Scarborough Centre): I'm delighted to follow the minister today in speaking to a piece of legislation that was a tough one for us to come

forward with. It was tough because it required a lot of effort to strike the right balance between tenant protection, which was an essential piece of this legislation, and the need to ensure a healthy rental market. I think, as the minister outlined in his speech, we've struck that right balance. We've swung the pendulum back so we've now got a piece of legislation that will be guiding landlord and tenant relations in this province, that ensures that tenants have the proper protections but also ensures that landlords are capable of delivering good quality housing and getting the return that they deserve as well. Frankly, this is the most substantial set of reforms to enhance tenant protection in well over a decade in this province. It's something I certainly am very, very proud to have been part of and something I certainly want to commend the minister for bringing forward.

It took some time and it took an engagement of unprecedented proportions with stakeholders. In fact, I don't think this province has ever gone through such a substantial consultation process. We've traveled the province. We've been in 10 different communities, 10 different cities, hearing from landlords and tenants in Toronto, Kitchener, London, Ottawa, Thunder Bay, Sudbury, Kingston and Hamilton.

We've had over 5,000 completed questionnaires sent in to us, over 1,200 telephone inquiries, 250 written submissions and 30 different meetings with various other regional stakeholder groups. Over 1,500 people participated in those meetings. That's an impressive amount of consultation. But it's an impressive amount of participation on behalf of stakeholders, those that represent the landlords and those that represent tenants, but real landlords and real tenants as well, which is very important. We've been able to hear from the representatives. We've also been able to hear from those who are going to have to live, day in and day out, with the legislation that we're bringing forward. We listened very, very carefully to what they had to say.

There was some common ground. Both landlords and tenants I think want to see a healthy rental market because it benefits both; a healthy rental market where good tenants are protected and where good landlords are able to provide housing and get some form of reasonable return for doing that.

But there are different perspectives as well. I'll quote from a couple of stakeholders that appeared before us. One tenant said the following: "We as tenants want fair rent and a clean place to call home, with nice people to share it with. People are tired of putting most of their money out in rent and getting diddly-squat for it in return."

Then you'd have landlords say something like this: "It's not the place of the landlord to provide cheap housing; it's the job of the landlord to provide a reasonable, clean, well-balanced apartment to the open market and let those people decide where and what they can afford to live in."

I could have brought different quotes that were probably even more confrontational, back and forth, than

that. But our key as legislators is to try to find the common ground between landlords and tenants and then decide overall what's in the public interest to ensure that those, in particular those that are most vulnerable, are protected. Finding fairness and finding balance is what we've been able to achieve in this legislation.

To sum up, the key things tenants asked for: They expressed concern about the current eviction process; they wanted a fair eviction process. They wanted to strengthen the tools at their disposal to ensure better maintenance of their units. They wanted us to tighten up the rules, when it came to rent increases, through above-guideline increases. Those were really the three key things that tenants, time and time again, talked about. Frankly, I'm proud to say that they've been addressed very successfully in this legislation.

Landlords asked for a number of things as well. A number of landlords complained about the amount of interest that they had to pay on their rent deposits. It wasn't fair. They had to pay 6% interest. They wanted that reduced to a more reasonable level in keeping with the interest rate. They were concerned about the speed of the eviction process, when they had really bad tenants who were interfering with their joyful use of their property, their reasonable enjoyment of their properties, or tenants who were committing wilful damage. They also wanted protection and promotion of a healthy rental market. I'm pleased to say we've been able to achieve that as well.

The other area—and the minister touched on this—of great concern to both landlords and tenants, in particular tenants, was the Ontario Rental Housing Tribunal and the way the tribunal worked, the way it managed itself. What we've done, through this legislation and through the minister's other actions, is we've begun the process to change the culture of that board. We're calling it a different name, the Landlord and Tenant Board, but it's not the name change that's important. It's the change in culture, the approach, that's important: lower fees, more-qualified adjudicators, a more client-based approach to the way they do their business.

I said earlier that this was the most significant tenant protection reform in over a decade. Let me just outline some of the changes that are taking place that really outline why this is.

Mr. Norm Miller (Parry Sound–Muskoka): You've got to be kidding.

Mr. Duguid: A member is questioning that. Take a look at the bill. There's no question this is the most significant tenant protection reform that we've had in this province in well over a decade. For those who are living on the edge, maybe English is their second language, many of those individuals, many of those tenants were living in fear of eviction. Now, we've totally eliminated the current unfair default process where they had to respond within five days to a notice that they probably weren't even sure what the heck it was, just to be able to ensure that they'd have the right to dispute the original eviction notice. We didn't commit to doing that. What we

committed to doing was amending it—making it fair and amending it. But we've totally taken out the default process altogether because, through the consultation with tenants, we realized it was simply not a fair process. So every tenant in this province who's facing eviction now will have the opportunity, if they choose to, to go forward and have a hearing, which some tenants were missing out on before just because the system was complex and confusing and difficult for them to understand.

We're going to have better notice now. The tribunal now has to send a notice to all tenants who are facing an eviction so they'll understand where they're going. That's in addition to the notice of eviction the landlord will have to send out. It won't be duplication. It will be an opportunity for tenants to have knowledge and be educated in terms of what their rights are when they're facing an eviction. The forms that are being used by both landlords and tenants are going to be a lot more user friendly.

Those tenants who are struggling and trying to make ends meet were concerned about the above-guideline rent increases and how those impacted their daily lives and their ability to stay in their units and pay for their units. We've changed those above-guideline increases so that now, when a capital investment is applied for by a landlord and eventually paid for, tenants will no longer have to go on paying for that asset. They will get a rent reduction at the end of the payment of those assets.

As well, the same goes for utility increases and costs. When a utility increases and costs go forward and a landlord applies for an above-guideline increase, when those utility costs go down, a tenant will be able to apply and have those—in fact, a tenant will have to be rewarded with a decreased rent when those costs go down.

We've done more than that. We've also tightened up what can apply in terms of above-guideline increases. Painting is a day-to-day—that's a cost that should be included in the guideline. No longer will a landlord be able to use things like painting or frivolous lobby repairs as something that they can apply for above-guideline rent increases on.

1620

We've also limited those rent increases, and that's where the real rent control comes in. The concern most tenants expressed to us time and time again was when landlords could apply for above-guideline rent increases and there was no cap on how long they would have to pay. They could get a maximum of 4% per year, but that would go on for the whole life of the payment of that asset. We've changed that. They can only get 3% a year maximum now on an above-guideline increase, but it's limited to three years. So there's now a cap on how long that can go in—a real rent control.

Something else tenants were concerned about was the guideline increases. It was arbitrary. It was based on a formula that would go up and down, frankly, I think sometimes depending on whether it was an election year or a non-election year. We've gone to a transparent guideline that's now based on the cost of living, which

will be a much better guideline for both landlords and tenants, because they'll both see it coming; they'll both understand where it's coming from. It's transparent, and no longer can it be subject to any form of manipulation at the political level.

This is balanced legislation. We've done some things in this legislation that landlords were asking for as well: a fast-track process for eviction of tenants who are engaging in wilful damage, something that landlords across this province were looking forward to. We want to help small landlords who may be renting out a unit in their home and have a tenant who is impacting on their reasonable enjoyment of their premises. They will now have access to a fast-track eviction process when those things are occurring. Plain and simple, that's just being fair to the landlord. Frankly, a bad tenant deserves to be evicted at a faster pace, just as a bad landlord deserves to have additional protections for tenants being placed upon them. We're talking about fair and balanced.

I think more important than anything is the fact that we're contributing to the health of a rental housing climate out there that's working reasonably well right now. The vacancy rate is up, at a pretty high level, due in part to investments that are being made by landlords in helping to improve the quality of units across this province—there's certainly been a great investment in institutional landlords, pension plans and rates—and due, probably more than anything else, as any economist will tell you, to the long time period of low interest rates we've had and the fact that a lot of tenants have been able to move out of the rental housing market and purchase homes. That's really been the major contributor to the fact that we have a higher vacancy rate right now, something that I think we all welcome in this House.

As a government, we felt it was important to ensure that through this legislation we send out signals that we agree with the need to maintain a healthy rental market. We're absolutely confident that with the measures we've taken here today—the fact that all units built after 1991 will continue to be exempt from rent control; the fact that when units vacate we've allowed tenants to negotiate their rents with landlords in the future; the transparency of the guidelines and the flexibility we're allowing with rent discounts—we are going to have fair and balanced legislation that will be before this House and, if passed, will ensure the rental housing market in this province remains healthy and there's greater protection for tenants. In fact, as I said, it's the greatest level of enhancement of protections in over a decade for tenants and a fair system for landlords to work within as well.

I look forward to hearing comments from others.

The Acting Speaker (Mr. Richard Patten): Questions and comments?

Mr. Miller: It's my pleasure to add some comments to the speeches from the Minister of Municipal Affairs and Housing and the member from Scarborough Centre. The minister talked about the excellent conditions out there right now, and the member from Scarborough Centre I think also said things are working reasonably

well out there right now. I would agree with that. In fact, in Toronto the vacancy rate is currently about 3.7%. Importantly for those in the most reasonable rent class, the vacancy rate is 5.5%. That is a very healthy situation. The only danger is that this government will mess up the healthiest situation we've had since rent control was brought in in the 1970s by the Davis government. Rent control was brought in by the Bill Davis Conservative government in 1975; it was a minority government. I would say that it was a big mistake, because all it did was create a shortage of rental units. When you have a short supply of rental units, it's a bad situation for those who are trying to rent apartments. In fact, in 1978 the green paper concluded that eliminating rent controls would be the best option. The 1988 royal commission recommended scrapping residential rent controls.

Of course, the past PC government brought in the Tenant Protection Act, and the proof is in the pudding: Things are working reasonably well at this time; we've got a good situation. It is my hope that this government doesn't mess things up and create more shortages and a bad situation again for tenants, which we've had in the past. We do have a very healthy situation now with the vacancy rates and really a buyer's market in terms of those people who are going to rent units.

Mr. Peter Tabuns (Toronto–Danforth): It's quite an interesting bill that has been put before us today by the minister. In the last election, the McGuinty Liberal Party promised to bring in real rent control when they were elected to make sure that tenants knew that they had security, that they had control of their housing costs, that they indeed would have a program that would reflect, in a profound way, their interests. I don't see that in the bill that has come before us today.

There is a balance in the rental market, and that is that tenants pay rent, landlords collect that rent and pay the costs of their operations. Frankly, those landlords are sitting on a very crucial service: They provide shelter in a climate where shelter is absolutely necessary to keep oneself whole, to keep oneself healthy.

On that basis, in any legislation that protects tenants, we need to have real control on rents and on rent increases. The fact that this bill provides for a continuation of vacancy decontrol means that, for a very significant part of our society, something that's crucial to humans is going to be unaffordable for them.

Right now, this government is being protected by low interest rates and a boom in building condominiums. When that boom is over, when those interest rates rise, then the legislation that should be there to protect tenants won't be there. Tenants will face the storms in the market unaided and unprotected by this government. This government has a responsibility not to abandon tenants the way they have with this bill.

Mr. Lorenzo Berardinetti (Scarborough Southwest): I wanted to commend the minister and the parliamentary assistant for bringing forward this very important bill, Bill 109, An Act to revise the law governing residential tenancies.

In my riding and in Scarborough in general, there is a large number of tenants; I was one of them myself. Growing up in the early 1990s, I lived in an apartment in the Lawrence and Kennedy Road area in Scarborough. I can say that, as a tenant, you're very much subject to the whims of the landlord and the superintendent, what they want to do and what they don't want to do. I remember that in my years living as a tenant in an apartment, they would be able to make rental increases without letting you know much about why they were making the increase and how much that increase would be.

One of the things this act does, which I'm glad the minister and the parliamentary assistant have brought forward, is that now the annual rent increase guidelines are going to be based on a real cost indicator, the Ontario consumer price index. Instead of the landlord simply saying, "We're going to increase your rent by 3.5% or 4% this year because we've had to do some repairs or something to the building," we've got some real indicators here—the consumer price index—which will indicate how much that will be increased by.

This bill is really important to tenants, to a lot of my constituents in Scarborough Southwest and to tenants throughout Ontario. Brad Duguid, the parliamentary assistant, has done a lot of consultation, together with the minister. We've got 250 written submissions, 1,200 telephone inquiries, more than 5,000 completed questionnaires and participation from more than 1,500 people at 10 town hall meetings held in communities across the province: in Toronto, Kitchener, London, Ottawa, Thunder Bay, Sudbury, Kingston and Hamilton. As well, 30 additional meetings were held with regional stakeholder groups.

A lot of work has gone into this bill. It's great to be part of this new legislation. I look forward to hearing from everyone else and to seeing this eventually become law in Ontario.

1630

Mr. Garfield Dunlop (Simcoe North): I'm pleased to make a few comments on the minister's lead speech, as well as the parliamentary assistant's comments, on Bill 109.

One of the areas that I'm very concerned about with this legislation—and I've been concerned for some time with all of the landlord-tenant acts that we've seen in the past—involves young entrepreneurs, in a lot of cases a husband and wife, who take out a mortgage on a second home and convert it into a couple of apartments. Sometimes they may or may not do all the proper paperwork before they let a tenant into their homes. The vast majority of tenants are fine, and the vast majority of landlords do a great job. That's why we have to have some legislation for the ones who don't do it. But I've seen a problem on numerous occasions where people come into my constituency office, normally landlords, and they are desperate because they can't get people evicted who are destroying apartments. They won't pay some of their utility bills. In fact, when they can't get that income, it's often putting the mortgage at risk with the people who hold the mortgage.

I can tell you that's not uncommon. There are a lot of those types of people who try to rent out their small apartments, a small duplex or a triplex in small, rural communities. They serve a purpose, but in a lot of cases they do not get paid fairly, and they end up, after many months, finally evicting somebody at huge expense.

Maybe the parliamentary assistant can tell me what magic is in this bill that will prevent that from happening, but of course we'll be asking that numerous times at committee hearings as well, because I think that the landlord-tenant act should cover everyone, make it fair for everyone, and particularly for small entrepreneurs who want to provide a service, where the tenants are not fulfilling their end of the bargain.

The Acting Speaker: The member for Scarborough Centre has two minutes to wrap up.

Mr. Duguid: I'd like to thank the member for Parry Sound-Muskoka, the member for Toronto-Danforth, the member for Scarborough Southwest and the member for Simcoe North for their comments.

I think the member for Toronto-Danforth said something about there not being any real rent control in here, and we talked about real rent control. Nothing could be further from the truth. Real rent control is very much part of this bill. The above-guideline increases are probably the number one area where tenants express concern. If you look at rent increases over the last number of years, really, the bulk of the rent increases were coming from above-guideline rent increases. That's really what they wanted us to try to get into and reform, and that's what we've done.

We've put limits on what can be applied for, what can be achieved, so that the frivolous stuff like lobby repairs or things that really should be part of daily maintenance, painting and things like that, will no longer apply. We've put a cap on the number of years in which those increases can apply. That's probably about as good a protection, frankly, as tenants have had when it comes to the rising rents.

The changes to the rent guideline are important as well. When you look from 1997 to 2002, had the guideline been the way we're planning on making it, based on the cost of living, rent increases would have been at 14% over that period of time rather than 21% under the current guidelines. So this will be a substantial benefit for protection of tenants and rents.

The third thing—and I wasn't able to touch on it in my speech originally—is that we will allow tenants to have their rents frozen if there are serious maintenance issues or if there is a property standards order that's outstanding. These are very important protections for tenants, and we're very proud of this bill.

The Acting Speaker: Further debate?

Mr. Ernie Hardeman (Oxford): It's with pleasure that I rise to speak to Bill 109, An Act to revise the law governing residential tenancies, which was introduced by Minister Gerretsen. Going through all the documentation provided, it will be the replacement of the Tenant Protection Act that was put in place in 1998.

As I was sitting here listening to the parliamentary assistant, I was somewhat taken aback when he said that this was the first significant piece of legislation dealing with tenant protection in over a decade. Of course, the Tenant Protection Act was not over a decade ago. I would say that 75% to 80% of what is in this bill is in fact the Tenant Protection Act. The problem I have with this bill is those areas that are not in the Tenant Protection Act, in fact where things are changing. But I find it kind of ironic that we can't put any faith in the comments of the government side on this bill, to say that that bill never happened, that the Tenant Protection Act was never there. With all the other things that have been said about it so far, I'm having real concerns with this altogether.

I will be quoting from other people. Obviously, there are a lot of things in this bill, and I think it's so important to hear from the public and what the public perception of the bill is. A lot of this has happened because in the past number of years—as you will recall, the government promised to introduce this bill within the first 365 days of their tenure as government if they were elected. I haven't got the exact number—I'm sure someone in the New Democratic Party would have it—but we're between two and a half and three years since that election, and finally here is the act.

There was an article in the Toronto Star on December 5, 2002. That's some time back: "For months, landlords have been offering tempting incentives to lure potential tenants into empty apartments. But following a report released last week showing the vacancy rate in the city has nearly tripled since last year, more landlords are likely to jump on the bandwagon and into a fiercely competitive market, officials in the rental industry say." This was 2002, and this is really setting the stage for the rental market conditions in the province. One wonders why we are here talking about changing the system that created that.

"There are tons of incentives out there," said Brad Butt, executive director of the Greater Toronto Apartment Association, which represents property owners, managers and related firms at the municipal level. Landlords"—

Mr. Gilles Bisson (Timmins-James Bay): On a point of order, Mr. Speaker: Could you count for a quorum, please?

The Acting Speaker: Is there a quorum present?

The Deputy Clerk (Ms. Deborah Deller): A quorum is present, Speaker.

Mr. Hardeman: I thank you very much for that gesture. I wouldn't want to feel that nobody had any interest in what I had to say. I thank the member for bringing to everyone's attention that this is an important piece of legislation which does require debate.

Going on with the article in the paper, it says, "Landlords are increasingly offering perks such as free Internet access, Metropasses, fitness club memberships and DVD players, he says. 'I always kid with some of my members, saying, "You guys wanted this, you wanted a de-

regulated, truly competitive marketplace and now you have to work at it.””” Again, this was pointing out that the regime in place at that time in 2002 was working. In fact, we were getting an ever-increasing number of vacancies in the market.

It goes on to say, “‘You do whatever it takes to try and get these apartments rented,’ says Robert Herman of Pace Properties, who owns and manages about 1,000 units in the greater Toronto area.

“Besides lowering rents by up to \$100, there’s been an emphasis on things such as changing kitchen cupboards, providing microwaves and installing ceiling fans at its properties, which run the gamut from low- to high-end rentals.

“The biggest incentive is lowering the rent and then the next step is doing whatever you can to entice people.”

I remind everyone that this article was written in December 2002, so I question why the McGuinty Liberals decided to make rent control an election promise. In my opinion, the system was working, so one would wonder why you promised that. I presume that their principles said, “We need to put in rent controls, so we are going to promise to do that,” and here we are, and obviously the bill doesn’t do that. So one has to say again that maybe they promised it to get elected but not with a great intention of doing it.

1640

As I said earlier, this was supposed to be announced in the first year of the government, but instead it’s being announced three years later. And what a surprise: This bill does not do what it promised to do in the election.

Let me continue with a few lines from that article. “Thanks to a remarkable building blitz in the city, coupled with low interest rates, many tenants are moving out of rentals and into home ownership. According to a Canada Mortgage and Housing Corp. study released last week, the vacancy rate for rentals in Toronto’s census metropolitan area loosened to 2.5%, compared to a very tight 0.9% only one year earlier. However, there is still a lack of affordable rental units.

“Vacancy rates for apartments over \$1,200 are at 3.2%, compared to 1.6% for apartments under \$800. And for apartments over \$1,700, the vacancy rate was 3.5%.”

This points out that there was a vacancy rate, and it was there because there was, I think the parliamentary assistant called it, “a healthy rental market.” In fact there were rental units available. Any time you have a commodity, whether it’s housing or whether it’s a consumer good, if you have a buyers’ market, as opposed to a sellers’ market, which we had prior to the Tenant Protection Act, that is the best system you can have in the country.

Here we are with Bill 109, promised during the 2003 election and delivered three years late, in May 2006. This is yet another broken promise of the McGuinty government. It is a weak attempt to fulfill an election promise and water down commitments. Again, I think it was promised with very little intention of keeping it, and without looking at what the impact would be of intro-

ducing this; and secondly, not looking at whether there really was a need for it.

Before we go on, I just want to go through the issue of the history of the rental market in the province. Not everyone would suggest that the Conservative philosophy would be supportive of controlling an open market in housing, putting government in between a free and open marketplace and the consumer. But in 1975 it was the Conservative government of Bill Davis that introduced rent controls. Those were the first rent controls we had in the province. Rent hikes were initially limited—I think this was interesting as I was doing the research—to 8% a year. I think this last year it was at 2%, and in fact this bill changes it from 2% to whatever the consumer price index is each year. In this bill we will notice that the minister will no longer set the annual rent increase; it will be set by the consumer price index. But at that time they were put in at 8%. In fact, that bill said it was scheduled to end on July 31, 1977. But as time went on, the marketplace didn’t change sufficiently in order to remove it, so it was extended.

“1978: Green paper concludes eliminating rent control may be the best option, and suggests a tribunal be set up to mediate some landlord-tenant disputes.” Again, they then looked at it and said that the solid rent control was decreasing the production of rental housing, so we should set up a tribunal that would look at the landlord-tenant issues and not have a solid, across-the-board rent control.

“1979: Under new landlord-tenant legislation, rent control stays indefinitely. Increases are limited at the time to 6% unless landlords can prove to new Residential Tenancy Commission they need more to recover costs.” I guess the principle of that is the same as it is today, it’s a set rate, and at that time of course it was much higher; it was at 6%. But the landlords could apply for further compensation or further increases if they had to spend more to keep their buildings up.

“1986: Residential Rent Regulation Act establishes new formula for rent increases, based on inflation and landlords’ operating costs. Rent control is extended to all rental units in the province.” Again, the same thing. That’s the basis that we presently have, where the minister decides, based on the consumer price index and other factors included in the cost of housing, as to what rent increases should be allowed each year.

“1988: Royal commission recommends scrapping residential rent controls” altogether. Each time these organizations or government looked at the issue, the problem always came out that if you control the amount of revenue coming out of the process, you will definitely stifle the amount of investment going into that industry, and in fact that’s what was happening. The rent controls were causing a decrease in the amount of available stock, and the quality. I think that’s so important: the quality of the available stock in the rental markets. Obviously, once the landlord is obligated to deliver the service for the price set, unless there is a need or an ability for them to reinvest more money and to upgrade their buildings and their stock, it’s not going to happen and you’ll see a

deterioration of the industry and of the stock. In fact, fewer and fewer people are able to live in those accommodations, we have fewer and fewer available, and eventually something has to be done. In each case, they recommended decontrolling rent to some extent.

“1992: Under new NDP rent control legislation, guidelines are based on inflation plus a 2% allowance for repairs, with any increases above that limited to 3%. New buildings are exempt for [the first] five years.” It’s the same formula. They used a formula based on a percentage increase per year, and the minister would be allowed to increase that percentage based on the needs of the individual buildings. They came up with a bit of an incentive to try and encourage the building of more stock, which of course would be to say that there would be no rent control on buildings for the first five years. That, I find, is a very interesting approach because it seems, with that approach, government realized that rent control was stifling the industry as it related to building new buildings. At that time no one was investing in new buildings for rental purposes because the rent was controlled. The government thought that by eliminating it for the first five years, that would encourage building. I think at the time, if you look at the numbers, you’ll see that it did increase it somewhat. But the payback period and the guarantee that the price was going to lock in five years, with a 25-year mortgage on that same building—before that building had repaid the investment, they would not be getting enough to cover their costs. Again, they found that it was more profitable to invest in buildings other than rental units or in other investments altogether.

“1998: Conservative government removes rent control on newly vacated units. For existing tenants, landlords are allowed to raise rent based on a government-set guideline, plus amounts required to pay for repairs, cost increases, capital expenditures, etc. The law makes it easier to evict tenants and rent controls are not applicable to buildings built after 1991.” I think that is the issue that had the greatest impact on seeing more investment in our rental market and in the total housing market for our people, because in fact now they could invest in the building of rental units and they would know that they would not be capped at the rent increases. Rent control would look after the present stock and the people living in it. People who moved into new accommodations, if they could afford the rent going into that new building now, they would be in a completely open market when it came to rental units.

1650

That part in that act is also where the premise was introduced that they would decontrol or deregulate rent upon vacancy of any apartment. When apartments become vacant, they would then, for that period of time, be in the free and open marketplace, so the landlords could decide what the rent should be for their fair return and they could apply that prior to renting it to someone new. As soon as they moved into that building, of course, the new tenant would then get the protection of the rent increases at the minister’s prerogative, but when they moved in, it was open.

It’s that part that the tenant organizations in the province, when they heard the McGuinty Liberal government speaking about how they were going to have meaningful rent control if they were elected and they would have that within the first 365 days of taking office—it was that part that the average tenant in Ontario thought would be of great benefit to them. If they moved from one apartment to another, they would no longer be forced to go into an open market in cases where they were just moving because they got a job in a different location, or, in a lot of cases, they were moving into a larger, higher-priced apartment, but it would become immediately even that much higher priced because it now went into the open market. Up until that point, the tenant in that was also benefiting from rent control, and now they would no longer be doing that.

So the tenant organizations in particular were adamant that that was the number one issue they needed: If the government was going to provide tenant protection, they had to provide it not only for the existing tenant in the existing apartment, but if they were moving, the tenant protection should apply to the apartment, not necessarily to the individual moving in. Some would say it’s unfair to have one person paying \$800 a month for that apartment, and they move out and all of a sudden that apartment is worth \$1,000 a month. That’s what the deregulation of that part of it actually does, and that’s why it’s so difficult for them to understand.

I have to believe that when the McGuinty government told tenants they were going to have meaningful rent control, they included the fact that they would take away or remove that part of the act. I’m not suggesting that I agree with removing that; I’m just saying I think that in making a promise, that was the intent of the promise, and I think that’s the way it was accepted by the people. I just want to say that I don’t believe this bill delivers on that promise at all, and yet this is why this bill is being introduced today.

In the promises that were made in the election, it says, “We will provide real protection for tenants and invest in affordable housing.” Well, saying you are providing real rent protection for tenants and then doing nothing in the bill that changes the rent system other than changing the fact that the minister no longer sets the increases—it automatically gets set based on the consumer price index—I don’t see how anyone could suggest that what they’re doing in this bill will provide real protection for tenants and invest in affordable housing.

“We will introduce real protection for tenants from excessive rent increases.” Obviously, this bill does nothing of the sort.

“In our first year of government, we will repeal the misnamed Tenant Protection Act and replace it with an effective tenant protection law. Our law will protect tenants by making unfair rent increases illegal. We will encourage the construction of more rental units to reduce upward pressures on rents.” I think we’ve heard from everyone, including the parliamentary assistant and the minister, that the problem right now is not producing

more apartments, because we have a record vacancy rate in the rental market. So obviously this bill is not doing what they suggested. Maybe what they were suggesting wasn't needed, but they thought it sounded good as an election promise. But definitely there is nothing in this bill that will encourage more building of apartments.

Because they've left the decontrol upon vacancy of apartments, in my opinion it's not going to significantly decrease the amount of rental stock, but it surely—I shouldn't use the word "surely"—will not increase the willingness or the need for people to invest in the rental market, because that part of it has not changed at all.

It goes on, and these are promises directly from—I'm not sure it was called the red book, but it was from the election promises: "We will ensure that municipalities with low vacancy rates have the right to protect existing rental housing from unreasonable demolition or conversion to condominiums." If that's what this act is supposed to do, maybe someone from the government side could point out to me where in the act I would find that.

I want to go back to the issue of what the act really does do, some of the changes that it does make. It speaks to the tribunal. We have changed the name, and I haven't got it here. The Rental Housing Tribunal: The name has been changed, but the focus is the same, save and except that they've changed how we deal with complaints to the tribunal about non-payment of rent. Presently, if a landlord goes to the tribunal and asks for rectification because their tenant is not paying the rent, the tenant is given the opportunity to make a presentation. If they don't show for the meeting, if they don't hear from the tenant at all, by default the tribunal can rule that they could be evicted without having been heard. This act changes that to say that if they don't show up for the first hearing, they will be notified again to see if they would come in to a hearing to talk about that, because we don't want to just take the landlord's word for it.

In doing that, what we have also done—I think we always should have a system in place that gives everyone the opportunity to be heard. I would think that in most cases the landlord is trying to get the eviction because of lack of payment. I would be surprised if the tenant didn't already know that they hadn't paid the rent. When they get a notice that they are going to have an opportunity to come for the second meeting, I would think they would likely already know that it was their second opportunity. It lengthens the time for people to be heard, but it also lengthens the time people can live in their accommodation at the expense of the landlord, because they haven't paid the rent.

I have a feeling, I expect that this—it's addressed to an MPP—was likely sent to every member of the Legislature. For the record, I would like to read it in because it deals with that part of the bill. It says:

"Default eviction orders will be eliminated. A hearing will be scheduled for every application." This is, again, about this act.

"Tenants on Ontario Works or Ontario disability support program are free to keep any accumulated rent

arrears after being evicted. That money cannot be garnished. This built-in reward for falling into arrears encourages tenants to (1) stop paying rent until the eviction process runs its course and (2) move on to the next landlord. Under the present Landlord and Tenant Act the tenant has ample opportunity to challenge the eviction process but has no intention of doing so, let alone attend any hearing. Now John Gerretsen wants to hold the hearing anyway. The result will be that the mom-and-pop landlord, typically school teachers, doctors, civil servants, MPP families, shopkeepers, tradesmen etc., must take a day off their normal employment to fight an absent tenant. They will lose a day's pay on top of the lost rent, the tribunal fees and subsequent rental losses while the unit gets rented. This is a very serious problem for landlords with low-income tenants and thus many landlords avoid renting to that sector of the market. It is a major deterrent to the supply of affordable housing. Thus the very tenants that John Gerretsen is claiming to protect by this new legislation are the very tenants that are hurt the most. And this applies equally to the other new controls John Gerretsen is proposing. You don't need to take my word for it. There are nine Nobel laureate economists who, in numerous studies on rent controls, have essentially stated the same thing. Just what is it John Gerretsen knows about rent controls that nine Nobel laureate economists don't know? Another fact about low-income tenants: Some landlords in Kingston avoid this difficult, and soon to be more difficult, market entirely by renting only to Queen's University students. Do you know any MPP families that rent to students only?"

1700

It's signed, and I won't read the name into the record, but that is a letter that was sent to the minister and to every member of the Legislature. I don't necessarily agree with the total tenet of his letter, but it points out the problem when we talk about just increasing the opportunities to be heard.

When the bill was introduced, the minister made the comment that this was going to be good for good landlords and good tenants. I said then and will say it again: This isn't about good landlords and good tenants. They work together for the benefit of both. A landlord never has a positive side in having to go through more and more tenants. The tenants, of course, have no positive in having to move from one accommodation to another. So good tenants and good landlords generally work together in order to accommodate the needs of both. That's not to say that there wouldn't be disagreements with good landlords and good tenants. But what legislation, controls and all other elements of this bill are needed for are the problem areas, when we have a problem with a tenancy and the two parties can't agree and the law or the government must come in.

I have another one here, and I just want to go through it. This is one that actually came to my office. In my statement to the minister on the presentation of this bill, I pointed out that in my community—and I'm not suggesting that this is the issue across the province—I get more calls in my office from landlords who are having

problems with tenants than I get from tenants who are having problems with landlords. I think that has a lot to do with the vacancy rate. We get quite a number of calls, and it isn't just that they are asking where they need to go in order to have their cases heard; in a lot of cases, it is the process that isn't working. The reason I bring this up is because the process that's being put in the bill is in fact a broader look at the situation than what is presently in the bill. The problems I get calls on in my office are saying that the system is already skewed the wrong way, that they can't get results.

I have here, with your permission, Mr. Speaker—since they did give me a considerable amount of time to speak to the bill, I'll take just a few minutes. This is actually a case that went to the Ontario Rental Housing Tribunal. It explains what happened.

It says, "... (the 'landlord') applied for an order to terminate the tenancy and evict ... (the 'tenants') because the tenants did not pay the rent that the tenants owe.

"This application"—and this is actually written by the tribunal—"was heard in Woodstock....

"The landlord and the tenant ... attended the hearing. All were unrepresented." The tenant "indicated that he was speaking for his wife, who could not attend due to health commitments involving the family's teenaged daughter.

"The landlord relied on the information in the application, and requested termination of the tenancy as well as an order for the rent arrears."

The tenant "indicated that he could not disagree with the information in the application. He indicated, however, that he wished his family to remain in the rental unit during a period in their lives which has been traumatic and promises to remain so for some time.

"He indicated that his wife's mother had died ... creating a period of stress for his wife, who consequently lost employment time.

"Additionally, his wife has been consumed with the need to care for their teenaged daughter, who has recently been hospitalized to diagnose a mass found in her ... lung. His wife attends with their daughter at the London Cancer Clinic.

"In addition to this child, there are two additional (younger) children in the family."

The tenant "indicated that there is a lease involved which ends on March 31, 2006. The landlord indicated to" the tenant "that he does not wish to renew the lease.

"As noted in the application, there was a last month's rent deposit ... when the lease commenced."

The tenant "is gainfully employed, and has a registered retirement plan at his work. He noted that he could try to have some of the funds in this plan released to him.

"Additionally, he is hoping that his income tax return will create a 'return' on income tax payments already made.

"Further, he indicated that he would get in touch with his brother in Toronto, who has helped" him "in the past" and hopefully will again.

"The family's finances have been strained by the mother's inability to work as many hours as she was previously working. She is paid an hourly rate at her place of employment."

The tenant, "however, has steady employment and what he described as 'job security.'

"Section 84 of the Tenant Protection Act, 1997, directs the tribunal to take into consideration evidence which points to the reasonableness of a delay in a termination of tenancy. Section 77 of the Tenant Protection Act, 1997, addresses the prejudice to a party which such a delay may occasion.

"These sections of the act, when taken together, balance the prejudice to the parties concerning the most difficult issues of the tenant's loss of residence and the landlord's loss of financial viability.

"Given the evidence before it in this instance, the tribunal's discretion to address the application, using the aforementioned sections of the act, should be exercised.

"Therefore, it is ordered"—and I think this is what's important; I should have mentioned that there is a second hearing—"that:

"If all conditions of this order are followed by the tenants, the termination date is June 30, 2006, which represents the final school day of the school year 2005-06.

"If all conditions set forth in this order are not met by the tenants, the landlord may, pursuant to section 77 of the act, apply within 30 days of the condition not being met, without notice to the tenants, for an order evicting the tenants immediately, together with any arrears not already hereunder.

"Condition 1: The rent arrears shall not increase from the amount of \$3,500 from the date of the hearing until the date of termination. For clarity, the tenants shall pay the rent owing for each month commencing March 1 ... to and including June 1, 2006."

It goes on and says that they also have to pay \$150 for the application cost to the tribunal. The second condition is how they will pay, which is each month's rent. On June 30, they will pay the \$150.

There are three more conditions:

"If the unit is not vacated on or before June 30, 2006, then starting July 1 ... the landlord may file this order with the court enforcement office ... so that the eviction may be enforced." So we can get the sheriff on July 1 to deal with that.

"Upon receipt of this order, the court enforcement office ... is directed to give vacant possession of the unit to the landlord on or after July 1....

"If, on June 30, 2006, the tenant has complied with all the conditions in this order, this order for eviction will be void. This means that the tenancy would not be terminated and the tenants could remain in the unit."

That was the order that they received in February. In March, one month later, the landlord "applied for an order to terminate the tenancy"—this is for the same people, the same landlord—"... and for an order to have the tenants pay the rent and compensation they owe

because they failed to meet the condition(s) specified in the tribunal order ... issued on February 20, 2006.”

Again, there are a number of conditions. It turns out that the reason this was in March was because, as I said earlier, the condition was that they had to pay every month's rent to the termination of the contract. But as we go through this, we find that they missed the first one.

1710

So on this one, the tribunal orders that “The tenancy between the landlord and the tenants is terminated. The tenants must move out of the rental unit on or before March 19, 2006.” Although the previous order had said they could go until June, they've now said that because they didn't meet the conditions, it only goes to March 19.

There are a number of conditions:

“The landlord or the tenants shall pay any amounts that become owing as a result of this order.

“If the unit is not vacated on or before March 19 ... then starting March 20 ... the landlord may file this order with the court enforcement officer ... so that the eviction may be enforced.

“Upon receipt of this order, the court enforcement officer (sheriff) is directed to give vacant possession of the unit to the landlord on or after March 20....”

Again, the order includes a list of expenses and so forth.

The reason I bring this up is that the system isn't working. These things happened before I had ever heard from the landlord. I then got a call from the landlord wanting to know about the process, because he was invited now. Of course, he went to the sheriff to get the service so he could get his apartment vacated so he could start getting payment for his apartment, and he was told that there was a stay put in place. When he asked where that would come from, he found that the tribunal—not necessarily the same hearing officer—has the power, for extenuating circumstances, to give a stay of an order, even though it's an order for not fulfilling the orders that were previously given. So there was going to be a hearing on March 31 to see whether there was a legitimate reason for a stay. Of course, when they got that stay, the landlord got a certificate.

I don't bring this up because I think any of it is frivolous, but I think the process leaves something to be desired.

To get the stay, this was sent by the tenants: “I've received an eviction notice from the sheriff's department to move on March 29.... Our daughter has recently been diagnosed with cancer,” and has commenced chemotherapy; she's receiving treatment. Again, I think it's a very serious situation, but these are all things that have been ongoing for some time. How long does the landlord not get paid for rent based on the circumstances of the tenants? That's why I bring this up.

We talked about the notification and being able to go to the hearing. It's a wonderful thing, but that is not the problem in this case. What we need is something in place that helps these people pay the rent, because it doesn't matter how many times they get notices. In their case, it

wasn't the lack of being at the hearing; it was the lack of a process in place that helped them when they got to the hearing. I think that's the part that's so important in that case. In both hearings, the family problems and the health problems that they had in the family were given to the hearings officers as the reason these things were happening: They were short of money; one of the two parents was unable to work, so they didn't have money.

To have gone through this whole process and then to find out that at the end of it we have a third hearing to deal with exactly the same thing, only the third hearing was accomplished without the landlord ever having a say when they went to an officer to say, “We have these extenuating circumstances”—before they issued the order for another hearing, they didn't call the landlord and say, “Is this a legitimate concern?” I think it's so important that we recognize that just extending the ability for tenants to be heard is not going to solve our problem.

As we go through the bill—and we know that the bill was supposedly introduced—that's kind of an oxymoron, isn't it? “We know” and “supposedly” really don't fit, but that's the problem here. We've been told that the bill was introduced to help the rental market, to open up the availability, to make sure that we're fair to both landlords and tenants and to make sure that tenants have affordable, quality housing.

But again, going back to the comment I started with, which was the quote from the Toronto Star in 2002, because I think that's really not so much where we are today—I personally don't know why we have this bill before us today, but the market of 2002 that they were talking about in the Toronto Star, I think, is the reason that one has to be cautious of what the purpose of this bill is.

Let me quote again: “‘The market is the loosest we've seen in modern history. Not since the early 1970s have we seen rates like this and landlords competing for tenants,’ says Vince Brescia, president of the Fair Rental Policy Organization, the largest provincial organization representing landlords.

“In some cases, the phenomenon is prompting landlords to drop rents by up to \$200 a month, in addition to providing a slew of perks.

“A natural reaction to the vacancies has been the development of marketing procedures. People on the marketing side of the industry are in real demand right now,” says Brescia, pointing to an array of methods being used to entice people.

“First comes the lure. That's when the landlords try to reel in potential tenants with the use of cosmetic surgery—the bricks and mortar kind.

“Next comes the hook. That's when potential tenants are showered with incentives such as a month's free rent or six months of free parking—all on top of an already discounted rental rate.

“Finally comes the clincher. That's when specialists hired by landlords draw up foolproof leases that will hopefully fill vacancies landlords have been desperately trying to fill.”

It seems to me, and I think many people would agree, that the number one issue that will entice people to come into an apartment—and I think it was mentioned earlier in the story—is lower rent. In fact, even in 2002, rents were being dropped in order to entice people to come in. The market then and the market now is working. Vacancy rates are up and rents are down. Further regulation requirements would dampen the system. If it's working now, why would we want to change the thing that's working?

Here's another quote from the Toronto Star: "I've been managing buildings in Toronto for 20 years and we've never had to put the effort into renting apartments that we do today," says Herman."

So I ask again, why would the McGuinty Liberals want to mess with something that's already working well?

There's another thing I just wanted to go over quickly here. When a bill is introduced—of course, Mr. Speaker, you would know, but the people at home wouldn't—it comes with a compendium that explains, through the legalese, some of the things that are in the bill. The thing that struck me was that the responsibilities of the landlord was one of the things identified. As we read it—it's half a page—this part sets out the rules that protect a tenant's privacy and how and when a landlord may properly enter the rental unit. This part would also enact rules regulating the maintenance of the rental housing, the provision of vital services for tenants and the protection of tenants' reasonable enjoyment of their housing from harassment.

To protect tenants' privacy, landlords would only be allowed to enter rental units for certain reasons and with proper notice, except in certain circumstances, for example, for an emergency. This part would provide applications that could be made by tenants to the Landlord and Tenant Board and the remedies that the board could order. This part would also provide for certain remedies for tenants that would be available under the legislation if the rules were breached. The bill would authorize a landlord, after providing 24 hours' notice to the tenant, to enter the rental unit to conduct a maintenance inspection.

1720

In addition, the bill would provide a series of remedies for tenants experiencing maintenance problems, including a provision that would empower the Landlord and Tenant Board to stop all rent increases where there are serious outstanding work orders or maintenance issues until these issues or work orders are dealt with.

Part of that I have a bit of concern with, as to at what level someone would decide what were serious problems in the accommodations, and what would allow tenants not to pay the rent. I have concerns that some people are going to make their judgment themselves, after they read that. Obviously, it then goes to the tribunal. Again, they go through the long process through the tribunal and then find that they do have to pay it and they then have an eviction because they don't have the rent paid. I would think that would be a real detriment to the tenants.

The other thing I wanted to point out—that was a half-page section. The next one is only a paragraph, on the

responsibility of the tenants. One of the things that I hear a lot about as I deal with landlords and tenants is the problem of when a landlord and a tenant have a disagreement. Again, as I said earlier, if they're getting along great, there is no problem and they can work out their differences, but when they start having differences, the landlord always—generally, the ones I talk to seem to think that they have no control over their assets.

One of the first things that comes out is these landlords, rightfully or wrongfully, immediately see all kinds of things that tenants do to their capital which cause destruction in the unit—things that shouldn't have happened, things that don't get looked after as they should, just normal housekeeping things. People have accidents in their home, like the door hinge breaks and doesn't get repaired, so they just take the whole door off, and things like that. This is what people tell me. In fact, somebody told me the other day that the apartment that he was just fixing was going to cost him \$20,000 in renovations between one tenant and another, just to make it acceptable for the new tenant.

Again, the responsibility of tenants—I think we need more clarification as to what tenants are responsible for, rather than just what the landlord is responsible for.

Mr. Bisson: Paying the rent.

Mr. Hardeman: Yes. But I think it's so important—I really do believe that when a tenant lives in an establishment, in a rental unit, at that point, if they pay the rent, they have the same rights in that accommodation as I do in my home. But when something goes wrong in my own home, I become responsible for that. If it was someone who damaged something in my home, I have to fix it. I think we need something in place to make sure that that happens in rental too.

Not to suggest that if I'm renting an apartment I should be responsible for the ongoing maintenance of the apartment. If the roof starts to leak, it's not the responsibility of the person renting. But if someone has done destruction within the apartment, I think that should fall upon the person renting it, the same as if it were their own home. I think it should be treated, and they should be able to treat it, as their own home.

I have absolutely no objection to legislation that says that a landlord can't just walk into that house any time, that they have to make appointments, because it isn't their home, it's the home of the tenant. But at the same time, we have to have the rules apply that they have to treat it as their home too, not as someone else's asset that they don't have to worry about. I think that's very important. It's something we should be looking at, to make sure that we don't just put all the onus on what the landlord has to do, but we also look at what the tenant must do.

Again, the act has a section in it that deals with quicker—is that the right word?—faster—

Mr. Bisson: Expedited.

Mr. Hardeman: Expedited; that was the right word—expedited eviction if there is destruction. If they're wrecking the place, they get turfed out, I guess is the

right way to say it. I look at the issues I've dealt with in my riding and I find that there's always—not always, but very often there's a connection with the destruction and not paying the fees. A lot of times, the destruction takes place after the eviction notice for not paying the fees. So at the same time that we're putting in place an expanded or lengthened time of eviction for not paying the rent, we're saying that if you can then rush back and find that they've broken a window or something, anything, you can say, "Now we can put them out even quicker." To me, eviction for different reasons being different lengths doesn't make a lot of sense. I don't know who is going to decide what the destruction was and when it's occurring. Most of the time, in fact, the destruction is not evident until after the eviction has taken place, not before. Not many people call someone up and say, "Guess what? I've got a lot of things in my house that aren't quite the way they're supposed to be, in my apartment. I wish you would come and fix the holes in the wall," and then find out that's why the landlord is going to evict them. I think this is something that comes up later.

There are a couple of other issues I just wanted to touch on. One is the issue in the mobile home parks and land-lease communities. I think this would be particularly acute in northern Ontario, but I know it is in rural southwestern Ontario too, where we have mobile home parks. In the last number of years, the issue of renting the lot that the unit sits on and owning the structure that's on it is causing a problem. The big problem, of course, is taxation and the assessment issue that's presently on it. I'm sure everyone who represents a rural or northern community will have had contact in their office on that, where in fact MPAC comes in and puts an assessed value on the mobile home. They do that within the whole park, and then they send a list of those assessments to the park owner. Then the park owner, if he has a lease with each one of those and the lease allows him to do that, can pass that through to each individual mobile home.

This act, as it deals with the Tenant Protection Act, deals with those issues beyond just taxation, for other expenditures in the park and so forth. We need different rules for the land-lease system than you do for eviction in an apartment building or in a rented apartment. It does deal with that, the obligation of the park owners to justify the cost of the infrastructure that's going in and so forth. But I think it needs to be very clear how that's going to be charged back and who has to pay.

Incidentally, I think a problem exists presently, and that's why I mentioned the taxation part, where there is no real legislation for the passing through. In a lot of areas, particularly where people have had tenancy for a long time, they don't have a written lease agreement, so they don't have the ability to pass the taxes through.

The other thing that I found rather interesting in recent time is that there's a problem with the taxation, because if the landlord passes it through as rent, now the federal government puts GST on that. If the tenant pays it directly to the municipality as taxes for the mobile home and the lot—the lot of course is paid by the landlord but

if you send it directly, taxes are not susceptible to GST. But they are if they're paid as rent to the landlord. Again, that causes a problem.

1730

But on the mobile home parks and land-lease communities, I think it's important that we have a system in place that deals with them as tenants, but not the same as tenants in an apartment, because all they're really leasing is the right to be there and the little plot of ground that they're on.

There are quite a number of other ones, but I think the issue of the appeals and the reasons for evictions are the main part of the bill that changes this bill from the Tenant Protection Act. I think we really do need to have public hearings on it to make sure that the issues are dealt with in the best interests of all the people involved.

The other thing that worries me a little bit about the bill is the number of regulations and the regulations-making ability in section 241: The Lieutenant Governor in Council can make regulations. I know they always say that the regulations are what makes the thing function and the bill is just to give the right to make regulations, but this bill has—let me see here; I'll keep going here—75 different regulation-making powers. I suppose some of them are—I see the word "serious" here—really necessary in order to make the thing function, but I get concerned when I see regulation-making powers such as "defining any word or expression used in this act that has not already been expressly defined in this act." That's going quite a long way: "If this act isn't perfect, we're going to put one sentence at the end of it that we get the right to make it perfect without going back to the Legislature." It would seem to me that that's a pretty broad statement.

Number 75, I suppose, takes the cake: "Prescribing any matter required or permitted by this act to be prescribed." I would think if we had 74 and 75, I would be hard pressed to find anyone—I would ask anyone from the government side to tell me which other one we would need, because those two are so broad that, in fact, if you can prescribe any matter required or permitted by this act to be prescribed, I don't know why you would need 72 other regulations. You might need 74, because it doesn't say it's expressly going to be contained in this act—so you might want to keep that one—but all the rest would be covered by those two. I'm not as concerned about all the rest as I am about those two. When you start putting that broad of regulation-making power in, I get really concerned as to what the real intent is or what they believe they have missed out in the 72 that they need more protection in there.

Last, but not least—and I see my time has almost expired, Mr. Speaker—I just wanted to talk quickly about the smart meters and the process. I support the issue of making sure that we accommodate that in rental units. In my community we have smart meters now, and we've had them for quite a number of years. They can do what the government wants done, but they were put in place for a different reason: It's "pay as you go hydro." In fact,

at the local variety store everyone can buy hydro power on a card, they can put in their powerstat and they use it, and then when they need more, they can go and get more. I would encourage more use of that. It's working very well, and I think it could do all the things the government wants to do. I am pleased, and we do need the ability to be able to deal with that in the rental units, where the landlord and the tenant share the responsibility for the provision of that service. I do appreciate that being in here so we can work with that.

Thank you very much for letting me put a few thoughts on the record. We look forward to further comments on this bill and many public hearings so that the public too can hear what goes on in this bill.

The Speaker: Questions or comments on the speech by the member from Oxford?

Mr. Bisson: To the member for Oxford, I thought it was actually a pretty good summation of the bill. I don't agree with everything he had to say but I think generally there are a couple of things we can agree on.

One of the things that bugs me about this bill—and I'm going to get a chance to talk about it later, it's not just this particular version of what they no longer call the Rent Control Act; this is basically vacancy decontrol, but I'll get into that later—is the complexity with which the act is written. A number of us in constituency offices across this province have had to deal with both landlords and tenants when it comes to rights under the Rent Control Act. One thing that really strikes me is the way it's written. For example, the member went on at fairly great length about those cases where tenants don't live up to their expectations. So here you've got a mom-and-pop rental unit. Sometimes it's an elderly couple or just somebody trying to pay the mortgage who has an apartment building that has maybe the main floor where they live and they rent out the basement or the upstairs apartment to somebody else to help pay for the mortgage. They're not a big corporation; they're not a company that's out there trying to be in the rental business. They're just trying to pay their mortgage. If you take a look at how this act is written, it's fairly difficult for people on either side to read and it's far more complex than I think it needs to be.

I was looking at, because the member raised it, the issue of, what do you do in the event that somebody doesn't pay their rent and you, the landlord, have your mortgage coming due? You rely on that money in order to make your mortgage payment and the person refuses to pay the rent. There should be a clear obligation that people pay their rent. That seems to me one of the basic things. But if you walk your way through the process of eviction, it's quite complicated and quite time-consuming, and often little mom-and-pop landlords find themselves in a position of being under very serious financial constraint because of the onerous way the act is written. Yes, we need to protect tenants, but you need to have a certain balance in there about how you come at it to make sure that both sides—

The Speaker: Thank you. Questions or comments?

Mr. Duguid: I listened carefully to the member for Oxford as he worked through his 60-minute address.

Mr. Bisson: We did.

Mr. Duguid: We did. We listened very carefully to what he had to say. Right off the top he questioned comments I had made about this being the most substantial legislation in terms of enhancements to tenant protection in over a decade. There's no question that it is. He said, "What about the Tenant Protection Act?" The Tenant Protection Act was hardly an enhancement of protections for tenants. That was the old Conservative legislation that really clawed back protection for tenants, and it was unfortunate. I think that's what created some of the lack of balance that has taken place.

I didn't hear him mention whether or not he supports the improvements to the eviction process. He may have; I didn't hear him if he did. I'm hoping that the member will support our efforts to make the eviction process fairer. I'm sure he would admit that five days is just not enough time for someone to respond to whether or not they dispute an eviction notice.

I didn't hear him talk about the improvement to the guideline, making it more transparent so that both tenants and landlords will know what's coming year in and year out. I didn't hear him mention the improvements to the AGI, the above-guideline increase process, where there would be some limits to the AGI, reasonable limits. So landlords will still be encouraged to make necessary repairs and capital investments but they won't be able to get out of hand, nor will tenants have to continue to pay for those investments well into the future when the landlords stop paying for the costs.

I'm looking forward to hearing the member further at committee. I'm looking forward to hearing whether he'll be supporting these very important enhancements to tenant protection.

Mr. Toby Barrett (Haldimand–Norfolk–Brant): I felt that the member for Oxford put in a good 60 minutes. As he explained, the minister responsible has described this as good legislation for good landlords and good tenants. I just question, what good is that? Why do we need legislation? We need legislation for bad landlords; we need legislation for bad tenants. These are the kinds of problems that I hear about in my constituency office.

I'm a homeowner. I'm also a tenant. I'm also a landlord, and with a number of properties in the past I've been a landlord for 14 years or so. There are very good tenants. Most of them are, the majority of them are, in my experience, but you do get the odd bad one.

1740

Like the member for Oxford, I appreciate his case study, if you will, based on meetings in his office. I've had meetings in my office. I think of a number of meetings this winter with landlords, small landlords, people who rent out a farmhouse, for example, or a couple of apartments. This winter, they were under the distinct impression that this proposed legislation, based on a McGuinty promise, would toughen the Tenant Protection Act. Their perception is that landlords have very few

rights. They feel the system is not working, from their perspective. They feel tenants are abusing the system.

They also feel the system has changed. They're concerned that in the last couple of years, and this is their accusation, if you will, adjudicators are much tougher on landlords—I'm referring to the small landlords in my area—through the Rental Housing Tribunal. This is an organization that, thanks to this bill, will have its name changed to the Landlord and Tenant Board. The only other merit I've seen so far is that they're changing the—

The Speaker: Thank you. Questions or comments?

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): I had the opportunity to hear much of the member for Oxford's hour. I appreciated his comments during that time. This piece of legislation has required a lot of consultation. I think he's right that the committee hearings that will follow second reading will be another important opportunity to hear the various interests, because this is a tough balancing act between tenants and landlords, and ensuring one gets it right, with issues around evictions and strengthening and changing that. Issues of wilful destruction of property are clearly of interest to all those engaged in the process and those who aren't, those who watch as homeowners to see how properties in and around them are managed.

I know the member for Scarborough Centre was very active on this file early on during the mandate, consulting on behalf of the minister. It took a lot of time then and I think a lot of thought had to go into drafting the legislation. I know he'll be anxious as well to see second reading, and committee hearings after that, to find out what other interests are being expressed.

I'm not going to take the full two minutes available. I know we have yet more speakers to come, so I'll wrap up my two minutes in something less than that and allow the member for Oxford to take his opportunity for his summation.

The Speaker: Response? The member for Oxford.

Mr. Hardeman: I want to thank the members from Pickering–Ajax–Uxbridge, Haldimand–Norfolk–Brant, Scarborough Centre and Timmins–James Bay for their kind comments.

I think the parliamentary assistant mentioned, was I interested in the new process for eviction, or lengthening it to give tenants more opportunities? I said in my presentation that I want to give everyone as much opportunity as we can that makes it reasonable for both parties. But as I mentioned on that one case that came directly from my riding, in fact it went months, and the changes that were made would not help that case at all; in fact, it would have made it worse. So I think we need to have a discussion as to whether the timelines that are being put in are actually going to improve it.

The member from Timmins–James Bay mentioned the small landlords in rural Ontario. There are more of those than there are large landlords. I want to point out that I didn't use the example here in the House, but we have an individual in my office who was willing to let his house go for taxes because the tenants were not paying and the

process was not allowing him to get the tenants out of the house. Hopefully this will help with that, because it included wilful destruction of property, and there was still nothing they could do because of the approach and the process that was allowed, and the tenant could still go through. Hopefully, this act will help clean that up. If it does, that part I would support.

The Speaker: Further debate?

Mr. Bisson: I'm going to have an opportunity to speak on this bill in some detail. I'm glad to get that opportunity because there are a lot of things I want to say about this bill. There are so many parts of it that I won't have enough time—oh, I want to say first of all that this is standing down the lead for our critic. This is a 20-minute speech. Unanimous consent—

The Speaker: The member for Timmins–James Bay is asking for unanimous consent to stand down the lead. Agreed.

Mr. Bisson: It's amazing, when you look at the clock, the things you learn.

Anyway, I was saying that I want to take the opportunity I've got—20 minutes; there we go—to deal with a couple of parts of this bill that are rather interesting, given where the bill is coming from and the promises that were made in the last election and prior to the last election. I remember; I was here with some of you who are on the other side. Some of those members who were part of the Liberal opposition stood with me in opposition against the Conservatives when they moved on what is called “vacancy decontrol.” There used to be a time in this province, we all remember well, when basically rent control was brought into this province, and it was brought in for good reason. At a time of a bull market in the rental industry, rents were going up; they were going through the roof. There was very little in the way of ability for people to find units, with a short supply of rental units. The prices went through the roof, and people weren't able to afford to pay rents.

Then Stephen Lewis, the leader of the New Democratic opposition of the day, came into the Legislature along with people like Elie Martel, Floyd Laughren, Dave Cooke and a whole bunch of others, and pestered and pounded the Bill Davis government day in and day out until finally the Davis government relented and introduced rent control legislation for the first time in this province.

Since then, it has been the official policy of all parties—Conservatives first, then Liberals and New Democrats—to endorse the concept of rent control. We understood—most of us in this Legislature, I thought—that rent control was a good thing, not only for tenants but I would argue for landlords also, if properly set up. The idea was to provide stable rent for people who were having to rent units as a place to live, so that we were able to make sure that people were able to get one of the basic things we need to survive, and that is a roof over one's head, as far as rental.

The Conservatives came to power in 1995, and they turned that on its head. They stood here and basically said they were going to scrap rent control. I'll give the

Conservatives some credit: They said they were going to do that in the election. We were opposed to it, but there is an argument to be made that the Conservatives of the day, in opposition, campaigned saying they were going to scrap rent control. They were very clear about it. They got a majority, they came into the Legislature saying exactly what they said they would do, and they did it. They got rid of rent control, and they brought in what was called “vacancy decontrol.”

That, simply put, is: Once a unit becomes vacant, there’s no longer any rent control. Then there’s a re-adjustment. The market will determine what that rental unit will rent for. Once the person rents the unit, there is a type of control put back on that is pretty loose, actually, because people’s rents have gone up by about 25% since this particular rental system was put in place, whereas the actual inflationary pressure was much less than that. I’ve got those actual numbers somewhere, and I know that when I try to find a briefing note, I can never find what I want at the time that I want to debate. Where was it here? “The average rent has risen a cumulative 21%”—pardon me—“over the past five years, compared to 12% in the consumer price index.” So there has been almost a doubling of rent prices under vacancy decontrol, as compared to the CPI.

We know that the Liberals in opposition were really clear. Dalton McGuinty, Dwight Duncan and a whole bunch of other Liberals stood in this House and said, “We’re opposed to vacancy decontrol,” and they promised in the last election and the run-up to the last election that if they won government, they’d scrap vacancy decontrol and bring back in real rent control.

Here we are, almost three years later. This legislation was supposed to be done, if I remember the promise correctly—within 90 days of forming government, they would be here with rent control legislation. They basically brought back what the Tories had. They basically reintroduced vacancy decontrol; they just tweaked it a bit. I find it quite interesting, and sad for how people view politicians, that Dalton McGuinty and the Liberals in opposition said they would do one thing and are doing the complete opposite now that they’re here in government in the province of Ontario. It’s another broken promise on the part of the McGuinty Liberals, but I think it also adds to the cynicism that the public feels towards politicians. If people are feeling cynical about politicians today, it’s because of those types of actions. People understand that if you make a promise and you get elected, you should keep it. What happens in this case, as has been the case over and over again with the McGuinty Liberals, is that not a lot of promises are kept.

1750

So what have we got? We’ve got vacancy decontrol. What does that mean today? Take a look at the housing market in Toronto and Burlington and other places where there has been a boom in the resale market of homes. You’re looking at houses that were selling for \$250,000 just a couple of years ago going for \$300,000 or \$400,000. Like all members at Queen’s Park who live

outside Toronto—I live in Timmins—I’m entitled to an apartment in downtown Toronto. If you were to try to buy one of those units—they’re condominium buildings we are renting in. I remember moving into this particular unit. It was worth, I believe, about \$140,000. It’s now almost \$300,000 for that unit.

Just stop and think about it. If the resale market is that hot and the prices have gone up that much, the same is going to happen on the rental side. That’s exactly what we’re seeing. When I first came to this place, a newly elected member back in 1990 could rent a one-bedroom apartment downtown in the city of Toronto for about \$850 to \$900 a month. That’s about what it was worth. You can’t get a unit close to Queen’s Park any more for less than about \$1,900 a month, and all of that under this vacancy decontrol. The rents in places like downtown Toronto have skyrocketed. The average is obviously less than that, but under vacancy decontrol we’re seeing rents skyrocketing because the market will bear it. There are people who are prepared to pay exorbitant amounts of money for rent in downtown Toronto. The larger rental corporations who are in the business of renting their units—where are you going with my water?

Interjection.

Mr. Bisson: No, I put it there because I was going to grab it with the left hand. Thanks a lot, though. That was fun. I did that as a joke. I’m not really—anyway, that’s a whole other story.

Mr. Kevin Daniel Flynn (Oakville): He’s going to phone home right now.

Mr. Bisson: He’s going to call home and say, “Dad, you wouldn’t believe what the MPP just did to me. He told me not to take his water away.” The pages around here are great, and they’ve got a good sense of humour, I’m sure.

Interjection.

Mr. Bisson: I think I scared myself. The page is gone. I’d better drink a glass of water to make up for that.

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): You’re going to have to drink both glasses now.

Mr. Bisson: Exactly. I’m going to have to drink both glasses of water, as my good friend Mr. Bradley says.

The point is, rents have gone through the roof. If you look in areas where there is a tight supply of rental units, the rents have gone up by a considerable amount of money over the last number of years. I would estimate in downtown Toronto—we’re talking downtown core Toronto—the rents have gone up over the last five years by probably about 30%. That’s pretty hard for some people to take. I don’t know how people make ends meet at the end of the day. In other areas where there isn’t a tight supply, obviously the rents have not gone up as much.

The point is, the Liberals promised they would end vacancy decontrol. They said they would do it before the election; they campaigned on it. They had campaign documents where they said they were going to end

vacancy decontrol. I now have this act called An Act to revise the law governing residential tenancies. We don't even call it rent control anymore. I say to the Liberals, a promise made and a promise not kept is not going to serve you well at the end of the day.

Aside from the issue that we really don't have rent control in this province anymore—what we have is vacancy decontrol, and the Liberals are continuing that way—let's talk about a couple of parts of this act that I think are somewhat troubling.

One of the sections of this act that I have a problem with, and we had some discussion amongst ourselves earlier today on this particular issue, is the whole issue of a set-aside or a delay on an eviction order. If a tenant is basically given an order by the tribunal, or is going to the tribunal in order not to be evicted from a unit, there may be a reason why the tenant can't be there. I agree that you don't want to have a situation where the tenant can just not show up and can use lame excuses for not showing up as a means to delay the order. I think you need to make sure that people take the responsibility. That's not my argument. But what it basically says in the bill is that if the person is ill, if the person is not able to attend because they're in hospital, for example, with a heart attack, and there's the eviction order and the tribunal hearing is happening, they will just continue the eviction order. I think that's a little bit heavy-handed. I understand that one part of the argument is that you have some people out there who will try to take advantage of the law to their benefit. That happens at times with tenants as well.

I understand why the Conservatives put this in the legislation. They put this clause in the legislation that basically says, if a tribunal hearing is set, there's no reason for you not to be there. If you're sick, too bad, so sad, the tribunal is going on without you. If it orders against you, you've lost the case and that's all there is to it. I thought at the time, when the Tories put that in the legislation, that it was heavy-handed.

I'm going to get a note from the page. I'm sending your father home a note and I'm going to say I'm sorry. No, I'm not. I'm actually pretty nice. That was funny. Good for you guys. My friends over there—I can't believe they do these things to me. I'm blushing now.

I just say that it was a provision in the old act that I disagreed with. Let's say it does happen. Let's say a person, for whatever reason, is tight in their finances, and that's a lot of people out there. The rental payment is to come on the first of the month and the person, for whatever reason, is not able to make that payment—because of illness, they land in a hospital or whatever—

you could be put in a situation where there's an expedited eviction and the person is in hospital, unable to defend themselves, and there's no mechanism to deal with that. It seems to me that's somewhat heavy-handed.

Yes, you want to make sure people don't use that part of the law to purposely delay an eviction that should happen. Clearly, we need to have some balance in that law that says that if something happens that's totally out of your control, such as you're sick, you're in a hospital on a respirator, whatever it might be, you shouldn't have to unplug the respirator to go to a tribunal. You should deal with your health first. It just seems to me that part of the act is a little bit outside the pale.

The other thing in this part of the act that I find really—it's more of this electricity stuff the government keeps on going down. I like to call them extra electricity use meters. They call them smart meters. But what they're really all about is that the more electricity you use in peak times, the more you're going to pay. I think that if you're talking about conservation and trying to find a way to reduce the overall demand on the electricity system as a means of not having to add capacity and generation, that's a good debate and we're prepared, as New Democrats, to get into that.

There are a number of progressive programs we can do to help people retrofit their homes so that energy consumption goes down. If you look at California, California did that to a large extent and they have reduced the use of electricity—I'm trying to remember. I don't want to use a number because I might be wrong, but I know it's three Darlingtons. At the end of the day, after they went through their conservation program for the past number of years, they prevented the add-on of what would be the equivalent generation of three Darlington plants.

These extra use meters, or smart meters as you would call them, I believe at the end of the day are only a means by which Hydro gets more money. I come home from work at 5 o'clock and it's peak time. Am I going to cook my supper at 2 in the morning? No. People are going to eat when they've got to eat. I come home and I've got to do my laundry. I get off work, I walk into my apartment or my home at 6 o'clock at night, and I've got an hour to do my laundry. What am I going to do? Wait till 2 o'clock in the morning? No. You're going to do your laundry when you're going to do your laundry. What this whole extra use meter thing is going to do is make people pay more for electricity.

The Speaker: It being 6 of the clock, this House stands adjourned until 6:45 of the clock this evening.

The House adjourned at 1759.

Evening meeting reported in volume B.

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TABLE DES MATIÈRES

Mardi 9 mai 2006

PREMIÈRE LECTURE

Loi de 2006 modifiant la Loi sur l'Assemblée législative (allocation de départ), projet de loi 113, M. Murdoch	
Adoptée.....	3676

DÉCLARATIONS MINISTÉRIELLES ET RÉPONSES

Espèces menacées	
M. Ramsay	3676
M. Miller	3679
M. Bisson	3680
Les athlètes	
M. Watson.....	3678

QUESTIONS ORALES

Collège Boréal	
M. Bisson	3689
M. Bentley.....	3689

DEUXIÈME LECTURE

Loi de 2006 sur la location à usage d'habitation, projet de loi 109, M. Gerretsen	
Débat présumé ajourné.....	3711

CONTENTS

Tuesday 9 May 2006

MEMBERS' STATEMENTS

Hospital funding	
Mr. Murdoch.....	3673
International Walk to School Awards	
Mr. Dhillon.....	3673
Nurses	
Mr. Miller.....	3673
Ms. Matthews.....	3675
East York Strategy	
Mr. Prue.....	3674
Energy conservation	
Mr. Ramal.....	3674
Municipal elections	
Mr. Hudak.....	3674
Police service awards	
Mr. Wong.....	3675
Children's mental health services	
Mrs. Sandals.....	3675

FIRST READINGS

Legislative Assembly Amendment Act (Severance Allowance), 2006, Bill 113, Mr. Murdoch	
Agreed to.....	3676

MOTIONS

Committee sittings	
Mr. Caplan.....	3676
Agreed to.....	3676
House sittings	
Mr. Bradley.....	3676
Agreed to.....	3676

STATEMENTS BY THE MINISTRY AND RESPONSES

Endangered species	
Mr. Ramsay.....	3676
Mr. Miller.....	3679
Mr. Bisson.....	3680
Emergency preparedness	
Mr. Kwinter.....	3677
Mr. Dunlop.....	3680
Mr. Kormos.....	3680
Athletes	
Mr. Watson.....	3678

ORAL QUESTIONS

Ontario drug benefit program	
Mr. Tory.....	3681
Mr. Smitherman.....	3681

Native land dispute	
Mr. Tory.....	3682
Mr. Ramsay.....	3682, 3687
Mr. Hampton.....	3685
Mr. Bartolucci.....	3685
Mr. Barrett.....	3687
Mr. Dunlop.....	3688
Mr. Kwinter.....	3688
Cancer treatment	
Mr. Hampton.....	3683
Mr. McGuinty.....	3683
Member for Parkdale-High Park	
Mr. Hampton.....	3684
Mr. McGuinty.....	3684, 3685
Mr. Tory.....	3685
Mr. Runciman.....	3685
Nurses	
Mr. Wong.....	3686
Mr. Smitherman.....	3686
School safety	
Mr. Marchese.....	3687
Ms. Pupatello.....	3687
Tenant protection	
Ms. Wynne.....	3688
Mr. Gerretsen.....	3688
Collège Boréal	
Mr. Bisson.....	3689
Mr. Bentley.....	3689
Transportation infrastructure	
Mr. Brownell.....	3689
Mr. Takhar.....	3690
Biosolid management	
Mr. O'Toole.....	3690
Mr. McGuinty.....	3690
Pension plans	
Ms. Horwath.....	3690
Mr. Peters.....	3691

PETITIONS

Services for the developmentally disabled	
Mr. Chudleigh.....	3691
Mr. Murdoch.....	3691
Recycling	
Mr. Racco.....	3691
Community mediation	
Mr. Delaney.....	3691
Gasoline prices	
Mr. Martiniuk.....	3692

Cafeteria food guidelines	
Mr. Flynn.....	3692
Frederick Banting homestead	
Mr. Wilson.....	3692
Long-term care	
Ms. Scott.....	3692
Ontario drug benefit program	
Mr. Martiniuk.....	3693
Speech and language services	
Mr. Hardeman.....	3693
Abortion	
Mr. Martiniuk.....	3693
Border security	
Mr. Fonseca.....	3693
Highway 35	
Ms. Scott.....	3693

SECOND READINGS

Residential Tenancies Act, 2006, Bill 109, Mr. Gerretsen	
Mr. Gerretsen.....	3694
Mr. Duguid.....	3697, 3700, 3708
Mr. Miller.....	3698
Mr. Tabuns.....	3699
Mr. Berardinetti.....	3699
Mr. Dunlop.....	3699
Mr. Hardeman.....	3700, 3709
Mr. Bisson.....	3708, 3709
Mr. Barrett.....	3708
Mr. Arthurs.....	3709
Debate deemed adjourned.....	3711

OTHER BUSINESS

Wearing of ribbons	
Mr. Miller.....	3673
Visitors	
Ms. Wynne.....	3681

Continued overleaf