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Monday 2 October 2006

Lundi 2 octobre 2006

Speaker
Honourable Michael A. Brown

Clerk
Claude L. DesRosiers

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 2 October 2006

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 2 octobre 2006

The House met at 1845.

ORDERS OF THE DAY

PLANNING AND CONSERVATION LAND STATUTE LAW AMENDMENT ACT, 2006

LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À L'AMÉNAGEMENT DU TERRITOIRE ET AUX TERRES PROTÉGÉES

Mr. Gerretsen moved third reading of the following bill:

Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts / Projet de loi 51, Loi modifiant la Loi sur l'aménagement du territoire et la Loi sur les terres protégées et apportant des modifications connexes à d'autres lois.

The Acting Speaker (Mr. Michael Prue): The Minister of Municipal Affairs and Housing.

Hon. John Gerretsen (Minister of Municipal Affairs and Housing): Speaker, I will be sharing my time with my parliamentary assistant, the member from York West.

I'm pleased to speak about Bill 51, the proposed Planning and Conservation Land Statute Law Amendment Act, 2006.

The purpose of this legislation is to promote better development in our communities by reforming the province's land use planning system. Bill 51, if passed, will make Ontario's planning system more effective by giving municipalities more tools to support good planning and contribute to more sustainable and well-designed communities. This bill would help facilitate the efficient use of land and infrastructure and intensification in appropriate areas. There will be more tools available to support community redevelopment and revitalization.

The proposed legislation will also contribute to greater transparency and more clarity within the land use planning system, including a more effective role for the Ontario Municipal Board. Clear rules and a more transparent process will help minimize lengthy delays and confusion within the planning system. This is an extensive package of important reforms that are part of our government's far-reaching vision to develop stronger, more livable and more sustainable communities. The bill is part of our government's comprehensive plan to manage growth in a more strategic and intelligent manner. Ontario's economic prosperity and quality of life simply depend on it.

In metropolitan areas across Canada, governments are faced with significant issues relating to growth. Often these challenges are associated with sprawling patterns of development. I think we are all pretty familiar with how decades of sprawl have affected Ontario, particularly in the greater Golden Horseshoe.

Our province has experienced a series of interconnected problems, such as strain on our infrastructure services, gridlock, and a negative impact on our natural environment and agricultural resources. These are also the kinds of problems that cost Ontario's economy literally billions of dollars every year. I think it's quite clear that one of our government's top priorities has been to tackle these challenges over the last three years, and it is evident that we continue to make extraordinary progress.

Let me just take a moment to review our government's action when it comes to managing growth and building more sustainable communities.

We created Ontario's greenbelt—permanently protected 1.8 million acres of valuable green space in the greater Golden Horseshoe. This was a critical step to contain urban sprawl and to protect important agricultural and environmentally sensitive lands. The greenbelt is truly a legacy for our children and for future generations.

We further protected the natural environment by reaching a land exchange agreement to protect important lands on the Oak Ridges moraine. This agreement has resulted in the creation of a natural park on the moraine in Richmond Hill and a protection of major waterheads—headwaters; sorry—in southern Ontario. It will also result in a new sustainable transit-supported community in central Pickering.

Interjections.

1850

Hon. Mr. Gerretsen: I'm glad that the member from James Bay thought that was funny. It shows that he's listening to what we have to say tonight.

Our government also donated over 3,500 acres of land to the Rouge Park, making it the largest natural park in an urban area in North America.

We have also proposed clean water legislation to protect the natural sources of Ontario's drinking water.

The provincial policy statement on land use planning—a key policy document on government direction—

was updated by our government to place a greater emphasis on sustainable patterns of growth, such as compact urban development, brownfields redevelopment, and the protection of green space.

Applause.

Hon. Mr. Gerretsen: Thank you.

In June, our government finalized a growth plan for the greater Golden Horseshoe. This is a historic initiative. For the first time in Ontario, there is a long-term approach to regional growth and development. Our growth plan focuses on developing complete communities, prioritizing transit investment, and increasing intensification. It identifies 25 urban growth centres to be revitalized as community focal points and centres of cultural, recreational and economic activity. It outlines a series of tests and criteria to ensure that urban expansion happens where it is simply most appropriate.

We've also introduced recently legislation to establish the Greater Toronto Transportation Authority to coordinate priorities for public transit and major regional roads. If this legislation is passed, this new organization will bring together the province, municipalities and local transit agencies to deliver a more integrated transportation network.

In our last budget, our government also created Move Ontario, a major new $1.2-billion investment in the province's public transit systems, municipal roads and bridges. This will also help move people and goods faster, create jobs, and build a stronger economy. This investment includes $838 million for public transit and it builds upon the commitments of our government that were made earlier to share provincial gas tax revenues to support transit systems, which is an additional investment of some $680 million.

I believe that this is an impressive series of achievements. This illustrates the leadership that our government is providing. In three years, since taking office, our government has established a solid framework for sustainable growth and development. Rather than just devising a few isolated activities, our government has put together a coordinated and comprehensive plan—one that will allow our province to continue to prosper and meet the needs of our communities.

This is a plan that will enable us to benefit from the tremendous growth that we expect to see over the coming years through well-planned development that goes hand in hand with significant infrastructure investments. Bill 51 is a vital part of that plan, working in conjunction with these other significant pieces of legislation and different policy initiatives.

As I stated before, one of the key components of Bill 51 is how it provides strong direction on the way the Planning Act should be used to support sustainable objectives. For example, a key change proposed in this bill is to clearly establish a provincial interest in sustainable development that supports public transit and is pedestrian-friendly. This provincial interest would be explicitly set out in the Planning Act. This would also complement and strengthen related provincial interests as already established in the Planning Act and dealt with in our provincial policy statement.

There are various tools in our planning reform initiative that will give municipalities a greater ability to support sustainable design and develop objectives through the land use planning process. Some of these tools relate to specific planning elements, such as zoning with conditions, the development permit system, community improvement plans and site plan control.

The expansion of site plan control authority is one significant area that would give municipalities a greater ability to promote innovative ideas and technologies that support sustainable development.

Expanded provisions for site plan control could encompass such areas as water-conserving landscape practices—yes, Mr. Speaker?

The Acting Speaker: It has been brought to my attention that the member for Timmins–James Bay is using a device which is not allowed in the House. I would ask him to cease and desist forthwith or take it out, because it cannot be used in here.

Mr. Gilles Bisson (Timmins–James Bay): In a second.

The Acting Speaker: No, I'm asking that you do it now.

Mr. Bisson: I'm in the process of turning it off.

The Acting Speaker: All right, within 15 seconds. Please take it out, and do not bring it back in tonight.

My apologies. Please continue, Mr. Minister.

Hon. Mr. Gerretsen: Let me just return again to the expanded provisions for site plan control. It would encompass such areas as water-conserving landscape practices, site layout and design that takes advantage of day heating and maximizes solar heat, storm water management, and the preservation of natural site vegetation and tree cover.

To use these expanded site plan control provisions, municipalities will need to include design and sustainability policies or criteria in their official plans. Municipalities would need to adopt site plan control bylaws and official plan policies that relate to these specific design matters. By linking site plan control to official plan policies, the intention is simply to create more transparency as there would be more awareness of what a municipality's policies are and what can be expected as applications move through the approval process.

As official plans are revised and updated, a highly inclusive and public process comes into play in which everyone involved in planning our communities, from the public to the applicants to community groups, will have opportunities to provide their perspectives.

In addition to establishing policies for sustainable design through official plans, municipalities will have the ability to work with developers to pursue additional sustainable design features, often related these days to energy conservation practices. They would include green roof technology, energy-efficient exterior building materials that can reduce heat loss and greenhouse gases, solar panels, and energy-efficient exterior lighting.

Bill 51 will further enable municipalities to consider—again through the parameters set out in their official plan policies—the exterior character, scale and appearance of proposed buildings in relation to the surrounding environment, something that has been needed for a long time. It could help encourage context-sensitive building design and more integration of historic elements into new developments. These measures will provide greater opportunities to shape the look and feel of communities across Ontario. Citizens will be able to see real physical improvements in their communities and how those improvements relate to the existing infrastructure.

Under Bill 51, sustainable design elements could also be incorporated into new subdivisions. Municipalities can consider energy efficiency as an integral component of subdivision design and more effectively integrate public transit into new communities along planned transit routes. For example, municipalities will have the authority to ask for transitways along streets and highways when approving subdivisions. There would also be opportunities for pedestrian and bicycle pathways.

Sustainable patterns of development will also be promoted by proposed changes to community improvement plans, which have such a critical role in supporting community revitalization activities such as brownfields redevelopment. Brownfield sites across this province have tremendous potential to accommodate new growth within existing built-up areas, quite often close to existing services. These sites are often near existing infrastructure and services, which maximizes efficiency and reduces the public cost associated with providing new infrastructure and services. I think that brownfields redevelopment can act as a catalyst for many elements that we generally associate with sustainable development, which is why we want to provide further mechanisms to support it in Bill 51.

1900

Under Bill 51 as well, the scope of community improvement plans will be expanded. For instance, new building construction that incorporates energy-efficient features can be included as eligible costs in a community improvement plan. Municipalities will also be allowed to register grant or loan agreements on the title of the land. This would provide more certainty for municipalities and will help developers in securing upfront financing for their projects. Furthermore, upper-tier and lower-tier municipalities can participate in each other's financial assistance programs that are part of the community improvement plans. Bill 51 will also enable prescribed upper-tier municipalities to establish their own community improvement plans for specific activities such as intraregional transit corridors.

We know that Ontario faces challenges when it comes to ensuring the reliability of our energy supply into the future. Over the past three years, our government has set the wheels in motion to bring on more energy supply than any other jurisdiction in North America. To support this, the potential exemption for some energy projects from Planning Act requirements has been proposed. Currently—and I stress this—a similar provision already exists in the Planning Act with respect to Ontario Power Generation and Hydro One. We are simply proposing to extend it to other energy undertakings.

Mr. Ernie Hardeman (Oxford): It's not quite that clear, Minister.

Hon. Mr. Gerretsen: It's quite clear.

What I'm simply saying is that when it comes to energy projects, that exemption already exists in the current act. Surely everyone will agree that the number one issue is to keep the lights on in Ontario.

Speaker, you may also be interested in knowing that in the vast majority of cases, even though the exemption has existed in the Planning Act for hydro projects, those projects still go through the normal planning process. The other thing to keep in mind is that the environmental assessment that is called for for these kinds of projects will continue to be done, and the public will have their ability for input, just like they always have had before.

The proposed exemption is intended to be used only for those projects that are being inappropriately delayed in proceeding through the planning process within a reasonable time frame. This provision has been proposed because the province needs to ensure a safe and reliable supply of electricity to all Ontarians. Oversight would be similar to that which exists for OPG and Hydro One, which is to say that proposed projects would still be subject to the environmental assessment process and regulated by the Ontario Energy Board requirements. The public will still have its say. This has been the case before and it will remain so in the future.

Exemptions under these circumstances will not be automatic. They would require a regulation, and, as I've noted, this would be considered if projects faced inappropriate delays. Developers of energy projects will continue to be encouraged to work closely with municipal governments through the planning and environmental assessment processes.

A reliable supply of energy is crucial to ensuring that Ontario remains competitive and that our economy will continue to grow. We can all work together to make sure the lights stay on for the people of Ontario. That's our number one priority.

While our government recognizes that municipalities need more tools to help them grow in a sustainable manner, we are also aware that these tools will need to be applied in a transparent and accessible fashion. This means that our planning system needs to have more clear and consistent rules. We think one of the best ways to streamline the planning system is to put information, consultation and decision-making at the front end of the process. Everyone, in planning our communities, should know the mechanisms in place to support sustainable development, how this applies to them, what actions they can take to support these initiatives or what would be required to comply with a new planning framework.

Applicants need to know what is expected of them early in the planning process so that they can make informed decisions. That's why Bill 51 proposes that

municipalities be given authority to specify in their official plans what information a proponent must provide in an application. Municipalities need complete information and materials about proposed development so they can make informed decisions.

Bill 51 would also establish reasonable time frames for a municipality to formally advise applicants and prescribed public bodies whether applications related to official plan amendments, zoning bylaws or plans of subdivision contain required information and material.

The Planning Act would be amended to clearly state that all the information and material received as part of the complete application must be made available for public review. Furthermore, the public as well as applicants will be given more notice of proposed official plan and zoning bylaw updates through required public open houses, in addition to public meetings. This would provide another opportunity for the public to review and ask questions on all information and materials.

These are the kinds of changes that will help to minimize delays in the application process and ensure that complete information is available to relevant parties and members of the public.

I think we all agree that an engaged citizenry is an important part of a good planning system. In fact, when it comes to promoting sustainability, local residents and community groups often lead the way in creating and supporting inventive and resourceful initiatives. By promoting more public engagement, there could be greater opportunities to tap into the knowledge and ingenuity of our communities—taking advantage of best practices and finding more ways to incorporate innovative ideas about sustainability into local planning activities.

When it comes to providing further certainty in land use planning, Bill 51 proposes that municipalities would need to keep major planning documents up to date. Official plans would need to be updated every five years, and zoning bylaws would need to be updated within three years of the official plan coming into effect. Municipal planning documents would then reflect more recent provincial policies and direction.

Here again, there would be another opportunity for the public to have input into important planning issues. Under these updates, municipalities would, for example, need to take into account the province's emphasis on sustainable development as established by the new provincial policy statement, or the parameters for directing growth as set out in our government's growth plan.

However, if a municipality undertakes a provincial plan conformity exercise that includes a comprehensive planning review, it would not be required to update its official plan under a separate five-year review. This in turn would help municipalities streamline and manage provincial planning requirements and not be subject to ongoing planning updates.

Another way to support a consistent planning process and good decision-making is to make sure that the land use planning appeals process operates more effectively. This, of course, leads to how to reform the Ontario Municipal Board, which is another key component of Bill 51.

Our government believes that the OMB still has an important role in settling land use planning disputes. We think that an independent public body like the OMB is best situated to manage appeals that deal with broader public interests in well-planned growth, such as official plans and zoning.

More local matters, such as minor variances for home additions, could be handled locally. So we're proposing that municipalities have the option of creating a separate local appeal body. Just as Bill 51 would seek complete information about a proposed development made available at the front end of the municipal planning process, the information the OMB would hear on appeal would generally be the information that was provided to the local council. However, if important new information were made available at OMB hearings, the board would have the ability to send that information back to the municipality for its recommendation, thus fully engaging the municipality in the OMB decision.

1910

To further emphasize public involvement at the front end of the local planning level, OMB appeals would generally be limited to those organizations and individuals who, at some point in time, participated in the planning process of that particular application. When it comes to the public fully participating in the OMB process, I'm very pleased to see that the OMB has recently announced the creation of a citizen liaison office. As a matter of fact, it announced that just the other day—I believe on Friday of last week. The citizen liaison office will provide information to the public about the OMB, such as how to file an appeal, the hearing process and the issuance of decisions. It will develop information materials about the OMB to assist the public and provide recommendations to the board on how to improve access to the OMB and the transparency of its operations. This would address a number of concerns that we heard when we held public consultations on OMB reform.

OMB decisions would also need to take into account the broader planning and growth management framework that the province has established. I believe it's increasingly clear to all parties what this entails: simply that sustainable patterns of development are one of the province's key interests. Municipalities know this, developers know this, the public knows this and the Ontario Municipal Board knows this.

This kind of clarity about the province's intentions, along with a streamlined planning system to support this sustainable framework, could, in the long term, help reduce the number of appeals and the duration of OMB hearings. In fact, I think there's optimism that, over time, this could contribute to a decline in what some people have characterized as a combative development process. There could even be more collaboration in planning and development from the start of the planning process.

From the beginning of our planning reform initiative, our government has certainly promoted a very collabor-

ative approach. Prior to Bill 51, we held extensive discussions and consultations with municipalities, planners, stakeholders and individuals from across the province. We talked with thousands of people and their organizations about how best to improve the planning system. In meeting with different groups and attending public meetings across the province, I was encouraged by what I heard: how our citizens believe that sustainable development and better growth management are crucial to the well-being of Ontario.

We've continued this important dialogue with the people of Ontario over the last several months. In August, the standing committee on general government completed public hearings and clause-by-clause consideration of the proposed legislation. After deliberation on the comments and perspectives provided by municipalities, planners, various stakeholders and members of the public, the committee recommended amendments that will further enhance Bill 51.

I sincerely appreciate the time and effort provided by the citizens of Ontario and by the members of the standing committee. Their participation has been extremely important. Their input will help us to implement planning reforms in the best possible way, reforms that consider both the short-term and long-term needs of growing communities, the need to protect precious green space and establish a more strategic approach to development.

Enormous growth has been projected for our province and our economy. There are tremendous opportunities ahead of us, but we will continue to face significant challenges if we don't change the traditional approaches to growth and development.

With Bill 51, our government continues to support a different perspective, one that considers a broad range of social, economic and environmental impacts that development patterns may have on future generations. We're continuing to develop a solid foundation so that sustainable development will continue to thrive in our communities, communities where there is an appropriate balance between green space and urban landscape; where there is a good mix of housing, jobs and services; where public transit systems evolve and have a greater role in transportation; and where brownfields sites are redeveloped, remediated and incorporated into existing neighbourhoods. This vision will not happen on its own, and it just won't happen by chance. It will come about when sustainable principles are significant priorities throughout the development and planning process, and Bill 51 is another major step in that direction.

I urge all members of this Legislature to support this vision and vote in favour of Bill 51. With that, Speaker, I will turn the floor over to my parliamentary assistant.

Mr. Mario Sergio (York West): I want to thank the minister for his rendition on Bill 51, yes indeed, as we move on further with the commitment in bringing in changes and assisting local municipalities to deal with local issues which are so important to them. I think it's important to recognize how we got here. Although the minister spoke quite thoroughly on some of the major aspects of Bill 51, it is impossible to really do it justice in such a short time.

Let me say that we got here because of not only the commitment by the minister but also by the Premier, who, at the beginning of our mandate, said, "There is a demand, there is a need and I think we have to respond to the local municipalities to assist them and make them function better, more effectively and give them the tools they need in order to deliver that particular service."

So how did we get here? Having recognized that, both the Premier and the minister said, "All right then, let's introduce the bill. Let's go to the public and hear what they have to say." Indeed, we did so. We had quite extensive public hearings. I have to say that you yourself were at the hearings, Speaker, together with members of the official opposition. We heard from a vast sector of general industry, developers, individual constituents and ratepayers. We had school boards. We had people from the firemen's aspect. So we had a good cross-section of people representing the various parts of our province with respect to Bill 51.

To all of those, including the individuals who made the effort to come down here to Queen's Park and have their say, I would say thank you, because they have shown a particular interest. To all the deputants, both those who made a written presentation or in person during the hearings, I would like to say thanks to them as well. The members of both oppositions listened quite attentively to the various deputations. They were asking good questions, and I'm sure they have a good grasp of the content of the bill.

So we got here following a number of very important and serious deputations. What were some of the issues they brought to the attention of the committee, and who were those groups that had such an interest in making sure that indeed they were heard verbally at the committee level, to make sure that we paid attention to what they said? We saw mayors from various parts of the province. We had the chairman from the Association of Municipalities of Ontario, various ratepayer organizations and school boards. Somebody may say, "Why school boards?" I'll try and get to that in a second.

Let me say that, together with a compendium of other bills, the Minister of Municipal Affairs and Housing has already introduced a number of bills that we already dealt with, and others are coming. I think this one here is the second one that we are dealing with in two weeks. Last week we were dealing with second reading of Bill 130—again, part of making changes and bringing improvements to the Municipal Act.

What were some of those things that those groups from the local municipalities, industries, various agencies, but especially from the local municipalities, were asking for? For years they had been demanding that we make some changes and improvements on how the Municipal Act affects them, how they deliver service to the local municipalities.

1920

You, Mr. Speaker, have been mayor of one of our six municipalities here in Metro. There is nothing that affects

an elected councillor more, or a ratepayer's organization or an individual taxpayer—not dealing with who's in favour or who's not in favour of a stop sign—than planning matters, rezoning applications. Nothing is feared more by elected politicians, if you will, than when there is a contentious planning application in a particular area, and with good reason. I think Bill 51 goes a long way to making sure that, indeed, the tools which we are giving to local municipalities applying Bill 51 go a long way to make those improvements much fairer, much more transparent and much more palatable.

School boards, as I was saying before—you may say, "What does the Planning Act have to do with school boards?" Well, school boards often need to expand. They have more students, so they need to have maybe even five or 10 portables. God forbid, if there was discontent among the general community, saying, "We really don't like how tall it is, how wide, the colour of the portables. It doesn't have any cornices. It doesn't resemble the local neighbourhood," you would appeal the decision of the local municipalities. That can cause a lot of harm, a lot of delay for the local boards, the local school and the local students as well. So I think it's fair that we recognize the fact that the school boards were asking—and we are making mention in the bill that we should recognize that the power being given to the local boards in siting, which means site approval, remains with the board, remains with those elected. I believe that those decisions have to rest, indeed, with the local school board.

Part of the comprehensive bill itself deals with giving local municipalities the power to deal with local issues, and we recognize that decision as being fair, that it should remain, should stay at the local level. Those municipalities were demanding it, and we have given them the power to form, if you will, local appeal bodies. What do they do? Why should those powers, those decisions remain at the local level? They deal with minor issues. Again, there are issues that the local municipality knows best—what is best for a particular area or a particular community—and I believe that local appeal bodies should be dealt with at the local level, with the decision staying, remaining at the local level.

Why is that? Again, if someone is disgruntled because he doesn't like a particular part of that application, they can go to the Ontario Municipal Board. I don't have to tell you, Mr. Speaker, as you have plenty of experience at the municipal level, what it means to appeal even a minor application to the Ontario Municipal Board. So we have made that particular change. We have recognized that, and we said, yes, local appeal bodies should be able to be formed by local municipalities and retain that particular power.

What does it constitute? This is a big bone of contention with both applicants—individuals, local organizations—and the Ontario Municipal Board. One big bone of contention which we heard was: What does a complete application, a rezoning application, constitute? I think we heard from both sides. The applicants said, "Well, we should be able to provide additional information up to the last minute." We said, "I don't think this will sit well with others," that they should be able to bring forward any type of information up to the last minute. It was the same thing with councils. We said, "We want you to make a decision within a particular period of time. Otherwise, the applicant has the right to go to the Ontario Municipal Board."

I think this brings good balance and it brings fairness. It's an area that we heard about at the committee level in a very extensive way, and we're dealing with this. I believe that this brings fairness to a very important aspect of delivering service in an important area for local communities, giving the power to the local municipalities, where now we are saying that the application has to be complete, and you have so much time—30 days, I believe—to decide if indeed the application is complete or not. If it isn't, the applicant has the right to appeal to the Ontario Municipal Board. At the same time, we'll know that the public will now know that an application is complete or incomplete. But if an application comes back with major changes, the applicant—in this case, developers—will have to start from scratch, and I don't think they are too happy with that. But we are saying that because we recognize the need for the local municipalities to make a decision on the full application, and I think this should be quite acceptable to individuals, local municipalities and local groups as well.

As usual, time is one of our enemies in here, and we don't have the necessary time to really say as much as we want to say or what we want to say. I can see that my 10 minutes are just about up.

Let me add that it is because of the various hearings and what we have received from the various presenters—and I hope that we can draw from the opposition side. I hope that when we finally deal with this particular bill in the House, it will be in such a form that it will indeed be a much better bill, one that will go through the House in a very expeditious way, and we'll take it from there. I hope that at the end we'll have everybody's support.

The Acting Speaker: Questions and comments?

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford): I'm very pleased to join the debate with respect to Bill 51. Certainly, this is another missed opportunity by the Liberal government with respect to planning and conservation in this province. This is tinkering—very, very finite, minute types of points that they're dealing with, in terms of dealing with who can do variances and who can do land development agreements.

We have some serious problems in this province with respect to planning. Quite frankly, the gridlock in my riding continues to be a problem as a result of leapfrog growth throughout Simcoe county—not the type of planning that you need to have in place to protect valuable assets like Lake Simcoe and our water resources and to make sure that the area is a community where there are employment lands, which is very important with respect to the growth that needs to come in Simcoe county. There isn't that type of planning, and it's not being put in place by these changes to the Planning Act. This is just

tinkering at the local level in areas that really don't have anything to do with how it affects planning within a community. So the serious problems that have to be dealt with in terms of planning to deal with gridlock and with leapfrog growth in terms of developers are not being dealt with here. Simcoe county was purposely left out of the greenbelt by the government with respect to how this area was going to be planned. What we're seeing is built-up development, which is now causing even more problems with gridlock, and no solutions by this government.

I'm not very impressed by this bill, and I don't think anyone else is who takes planning seriously in this province. They have a lot more work to do.

Mr. Bisson: I've been here for about 17 years now, and this is probably the 12th or 14th bill I've seen come to this Legislature when it comes to planning. What always amazes me is that we've never taken the time to really do the kind of comprehensive work that I think needs to be done to deal with the planning process.

The nub of the issue, as far as I'm concerned, is that those who want to develop want rules that are clear so that they understand what is allowed, what is not allowed and what is required of them, and citizens want to have the ability to know that whatever is happening when it comes to development is not going to impact on them in a negative way. There lies the rub. What we have here in this bill quite frankly is a bit of tinkering. Is it a bad thing? No, it's not a bad thing. Should we stand on the rooftops and yell, "Hallelujah; we finally figured out what to do with planning in the province of Ontario"? Absolutely not.

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We see in this bill things that are somewhat interesting as far as—I wouldn't say controversial, but at least counterintuitive to what you'd think the Liberals would normally stand for when it comes to things. One of them, which I thought was interesting, is that the appeals to the Ontario Municipal Board with respect to amendments of the official plan and zoning bylaws involve—hang on, where is that? I was just looking for the section. Basically, the Ontario Municipal Board hearings with respect to certain planning matters are generally limited to the information and parties that were before the municipal council, whose decision is being appealed. That, in a nutshell, basically says that if you're a citizen who hears about something that's happened after it has been approved by the municipality and is about to go to the OMB because either the developer or somebody has taken interest, and you haven't made comment at the municipal level, you can't go to the Ontario Municipal Board in order to bring your view about why you think this project should or should not go ahead. It seems to me that that's counterintuitive to what I thought Liberals stood for in opposition when it came to the Planning Act.

So, a very small baby step forward. Again, I think we've dropped the ball. We're not doing what we should be doing with planning in the first place.

Mr. Jeff Leal (Peterborough): I listened intently to the speech made this evening by the Minister of Municipal Affairs and Housing and his parliamentary assistant. Certainly, a number of points they made this evening on Bill 51 are very important. Bill 51 will allow municipalities to be provided with more planning tools, which would support the use of land, resources and infrastructure in a more sustainable manner, which is something we all would agree to.

Bill 51 also clarified rules and will make the planning process, in my estimation, much more efficient and much more transparent. Also, the Ontario Municipal Board would be reformed to make it a more effective and accessible body for settling land use disputes.

From my 18 years of being a municipal politician, those three points in themselves, which are contained in Bill 51, will be an important step forward in the province of Ontario. You have to take this bill in context with several other bills—the greenbelt plan, the Places to Grow Act, the provincial policy statement on land use planning and, currently, Bill 43, which is before the House. Collectively, with these pieces of legislation, including Bill 51, it's a significant step forward in the area of planning in the province of Ontario.

It has been supported by a number of prominent municipal politicians in Ontario:

Ann Mulvale, on December 12, 2005, said, "OMB reform is another one of the Liberal government's positive moves to make local planning decisions more sustainable"—very important.

Doug Reycraft, the new president of the Association of Municipalities of Ontario, is very supportive of Bill 51.

Michael Harding, the great mayor of Woodstock, is also very supportive of Bill 51.

Mrs. Christine Elliott (Whitby–Ajax): I'm also pleased to join this debate on Bill 51, which purports to, among other things, reform the Ontario Municipal Board.

We've waited for several years for this government to bring this type of legislation forward, but the problem is, as with so much of the legislation proposed by this government, much is left to the regulations. Frankly, we're left to guess what the government's true intentions are. Once again, it's a "trust us" kind of legislation that, given this government's track record, we need to be very wary of.

Mayor Ann Mulvale stated in her response to the minister's statement, "Our shared desire to reform the Planning Act, and more specifically the Ontario Municipal Board, is a good example of where our interests align. I cannot imagine that you would find a single municipality that would endorse the OMB in its present structure or a single municipality which would not support the government's commitment to changing it."

While we are generally supportive of the view expressed by Mayor Mulvale, we've heard this kind of thing before: a government that says all of the right things and then turns around and does something altogether different.

This bill purports to put land use decisions back where they belong: to municipalities. But, in actual fact, the government maintains the authority to override any

aspect of the Planning Act up to the date of a decision on an application, if it's in the public interest. It's no wonder that so many stakeholders are wary of this legislation, and frankly, we in the official opposition are as well.

The Acting Speaker: The member from York West has two minutes in which to respond.

Mr. Sergio: On behalf of the minister, I'd like to recognize and say thanks to all the members who participated in the debate: the members from Barrie–Simcoe–Bradford, Timmins–James Bay, Peterborough and, I believe, Mrs. Elliott from Whitby–Ajax. They all bring good points, and it's quite fair, and that is why we are here and dealing with third reading of the bill. I hope that, as we proceed with more discussion, more important aspects of the bill will be brought forward.

But there is one very particular and important aspect of the bill, and I hope that the members of the opposition will address and recognize that. It precludes developers from going to the Ontario Municipal Board prior to the local council having made a decision on a particular application. This has been such a big bone of contention with both local ratepayers' organizations and individual councils that, indeed, a large portion of the hearing took place on that particular aspect. We have recognized that this was unfair and we have addressed that through Bill 51. Indeed, we have addressed it in such a way that it's now very fair; it's very transparent. I think it is very acceptable to all parties—developers, local councillors and individual organizations. I think we have sent a very strong message to the local industries, to developers, builders, whatever have you, where now they have to come in with full, completed applications, and until council makes a decision they cannot go to the Ontario Municipal Board, bypassing the local council, unless council, of course, is unable to make a particular decision.

I hope, indeed, that we'll move on with this bill and approve it in third reading.

The Acting Speaker: Further debate?

Mr. Hardeman: I'm pleased to rise and have the opportunity to speak to Bill 51, the Planning and Conservation Land Statute Law Amendment Act. Mr. Speaker, you also, having had the pleasure of sitting through all the public hearings, will know that the main focus of the bill is, in fact, the reforms and changes to the Ontario Municipal Board and some changes to the Planning Act and the Conservation Land Act that, of course, were in there to deal with conservation lands and so forth. I think you would agree that most of the public presentations on the conservation part of the bill were benign and the public was generally supportive of that section of the bill. So I won't be spending a lot of time on dealing with that. I think the government had that one reasonably close to right, so they also didn't amend it much.

The issue that I really wanted to talk about, first of all, is the fact that the bill that we're discussing here this evening, as it relates to the reform of the Ontario Municipal Board and the Planning Act, is totally—I shouldn't say "totally," but is more than 50% different than the original bill that went through second reading in this Legislature, because the government introduced 65 amendments in the original bill between second and third reading that are now, of course, in the act as we're having the third reading debate. Of those 65, some were, granted, smaller amendments, but in most cases they were whole sections, where, as we were going through the clause-by-clause, the amendment would say, "Removing section such-and-such and replacing it with the following." If you look at the act—and I have it here, Mr. Speaker, and of course you can't see it from here, but you have seen it before. The people at home can't see it, so I'll just explain it. As you go through, on each page we have the original act, and where it has been changed it has a line through the section that will no longer be there when the act is printed in its final form. Then, just below that is the section that replaces the one that is crossed out. It is, of course, underlined. As you look through the book, well in excess of half of the bill is either crossed out or underlined, replacing the part that is crossed out.

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The reason I mention that—I think it is so important, and we had considerable discussion in the clause-by-clause hearings—is public participation in the process. The government introduced the bill, we had second reading debate and then we had hearings for the public to come in and give us advice and recommendations on what needed to be changed in the bill to make it work properly, and secondly, what was good in the bill that should be left that way.

When the clause-by-clause is finished, of course, there is no further opportunity for the public or anyone to be involved, other than this Legislature as we debate it here. Incidentally, in the process, Mr. Speaker, you and I would both know that even in third reading, unless the government wants to adjourn the debate and call the bill to committee of the whole for further amendment, the government can't change it at this point, unless they refer it back to a committee for that change.

The bill we're discussing here today—the general public, including the municipalities, have not had an opportunity to look at the rewording to see if they have any further comments or different comments than they would have had when they were looking at it after second reading. I'm sure there's one, Mr. Speaker, that you're very aware of, and we had some discussion about that in the clause-by-clause as the changes were being made to section 23, and I'm sure we will hear more about that from other speakers.

Section 23, when it was changed to put that into the City of Toronto Act, where the original—after second reading, the bill didn't include Toronto in that section, and now it does. I'm not sure—well, I am sure they didn't have an opportunity to have public consultation with the good folks from Toronto as to whether they agreed with that change.

Again, I think that's what democracy and public participation is all about: to make sure the public has input into legislation so they can make comments on what the

government introduces. Then the government decides what to do with the comments. But when they make wholesale changes, that really takes away from that democratic process.

I want to start the debate on what parts of the Planning Act this bill deals with, as opposed to, as I said, the conservation act or the Ontario Municipal Board. I think my colleague on the Ontario Municipal Board—Whitby–Ajax, I think is the name of the riding—mentioned that in fact we're just playing and tinkering around the edges with Ontario Municipal Board reform. If you take away the public's part of it, of who can appeal and what can be appealed to the Ontario Municipal Board, the actual structure of the Ontario Municipal Board and the process—the main difference is only a word, which is that the municipal board must "have regard" to the planning authority or council's decision-making. It doesn't say they must be "consistent with," that they can't overturn a council decision. It just says they must "have regard." As far as the actual municipal board, that's the only change this bill makes to the Ontario Municipal Board.

There are a number of regulations the minister has suggested he may bring forward that will maybe change some of the other things, but presently, this act only does that one word with the Ontario Municipal Board. It does change, however, the public's ability to be involved in the process with the Ontario Municipal Board.

A very critical shortcoming in this bill is that it doesn't allow, as in the past, anyone who feels that a decision the council makes or that is made locally is not in their best interest, if they have a problem with it, regardless of when they found out about the application or when council was going to approve the application, they cannot—presently they can appeal that decision to the Ontario Municipal Board. They will no longer be able to do that. If they didn't present themselves at the public meeting and have their name recorded as a participant either through a written submission or an oral presentation, they will not be able to be a party to or appeal that application.

During the second reading debate on April 19, the Minister of Municipal Affairs and Housing said, "We think that Ontario citizens should continue to have the opportunity to appeal land use decisions that affect their own property and their communities."

The question then is, of course: Does this act accomplish the minister's objective? Does this act allow citizens to continue to have the opportunity to appeal land use decisions that affect their own property and their communities? I don't believe it does, because in fact there are certain restrictions on who can appeal to the Ontario Municipal Board. You don't qualify just because you are a citizen whose property or community is affected by council's decision; there are more criteria before you can appeal. So in my estimation, this legislation does not fulfill that statement, although I do agree with that statement. But, again, the bill does not meet those criteria.

The bill actually reduces—and I think is intended to—the number of citizens who can appeal decisions that affect their property and their communities. As I said, if you don't qualify because you were away on a vacation and you didn't hear about it or—and I think this will happen a lot—if you made the assumption as you got the notification that this application in all likelihood would not be approved and you were busy and couldn't go anyway, it's, "Well, it doesn't matter, because I spoke to the local councillor and it doesn't appear that council will support this application." And then when you wake up, you find that they did, and you no longer can appeal it. It restricts the number of people who can appeal, so it does not, as the minister stated, meet the objective that he set out. I just want to point that out.

When I'm talking to my constituents at home, we speak about the role of government and the role of the opposition. As recently as last Saturday I met a constituent in the local supermarket, and he said to me, "I can't understand it, Ernie. When you were a member of government, you were always so supportive of what government was doing, and now you never seem to have anything positive to say about the government." I said, "Well, sir, that's true. My job, that you pay me to do, is not to expound the virtues of government legislation. It's to point out, as the loyal opposition, where the government's legislation is not meeting the objective that they themselves had set out." I think the public has a right to know. When the minister says, "This is going to make it easier for people to appeal, easier for people to be involved in the democratic process, the planning process in this province," they have a right to think that's a positive, that in fact that's happening, that the government is not saying it just to get re-elected but are saying it because they're going to do it. In this bill, that is not what's happening.

On the right of appeal: On August 3, Smart Centres Management, a private real estate development company, said, "We all know that major Ontario Municipal Board hearings can be expensive and time-consuming for participants and that in recent years there have been several long hearings involving major retail proposals, but it is simply not right to try to curtail these hearings by creating a situation where entirely arbitrary decisions are possible."

Again, I think that is a possibility. As this legislation restricts who can appeal, then obviously, if it doesn't go to appeal and the municipal board does not hear from those people—and even if it does go to the Ontario Municipal Board, it will be arbitrated.

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But it goes further, and this is where we get to section 23. Section 23 is the section in the bill that deals with energy projects and the fact that energy projects will no longer be covered by the Planning Act, so they will not need to deal with the local municipality if they're looking to site a generation facility for energy within a municipality. The minister mentioned in his remarks that this was something to do with giving the private sector the same rights as Ontario Hydro has always had, so it really is a non-issue. But to the public who presented, it is far

more than a non-issue. It isn't just the fact that Ontario Hydro had certain abilities before because it was a crown corporation—and incidentally, even if they did not have it, under this act they would still have it, because they were owned by the provincial government and the province has the ability at any point in time to override any municipal decisions based on what the minister calls the "provincial interest."

But this section of the bill does more than that. First of all, it suggests that municipal involvement and community involvement in good planning is not necessary if it relates to something that is a necessity to society. I think we all would agree that building more capacity in our electrical system is a very important issue and should not be unduly held up by long processes. But at the same time, I think we also would all agree that when you're building—should I say it?—a nuclear generating facility, the community of the area in which it's going to go should have some say as to where the best place is to put that. They shouldn't just totally exempt it so they never even have to talk to the local municipality in which it's going.

The minister says, "Oh, that's not going to happen. The planning process will still be there. Municipalities will still be involved." Well, the municipalities may still be involved through the environmental assessment process if the generation is going through that, but at the same time, they will not be part of the decision-making to choose alternatives. They will be able to be a party and put forward their position as to whether what is being proposed is good or bad, but they will not be part of trying to find a better alternative or to suggest better alternatives. I think that's taking a lot of the decision-making authority away.

The Pembina Institute recently issued a report that stated, "Provisions of Bill 51, the Planning and Conservation Land Statute Law Amendment Act, that would permit exemptions of energy-related infrastructure from the approval requirements of the Planning Act seem likely to further reduce the integration of large infrastructure projects with overall regional planning." Again, the important part is the community not being able to decide an infrastructure entity, such as generation—not being part of the overall planning for any community.

Even the Canadian Wind Energy Association said in their presentation to committee—I'm sure, Mr. Speaker, you will remember that that organization is fairly supportive of the exemption for the generation capacity. Yet I have a quote here. The Canadian Wind Energy Association said, "But in areas that are not covered under the environmental assessment process, it's very clear to us that municipalities must continue to have a role." That's the important part, that they must continue to have a role, because it's part of planning the community. If we're going to go back to what the minister suggested, that this is about local communities being in control of how their community develops, it's hard to say that things such as electrical generating capacity should not be part of the community planning process.

I know there was a lot of concern expressed that we want to speed up or make sure we get an effective and efficient system in place that would allow the approval of generating capacity. I would totally agree with that. But if we look at the process, if there are problems and hearings are required, there's absolutely no reason—and in fact it's done in a lot of other areas. With the Environmental Assessment Review Board and planning and the OMB, they hold joint meetings. It does not take extra time to make sure that municipalities and the local community can help plan for their local infrastructure. So I think to use the argument that we're trying to streamline the system and make it work more effectively and efficiently is not true, save and except that maybe one of the reasons that that was added in the bill after second reading was because in the original bill it had it for all of Ontario, save and except the city of Toronto. During the committee hearings and the amendments to the act, it was added that Toronto would also be covered.

Mr. Speaker, you would be aware that there was a project in Toronto where there was some question about the proper zoning or the improper zoning for the project that was being planned. That could have taken some time to settle. The province did, in their infinite wisdom, decide to settle it rather quickly and say, "Retroactively, this will now also cover the city of Toronto so that the port lands project does not require planning approval either." Of course, that was done without consultation with anyone.

I remember discussing that in committee, and it was suggested that the mayor of Toronto agreed with that amendment, but upon later investigation I found that that amendment was not put to the mayor. The mayor in Toronto did agree with the City of Toronto Act and still does. The change doesn't say that he disagrees with the City of Toronto Act, but no one would argue the fact that this amendment does take away some of the authority that was granted to the city of Toronto in the City of Toronto Act, even before the City of Toronto Act actually takes effect. I think it's very important not only to the port lands application, but I think what's very important is that it's an example of Queen's Park still holding the heavy hammer over the planning process. If they believe that it's in the government's best interests and if the municipalities are not doing it the way—they will just step in and change that.

These are some other comments I have here regarding the exemption of energy undertakings from the Planning Act: "[T]he city has concerns with the provisions of Bill 51 that allow for certain energy projects to be exempt from the Planning Act. OPG and Hydro One are already exempt under the current Planning Act, and Bill 51 will allow new public and private sector energy projects or undertakings to be exempted by way of regulation." This is a presenter from the city of Toronto.

"The evaluation of energy projects solely through the EA process places the focus only on identifying environmental impacts and potential mitigation measures. Land use, site plan and other planning issues are not evaluated and, as such, an EA process is not an appro-

priate vehicle for the identification of planning-related issues. The city's view is that no additional energy undertakings should be exempted from the land use planning process, even if they have been through an EA. Rather, energy undertakings should be subject to an evaluation under the municipality's site plan control and zoning processes, done in tandem with the environmental assessment."

This was rather a long quote, but I think it's important because, at the time, energy projects hadn't been exempted from those sections of the City of Toronto Act, and this was the spokesperson for the city of Toronto who spoke at the committee. He made that statement, and at that time it did not apply to the city of Toronto. So we can be sure—at least, I can be sure—that his comments would be true in spades now, when it actually does apply to the city. When it didn't before, he still felt it was an inappropriate way to deal with energy projects.

From his comments, it certainly doesn't sound like he was requesting that the government provide more exemptions to electricity-generating projects in Toronto. It's clear in Toronto that there are two different visions about what power generation should take place in the port lands, and of course, Mr. Speaker, you would be more aware of that than most. There are two different visions, and I think it's very important that it's clear as to who gets to make the decisions. One minute the city of Toronto gets the ability to do that through the City of Toronto Act, and before the act is even implemented, they have taken that authority away.

Of course, this section 23 also, as I said, applies all around the province, outside the city of Toronto. The concern with this section of the bill is not just for Toronto. While we were at committee, we heard from many people who had concerns with that section. David and Audrey Walsh of Port Elgin wrote in a letter to the committee:

"I would like to state my opposition to section 23 of Bill 51, which is designed to allow quick passage of electricity-generating projects. This section flies in the face of openness and public consultation, giving proponents even more of an upper hand in forcing their projects onto an uninformed public."

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Kathy McCarrel of the Windfarm Action Group in Port Elgin said in her letter to the committee:

"Section 23 of Bill 51 will effectively further negate the efforts of local citizens and municipalities to be responsible for land use decisions which will impact their region.

"The fact that this section will allocate power to the provincial cabinet to exempt private energy projects from the Planning Act approval process is totally irresponsible and undemocratic."

Ms. McCarrel went on to say, "Section 23 of Bill 51 constitutes a breach of local democracy and public consultation."

Those are fairly strong words from someone about one little section, which is an exemption, rather than making everyone go through the same planning process.

Allan Lewis from Singhampton wrote in an August 27 letter to the committee:

"When I learned of section 23 of Bill 51 my heart sank. I fear that all of my own hard work and that of my municipality will be tossed aside in favour of the expedient erection of these installations with no regard to the concerns and issues of the people and areas they will have the biggest impact on."

Of course, he's speaking to the wind generation, which we're seeing a lot of in this province. Again, I think we all support the renewable energy that can be provided by these windmills, but there doesn't seem to be clear evidence that they should be exempt from the planning process so that communities can have a hand in the process. He went on to say, "There is a broad-based opposition to the inclusion of this section from both municipalities and local residents groups."

Regarding the exemption of the wind farms from the planning process, Andrew Bruce, a retired architect from Oakville, wrote:

"However, some concerns are to do with the impact of wind turbines on the visual appearance of the landscape.

"This is a legitimate concern and it can be addressed by each municipality."

Again, this was an individual who was fairly supportive of the changes in Bill 51, but not section 23.

Mayor MacIsaac from Burlington, during his presentation to the committee on August 3, said: "I would expect that, notwithstanding the fact that that provision is in there, it would be foolhardy for a provincial government to come in without having some municipal involvement in the process."

He made the assumption that no one would be foolish enough to put that in there and expect or even suggest that the municipalities should not be involved in the process. We know that, according to the law, there is no need for the municipality to be involved, because they are exempt from the planning process.

In fact, it seems that the only people who liked section 23 were the Liberals on the committee and, I can presume, the other Liberals on the government side. They seem to be the only ones who think that it's a necessary process. Of course, in justifying it, they said that the municipalities will still be involved, because no one would make decisions in their absence. They would, of course, bring them into the process—"We just don't want it to be under the Planning Act." But I'm sure that everybody would automatically inquire as to how the municipality feels about the planning and the zoning. That we don't need to have it in there that they are covered might be true if it wasn't for the fact that they are being intentionally separated.

We saw how well the provincial government takes local impacts into account when they approved a huge expansion at the Green Lane landfill site. Even though the member from London West and the member from Elgin–Middlesex–London were at the cabinet table, the concerns and issues of the people of Elgin–Middlesex–London and London weren't taken into account, or they

were not consulted with. They were not asked, "Do you agree or disagree?" They were just told at the end of a gun.

Not one of those Liberal members stood up and asked why the expansion was so large if it was just to deal with local garbage. Not one of those members stood up and said they shouldn't approve this until we have a real consultation with local residents. Not one of those members stood up for their riding and their area when it counted. Why would people believe that if this government takes the approval of energy projects out of the hands of municipalities, they would take the interest of the local people into consideration? Again, if this exemption stays in, I just don't believe that the province would do the consultation required so the local people would have a say in what was happening.

I'll leave section 23 and go on to some other parts of the bill that have the same problem. There is a section in the bill about portable classrooms at local schools. The school board association was in and made a presentation. They had real concerns about the section of the bill that allowed municipalities to suggest what the architectural design, colour and material of buildings should be. They came in and said that it's a real problem for the site plan and for their classrooms, that if they say, "The classrooms must be of this design and this colour and this type material," the standard classrooms would no longer fit the criteria, and they couldn't place all these portable classrooms that they presently move from site to site.

To answer that, they said, "Well, why don't we just exclude you from having to be governed by site plan control?" The original act, after second reading, said that the municipalities would not only have site plan control over these units; they would also have control over the architectural design, the colours, the total design of them. Now, to solve the problem, they have just taken them right out of the site plan control process. So school boards can, regardless of how large the site is, put them all in. If they wanted to save the back of a large development for a playground, they could put them right up in front there where it was not in the character of the community, and the municipality would no longer have any say in their doing that. Presently they do; they're all covered under site plan control. Again, this is not giving the community involvement in the planning of their local community. So I think it's unreasonable to assume that that's taking this act in the direction in which the minister said he was going, which was to get local autonomy for local planning.

Another area where we had a lot of concern expressed was the employment lands. I think everyone who made presentations, and I think municipalities in general—I know most, if not all, members of the committee—were supportive of making sure that the employment lands, as the development came forward, would not be put into years of litigation and OMB hearings, preventing the development from happening and providing employment. But the definition is so narrow that in fact there are going to be a lot of areas where we have mixed-use designations in the official plan, and they will now all be covered under employment lands, so anything that happens in that mixed-use designation will not be appealable to the Ontario Municipal Board.

Again, I think that is taking away the public's right to be involved in the planning process. There would be a lot of things in that area designated for mixed use that would, if it wasn't for it being partly employment land, be appealable, and this will take that away. Again, a number of people asked to have that changed so that employment land, and the appealability of it, would only apply to that part of the mixed use that was actually designated employment land. Of course, of all the amendments we saw the government put forward, that wasn't one of them, and that's the way it has stayed.

On that issue, the Greater Toronto Home Builders' Association's presentation to the committee said, "As currently written, 'mixed use' is included in the definition of employment lands. To avoid being open to municipal abuse, policies concerning areas of municipal employment must be consistent across all provincial planning documents.

"Mixed-use applications, which can include a residential component, will severely affect, if not paralyze, attempts at increased intensification.

"Once again, this is an example of a policy that needs to be re-examined since it is clearly counterproductive to provincial policies."

Again, one would think that on hearing that from a reputable association in the city, the province would have made some attempt to change that definition of employment lands to exclude the other developments within the policy.

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The Ontario Professional Planners Institute wrote, in their submission to the committee:

"The definition of 'area of employment' is imprecise. The lack of clarity will lead to debates between an applicant and a municipality as to whether or not a site is an area of employment."

During the Association of Municipalities of Ontario presentation to the committee, Roger Anderson asked the government for clarification. He raised several examples where the definition wasn't clear, such as whether big-box retail stores were allowed in employment lands, whether the definition would include infrastructure such as energy from waste and composting facilities.

He also raised concerns about the definition being applied to rural and northern communities where, he said, "Many employment centres are resorts, recreational and associated uses." He said, "The definition of employment lands should reflect this diversity across this province."

Did the government listen and make a change? No; no change at all.

The next item is the second unit exemption. Bill 51 gives municipalities the right to remit a second unit in residential homes and removes the rights of citizens to appeal that. I suppose if we're looking for intensification in our society, in our communities, to prevent urban

sprawl, second units seem to make sense. If we have the structure already there and it lends itself to having more than one residential unit in it, that makes a lot of sense.

A number of years ago, before my time in this place, the government of the day decided that they would make second units in residential areas a right of all citizens so that you would not require a rezoning for an establishment, for a house, if you were to build a second unit in it. There was so much objection, primarily from the municipalities, but I think from people in general, that that didn't happen. This bill does the same thing, only it makes that ability to make that decision a municipal ability, but change nonetheless, that people who live in single-family residential communities can now have the municipality say, "Oh, you no longer live in single-family residential units. We are going to allow duplexing and allow second units in the homes that are there."

Again, I don't think that that got public consultation. I don't think the average citizen who lives in a single-family residential area in this province really knows that this is going to happen. I'm also very concerned, since they have the ability to do this, that municipalities could make that decision without great input from the public again, and these people would not be able to appeal that decision to the Ontario Municipal Board. If they didn't have their opportunity to speak to council in the making of the decision, then they would not be able to do anything about it, so that's what they would have.

The other thing that I just wanted to touch on is the ability—and I've mentioned it somewhat in my remarks—for people to appeal. It seems to be restricted. As we look at how applications can be appealed to the Ontario Municipal Board, it seems to treat different people in different groups differently. Maybe that's the way it's supposed to be, but it doesn't seem to provide equality. Now, we know that the minister can appeal almost anything that the municipality does, based on the fact that if the minister believes there's a provincial interest in an application, he can appeal it to the Ontario Municipal Board. But when we look at the people who can appeal—and again, I don't want to suggest that changes in the process and in the Ontario Municipal Board are not required—we want to make sure that what we're putting in place is, in fact, streamlining the process and making it work better, not just restricting some people's ability to appeal.

First, under this bill, the only people who can appeal a decision of the Ontario Municipal Board are—and I think this is very important—a person or a public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to council. Again, as I said earlier, if they haven't made an application or haven't been to the meeting to say that they objected or that they made a presentation for or against, they cannot make a submission.

Second is the minister. The minister can appeal any decision council makes. Incidentally, he lodges that appeal with the Ontario Municipal Board, which is appointed by the province.

The appropriate approval authority—so with any application, the appropriate approval authority could in fact further the application by appealing it to the Ontario Municipal Board.

In the case of a request to amend the plan, the person or public body that made the request: If you are the Minister of Municipal Affairs, you can appeal a decision of the Ontario Municipal Board whenever you want, but if you are a member of the public, you'd better be at the council meeting or have a written letter. Otherwise, you can't appeal. It's not enough to simply attend the meeting; you must speak or write a letter, even if your opinion is already expressed by someone else. If you're at a large meeting and everyone is opposed to the application and everyone has come up with a reason they don't think it's a good idea, you must still get up and repeat that, because if you're not on record as having made a presentation, you are not eligible to appeal it.

Roger Anderson from AMO, when speaking to the committee, raised the concern that municipalities don't want to "be forced into stenographed minutes at the statutory public meeting." That would be the other option: that someone would actually record everyone who was there, what they had said, and have the minutes of that meeting be public record so the Ontario Municipal Board would know they had made a presentation. That would be the only other way other than having a written submission.

The other problem that comes with that is if a councillor goes in and speaks on my behalf—I decide there is an application I have some concerns with, but I'm not a person who likes to speak in public, so I ask my local councillor to speak on my behalf—not representing me, but putting my position forward so I know, as council deliberates the application, they've heard the view that closely reflects what I think. He is unsuccessful in convincing the rest of council to agree with him. I can't appeal; I didn't speak to the application.

Even the people of the minister's riding question this change. This quote is from the letter to the editor that appeared in the Kingston Whig-Standard:

"In fact, this oversight on the part of lawmakers may either exclude or severely limit public participation, thereby calling into question the very openness that Mr. Gerretsen states Bill 51 is supposed to promote.

"Taken one step further, this lack of equity seriously undermines the democratic process not only in OMB appeals, but in other arenas as well."

Let's be honest: A lot of people don't find out the details of proposed development until it goes to council and the decision is made. Mr. Speaker, you spent a lot of years on local council, and you would know that the general public usually gets involved after the decisions rather than before the decisions, because it takes that long to find out about it.

The minister made a comment in his comments about how they've added a part in the bill through the amendments where they must notify all the people of how you appeal a decision. That information will be distributed by

municipalities at the public meeting. So no one who isn't there will know how you even go about appealing a decision. Even if they did, if they weren't at the meeting, they will be told, "This is how you do it, but you're too late; you can't do it anyway." That's taking away the rights of citizens.

The director of the Carleton Landowners Association wrote, in a letter to the committee:

"Why would any democratic government give more rights or means of appeal to one group or individual than to others?

"The proposed changes do just that and further allow municipal government to replace the Ontario Municipal Board with a tribunal of the city's selection to hear appeals lodged against the very body who selects the tribunal. This is clearly not in the best interest of justice, democracy nor the taxpayer." In that paragraph, they're not speaking about the Ontario Municipal Board.

2020

That takes us to the next section, which I just wanted to touch on: the municipality's ability to appoint an appeals body. Decisions of land division and minor variances would no longer be appealable to the Ontario Municipal Board; they would be appealable only to the local appeals body. That's a way to try to streamline the OMB process so we will have fewer applications going to the Ontario Municipal Board. Of course, though, if the local council that makes the decision also gets to appoint the appeals body, and their sheer existence and retaining of that position depends on the good graces or the good wishes of council, I think the chances of that looking like an impartial hearing—and I'm not saying they wouldn't be an impartial third party—to the public would be lost. I think that's really what the association was saying: that we're really not providing the same appeals process to everyone.

More than that, there were a lot of presentations to the committee about how the cost of doing that would be beyond the means of a lot of smaller municipalities. What's interesting is that if you live in those municipalities and they don't appoint their own appeals body, then all those decisions become eligible to be appealed to the Ontario Municipal Board. So all of a sudden, in my small municipality, I have further rights of appeal than a municipality where they appoint their own appeals body. I'm not sure that's what you'd call fair and equal treatment of all people in the province.

The Ombudsman spoke to that in terms of Bill 130. He had some comments about local appeals bodies, and where they're not appointed, then they go to the Ombudsman, and he said that wasn't the way to go. This is the same type of situation that is created in Bill 130 where councils can appoint investigators and ombudsmen who are supposed to be able to investigate the municipality and the council—again, this is in Bill 130—as to whether councils are living up to the commitments or the letter of the law in Bill 130. But the ombudsman is dependent on the council for his appointment.

In that case, the provincial Ombudsman said: "It is a piece of legislation that exploits the goodwill associated with the term Ombudsman, yet doesn't deliver on any of the basic tenets. They are making it appear as a very credible, substantial step forward when it borders on fraud."

The only reason he said that is because he believes that the appointed ombudsmen are not in a position to make a fair and honest judgment based on the interests of the complainant as opposed to the interests of the body that appoints them. Bill 51 uses exactly the same system with these local appeals bodies, so I can assume that the Ombudsman would say the same about that as to whether people's concerns will be properly heard through the board that the council appointed. I think it's important not only to have fairness but to have the appearance of fairness.

The other thing, on the appointment of the boards—I think we had quite a discussion about that—was an amendment that was added during the clause-by-clause. It says that no municipalities can have joint boards. So you can have an appeals body, but you can't share an appeals body with a neighbouring municipality. Or in the province, where we have two-tiered government, if you want to share the responsibility and the cost of running an appeals body with both levels of government—the county or the region and the local municipality—there's now a section in the act that says you can't do that. In Oxford county, it creates a very interesting and, in my opinion, troublesome situation. In the planning process in Oxford county, the official plan is the responsibility and the jurisdiction of the upper tier. There are no local official plans, so the zoning in local municipalities is all based on the county official plan, but the jurisdiction of the zoning is done by the local municipality. All land division decisions are made by the county; all minor variances in the municipalities are done by the local municipality.

We have eight local municipalities and one county. You could have an appeals body for land division decisions and minor variances. So if Oxford county and the local municipalities decided they wanted to have a local appeals body, they would have to appoint nine of them because they cannot share the appeals body with either the upper tier or any of their neighbouring municipalities. So for around a 100,000 population, we would have to have nine appeals bodies to make this work. I think it's reasonable to assume that the Ontario Municipal Board would likely hear most of the appeals to minor variances and land divisions in Oxford county because of the fact that—who would appoint nine different committees?

When we asked the government in committee why they would have that amendment, that we couldn't have one appeals body, they said that it was very important that the local appeals body was reflective of the community on whose behalf the decision was made: "We want to make it very impartial and stand-alone, yet we want to make sure that the body that makes the decision

that's being appealed is the same body that appoints the committee to hear the appeal." To my way of thinking, it would be totally the other way around. I think we should have it that in every two-tier system there is only one appeals body allowed so there would not be a direct connection between the appointing body and the decision-making body on the planning application. But again, that amendment was put in there to make sure that can't happen.

In fact, during the committee hearings, the member for Glengarry–Prescott–Russell pointed out that in his community it would be the same problem, that if we can't have a joint appeals body for the upper and lower tiers, it would likely become very cost-prohibitive to have an appeals body for any of them and it would likely all stay with the Ontario Municipal Board.

The Association of Municipal Managers, Clerks and Treasurers of Ontario raised a concern about the cost of the local appeals bodies. The president of the association said, "One solution would be a joint appeal body. This approach is relevant in my county, where, if everyone proceeded to separately establish local boards, there would be nine, drawing on the resources of 50,000 people." That's exactly the same as Oxford, only we have twice as many people to help pay the bill; in this case, 50,000 people are going to be expected to pay for nine appeals bodies, which doesn't make a lot of sense. "AMCTO recommends that Bill 51 be amended to authorize the establishment of local appeal bodies on an inter-municipal basis." That was suggested to the committee but the government members decided in the clause-by-clause not to include it. In fact, in the original bill it was somewhat ambiguous whether you could or couldn't, so they put in an amendment to clear up that ambiguity and said, "No, you can't do it," which doesn't make sense.

We've had a lot of discussion in the past about the ongoing cost to municipalities as government brings in new legislation and expects more and more from our municipal partners. A lot of these things incur costs. We heard this afternoon, as the debate was going on about the Clean Water Act, that there's going to be a massive cost to municipalities with that. There's also going to be a considerable cost as we implement the requirements of this bill. This is true with a lot of the legislation. The minister, in his presentation on this act, listed quite a number of issues he has introduced and passed on behalf of municipalities. Each and every one of them contains a certain amount of cost to municipalities that they are expected to raise from their local taxpayers.

2030

Now, the Ontario Professional Planners Institute, in their submission to the committee, wrote, "This legislation increases the obligation of municipalities to keep planning documents current." The bill says they must have an updated official plan every five years. "Resources are required to conduct reviews, and OPPI members recognize that in addition to regulation, there must be an acknowledgement by government that more funding needs to be made available to allow for plan reviews and updates." If you're going to make it mandatory that these reviews must take place, someone has to pay for them, and the association felt it to be very important that the government, along with mandating that that must be done, come up with the funding to do that.

The Association of Municipal Managers, Clerks and Treasurers of Ontario, during their presentation to committee, said, "These ambitious time frames will have significant impacts in terms of council time, staff resources and consultant fees." They also pointed out that to have a complete review of the official plan every five years was very impractical, if not impossible, to achieve on an ongoing basis.

Our leader, John Tory, said, "The McGuinty Liberals see no problem in dictating new regulations to municipalities without consultation, only to then disappear from the picture when the time comes to pay the bill." That's really true of all of these. In the water act, we've heard that they've set up a fund, but the amount of money put in will likely cover the cost of administering the fund but will not help many people deal with the Clean Water Act.

It has been almost 10 years since the last provincial-municipal review was completed on the division of costs between municipalities, the realignment of municipal services and costs. Since that time, the circumstances have changed and costs have increased. I was just at the county and regions conference in Haliburton yesterday and this morning, and the number one item on their agenda was the provincial-municipal division of costs and their responsibilities. In fact, the presenters this morning were on social housing and that the cost has gone up tremendously on that and they need some assistance to make that happen.

To make ends meet, municipalities have been forced to delay maintenance on infrastructure, reduce services or raise property taxes. They can't afford to wait 18 months for a review so the Liberals can get through the next election without dealing with this issue. I think we had considerable discussion about that last Thursday. Last week, despite Liberal opposition, this House passed a resolution calling on the government to complete this review much more expeditiously. That passed last Thursday morning here in this Legislature on a recorded vote. I'll be up front about it. The Liberals did vote against completing the review expeditiously, so I guess they're admitting that they are dragging it out for political reasons. The resolution didn't say, "You have to do it in three months," or "You have to do it in six months," or "You have to do it in 10 months." It said, "You should do it expeditiously." They said, "Oh, no, no, no, we don't want to do it expeditiously. We want to take a long time. In fact, we don't want it finished till at least 18 months from now." I just don't think that's good enough.

The members who spoke to the resolution said that the government has already been doing a lot of the changes that need to be made in that fiscal relationship with municipalities over the last number of years. One of the

items mentioned was the change in funding for ambulance service. I would just point out here for all in the Legislature and the people at home in the municipalities who are watching that if we've already figured out what needs doing, I don't know why we would need another 18 months to study what needs to be done. I think this is the time to sit down and in very short order put down on paper what they are going to do and then start the funding so the municipalities don't have to wait another 18 months before they're even told what the problem is. I think most municipalities already know.

Many of my constituents said they're tired of the pointing of fingers and blaming others. The government has been in power for three years and they have to take responsibility for the state of the province. Life goes on. When the Liberals went to the polls, they said, "This is what we'll do. This is what the government is doing wrong, and we will fix it." Here we are going into the election for next term and they're going to say, "We're going to start looking at what needs to be fixed after the next election." I don't think that's good enough.

Bill 51 is a very large and very complex piece of legislation. I understand that it's difficult for government, even with all of their staff and their lawyers, to make sure they've read everything carefully. Sometimes details get passed over, and I think we would all agree with that. Perfection in anyone is hard to find. In fact, we have an example of this in Bill 130 with the duties of the mayor. I found it interesting. We were having a discussion with the staff; the bill was being explained to me in a briefing from the ministry. It has to do with the duties of the mayor. There's a list in Bill 130 about the duties of the mayor, but it doesn't say the mayor "may" do these things; it says the mayor "shall" do these things. I have to assume that if you were elected mayor and four years later you were running for re-election and were asked if you had performed adequately the duties of the mayor, you would have to have accomplished everything in the list of the mayor's duties. The last item on the list is that they "shall ... promote the municipality ... internationally." I guess that means that if you're going to be a good mayor, you'd better hire a travel agent and start travelling the world, upon election, to promote your municipality internationally. I can understand that the local government, for economic development purposes and so forth, would want to promote the municipality far and wide. I even think a lot of municipalities would be promoting their municipality internationally. But to say that every mayor in Ontario has a responsibility to do that is going well beyond what we would generally think the mayors of some of our municipalities would expect to do or what we would expect them to do.

Another thing: There was a debate in the committee on Bill 51 about public meetings and how long they could last, because it says in the bill that every member at the public meeting must be given an opportunity to speak. If you had 500 people at the meeting, they must all be allowed to speak. In a two-hour meeting, that's not going to happen.

The Acting Speaker (Mrs. Linda Jeffrey): Your time has expired.

Questions or comments?

Mr. Bisson: Thank you very much, Madam Speaker, and my congratulations on your promotion. I hope they are going to do something to recognize this extra work you're doing today.

I enjoyed the comments made by the member from Oxford. He has actually gone through the bill fairly well and understands from his municipal days what is this is all about and how it works. I think he has demonstrated a fairly good knowledge on these particular issues.

I can agree with him on a couple of things. One of them is this whole notion that if more than a number of people show up to give comment on an issue and they're only given two hours in total, it seems kind of counter to what this place is all about.

When it comes to amending an official plan or the whole issue of development, those are pretty controversial issues in communities. Where you are going to build a particular development at times can be quite controversial. I know we've come across that in all of our communities. The issue in my mind is that you have to figure out some way of balancing the needs of the citizens with the ability to develop. That's really where the nub is, and that's a difficult one. When I look at this bill and the provisions in it, I come to the same conclusion as my colleague the member for Beaches–East York, the New Democratic critic for municipal affairs, and also the Conservative Party member for Oxford: This bill doesn't get us there. It really, really doesn't.

If you look at the details of the bill, there are some steps in the right direction. I'm not going to say it is totally a bad thing, but they're some pretty small steps in dealing with what is a fairly complex issue. It's another example of where we didn't allow the committee to do the work it had to do in order to look at this in some detail and come back with some meaningful amendments to the bill to give it what it needs to make it work. This is a demonstration that it falls short of that.

2040

Mr. Dave Levac (Brant): I appreciate the opportunity to speak to the member from Oxford's leadoff of 60 minutes. Within his preambles to getting to the points that he wanted to measure inside of the bill, I do take on faith that his dissection of the bill was with the intent of what he said he would like to do: to bring constructive criticism to the bill. I heard him clearly talk about two or three of the issues where he does bring some salient points to the table to ensure that we're trying to get the best for our municipalities. That, indeed, is a good point.

The member from Timmins–James Bay has indicated, as he has in the past, good steps towards the right direction. Hopefully, we're making life a little easier for us as municipalities and the people we represent, except he's taking his tablet out quicker than I thought he was doing.

Anyway, I want to come back to the member from Oxford. The one thing that he has captured is what the

opposition is going to continually do: "Don't talk about the past"—because we've been here for three years. "Don't tell us that we downloaded, as the previous government"—all the problems we're now trying to correct. "Don't talk about that. You're not allowed to do that, but then we can criticize you to blazes and not point out anything that's good about the bill."

That's a good strategy, because what you've done is said that when you were here, you could do whatever you wanted to the municipalities, and then when you're over there, you can't take responsibility for it, and then you're going to blame us for whatever it is that we're not doing. That's a pretty good way to get out of talking about the real issues, which I want to get to right now.

The minister talked to us clearly about what's going to happen with one of the issues that I know all of us are concerned about, and that's brownfields. The most important aspect of one of these bills and the several others that have preceded it is a recognition, once and for all, that we have a problem and that we've finally acknowledged it and we're working towards the solution. This is going to put us forward, and I know that the minister is going to be making some great announcements about brownfields in the future. I look forward to it, and he knows I've been an advocate of correcting it.

Mr. Gerry Martiniuk (Cambridge): I was most pleased to hear the comments of my good friend and colleague from the county of Oxford in regard to Bill 51. I'd just like to deal with one particular matter that he raised, and I think it is an important part of that bill.

The new bill would restrict appeals to the Ontario Municipal Board in regard to the evidence that had been adduced before the municipality in the case of either ratepayers or developers. A municipality could present new planning evidence to the Ontario Municipal Board, but ratepayers and developers are restricted.

With developers, as they have a profit motive and usually have money if they're in the development investment game, they have no difficulty in adducing the necessary planning information and evidence at the time they make their application. That is a common thing to do. Ratepayers, on the other hand, are entirely different, because these are individuals. They're not there for a profit motive; they're there to determine that their properties and their homes, in many cases, are not harmed by any development.

In the first instance, in going to a municipality, they usually don't think of planning evidence and things of that kind, nor do they have the money to do it at that stage. It simply means that, because they don't present it before the municipality, if there is an appeal to the Ontario Municipal Board, they will never have the opportunity to present planning evidence, and that would be a shame.

Mr. Michael Prue (Beaches–East York): I had the opportunity to hear all but a couple of minutes of the member for Oxford's speech. One of the things that you will find from sitting in the chair is you look, you very carefully have to listen to every word, just in case something is said that is untoward. I have to say that I listened to him. He gave a very thorough canvass of this bill and, contrary to some of the comments that have been made, I think that he was quite balanced and fair. He said—and I'm trying to paraphrase what he said—that there were parts and aspects of the bill that he could commend. I think that his job—and he said it correctly—as a member of Her Majesty's loyal opposition is to point out those parts of the bill that fail or that, in his opinion, do not further the stated goals of the government.

He was present throughout the entire process in committee. I was there too to watch him dutifully and carefully. It was a frustrating experience, I have to tell you, for a member of the opposition; particularly, I would think, for a member of the official opposition to watch that, of the 103 amendments that were put forward, some 40 by the members of the opposition combined, none of those passed. None of those got anything other than perfunctory debate. The 65 amendments, which was a major restructure of the bill, took place with unanimity of the government caucus.

I believe it is the role of the opposition to point these kinds of things out and to show where a government bill was so seriously flawed at its outset that 65 amendments were felt necessary by the government. But, in the face of considered opposition from the parties and from the people themselves, not one amendment was made in that stead.

The Acting Speaker: Response?

Mr. Hardeman: I just want to thank all the members who made such kind comments to my presentation. The member for Brant said—and I guess that's the one that I just want to speak to for a moment—he was concerned that I was focusing not on what happened before, more than three years ago, that I was too focused on what was happening in this bill, and I really thought that was the purpose for our having this debate this evening.

I was kind of hoping that I would hear, from the government side, some explanations of some of the questions that we put in our presentation, because obviously, this is what this debate is about. As I said, some of the things I agreed with and some of the things I disagreed with. Maybe I disagreed with them because I didn't understand them, and I would have hoped that in the responses from government, we would have got some of the answers. But obviously, in the big picture, the government is not really interested in hearing from the opposition, or they're not really interested in hearing from the general public.

If we look at the main direction of this bill, it does not increase public participation. It may or may not help municipalities, but it definitely does not help the average citizen in Ontario to be involved in the process and have their say as to what happens in their community. I think that's really the point I was trying to make: that the consultation that this government has done on this bill has been done only with the stakeholders and not with the people who are directly involved with it. I think that will come back to haunt them as we try to implement this

bill and try to make people of the province of Ontario understand why it is they will not be heard when they want to make an appeal of a decision that is going to negatively impact their lives and their community.

The Acting Speaker: Further debate? The member from Beaches–East York.

Mr. Prue: Thank you very much, Madam Speaker. I would like to preface my remarks on this bill, if you would be so kind, with the statement that I thank you very much for agreeing to sit in the chair tonight. It is very difficult oftentimes as one of the assistant Deputy Speakers to be sitting there when you also have a role as a critic and you also must, of course, make the leadoff speech on behalf of your respective party. I want to thank you for taking it upon yourself to do the onerous and difficult task, often, of sitting in that chair and trying to keep order in this often unruly place. I hope the experience is a good one, and I thank you for taking it on.

Having said that, it is my duty as the critic for the New Democratic Party in municipal affairs to critique this bill. I'm going to start out with the premise as well that there are parts of this bill that are worthy of support; there is no doubt. One cannot put together a bill with hundreds of sections in it, with all of the words, with all of the pages, without getting some of the things right. There is, in fact, a whole body here that is going to help some municipalities, particularly the larger ones, structure themselves in such a way that will allow appeals to be heard in a much more forthright, honest and upfront way, right close to the general public, without having to involve the Ontario Municipal Board and a non-elected body which, for many of them, is many miles away and very difficult to attend and very difficult, in fact, to comprehend.

I want to spend the time I have tonight, because this is, of course, another one of my bifurcated speeches—I don't believe I've ever started off a one-hour speech and had an opportunity to actually make it. So tonight will be about a 39-minute speech, and I suppose the other 20 minutes will occur on another occasion.

2050

Using my time wisely, I want to talk first about the major impact that this bill will have upon the city of Toronto and particularly upon my riding of Beaches–East York and the adjacent riding of Toronto–Danforth, because it is one of the amendments of this bill that took place in committee that will do, in my view, and I think in the view of the residents of my riding, irreparable harm to the people who call the Beach home and irreparable harm to the people of Riverdale and Leslieville and all of those who live in close proximity to Lake Ontario, and that was the amendment which was a government motion on page 94, so I think it's government motion 94.

What it did was, it struck out section 62.0.1 of the Planning Act as set out in section 23 of the bill and substituted another section. What this substitution did is, it took away all of the rights that the city of Toronto had accrued under the City of Toronto Act, passed in this very Legislature in June. It took away the rights of the city of Toronto, the council, the mayor, the citizens, to have a say in whether or not energy projects were located within the confines and the four walls of the city of Toronto. It took away those rights which had been recently granted and, in fact, following the City of Toronto Act passage, was the first committee which actually looked in any way at the City of Toronto Act, and immediately took away those powers which had been granted and which were deemed necessary only two months before.

I must digress a little bit in order to go back to the passage of that bill and what it was supposed to do, in order to then talk about what this bill does in this offending motion number 94, which has found its way into the body of Bill 51.

Back last June, there was a great debate in this House. There was a vote. I remember quite clearly how that vote went. Every single member of the government office voted in favour of the City of Toronto Act, Bill 130, because, as the Premier stated, as the Minister of Municipal Affairs and Housing stated, this was a bill that was going to set free the city of Toronto. It was going to determine, once and for all, that the city of Toronto was a mature government, that it had the powers and should have the powers to look after its own destiny, that it was capable of looking after that destiny and acting in the best interests of the people they served.

I remember those debates. I remember all of the words that were said and the terrific little debate that we had in our own caucus about whether or not to support this bill, warts and all, or whether to say no, there were some things wrong with it, and oppose it. We made the decision as a caucus, and I stood in this House, along with the government members, in support of Bill 130. It was a difficult decision, because there were some things in the bill that we did not believe were correct, mostly around funding for the city of Toronto and the responsibility they had for a new tax regime which they didn't necessarily want. But we thought, on balance, it was a bill that helped the people of the city of Toronto.

I stood up in my place right here and voted for it, and I voted with the government. I did so in the full expectation that it would be honoured, that the provisions that were there, whether I agreed with all of them or not, would be honoured. You have to know how difficult and how sad it was for me, on that day in August, August 29 to be precise, when the government put in its 65 recommendations of changes to the act, that one of those changes was to take away the very powers that I believe the city of Toronto needs to have, and that power was to have a say over the siting of energy projects within the municipality.

Now, I ought not to have been surprised. I knew about section 23 some months before, how it was going to affect all of the other municipalities and how all of them were going to lose the rights that had accrued to them over the more than 100 years since Confederation and which they had exercised literally without hindrance or without difficulty in all that time.

Whether it be a small, little municipality in western Ontario, eastern Ontario or the far north, or whether it be

a large municipality, a big city like Toronto or Ottawa, they had always had authority under the Planning Act to look at the siting of energy projects, save and except those involving Ontario Hydro. Hydro has been exempt for many years. I heard what the minister had to say here today when I was sitting in that chair. I listened intently. Yes, that is true: Hydro has been exempt for many years. But what is being exempted here is not Ontario Hydro. It is not a continuation of the past. Quite literally any private sector company that wants to set up an energy regime in the province of Ontario is now exempt from site plan controls and from local planning bodies, municipal councillors, mayors and everyone else.

For example, if a person wants to set up windmills anywhere, they can do it. Now, to some people, that's a good thing. To some, it's not. I want to tell the member from Huron–Bruce, who's clapping, that in certain parts of her own riding there are people who do not appreciate them. I don't necessarily share their opinion, but they live there and I don't. To some of them, they find this to be quite a blight on their environment and the enjoyment of their property. I believe that people ought to be heard, and I believe that the siting of windmills is something that local politicians should discuss. They should determine the most appropriate site. They should determine whether it's going to impact on any of the natural or historical features, whether it's going to impact on any schools, whether it's in too close proximity to homes or where people live. All of those things need to be looked at. They're no longer going to be looked at.

I gave the worst-case scenario. What if, not necessarily this government but, say, a government two or three governments from now, with all of the elections that take place in the topsy-turvy world of politics in Ontario, is elected that wants to go totally nuclear? Oh, the member from Huron–Bruce is cheering that one too. I'm not sure that we should be in the same room maybe on this, but we are. They want to go totally nuclear, and they determine that they're going to locate it in a metropolitan area. What if they want to put it right close into a town or a city? What if they want to put it in Ottawa or Hamilton or Toronto; they want to put it right downtown? The law allows them. Can the municipal council, can the mayor, can anyone say anything? No, because the legislation is here. The legislation forbids that. So any company that wants to, in the future, site a nuclear facility—not Ontario Hydro but any company—can do so.

What about energy from waste? That produces energy. If it's going to produce two megawatts, then there it is. So if somebody wants to say, "Well, we're not going to bury our garbage anymore; we're going to burn it," that facility that's going to burn the garbage in the local municipalities or in proximity to those local municipalities or the areas—they will no longer have any say on what happens.

I think they need to have that say—not through NIMBYism, but the local people need to have some kind of site plan approval to say, "It is not appropriate to put it here. It is not appropriate to put it over there. It's too close to the school. It's too close to the hydro wires. It's too close to our great plan for our downtown or the dream that we have in our official plan to make this into a park." All of those things should be relevant, and the people who live there need to know that they are being heard.

I digress a little because I want to come back to this motion number 94, which does away with Toronto's right to have any say whatsoever on the siting of these facilities. I know this has been hugely contentious in my own riding of Beaches–East York, and I know it is equally or even more contentious in the neighbouring riding of Toronto–Danforth, because I have been to several of these meetings where hundreds and hundreds of people have come out to protest, where they have come out to speak against what is happening in terms of the Portlands energy project, where they are talking about their dream and what they want in their community, not because they are NIMBYs but because we in the city of Toronto, particularly in the east end, have a very valuable asset that we want to share with all Ontarians and indeed with all Canadians. It is called the port lands. It is a derelict place. If you go there today and you go up and down the streets, some of which are in pretty sad shape, if you look at the scrub and the land, which is used for very little, where there are some factories operating and in other places there are none at all, where you see the contaminated soil, you say, what's the issue here?

The issue is that the city of Toronto for many years has had a dream. We thought that the province and the federal government shared that dream with us. We thought that one day those port lands, those derelict lands, were going to be something of which we could be universally proud, that the city of Toronto could redevelop its waterfront into a jewel.

2100

Madam Speaker, if you have travelled around the world, if you have been to places like Barcelona or to London or to Chicago, if you have been to New York City, if you have been to any of the great ports, Stockholm or Amsterdam, and you have seen those same derelict properties, if you have seen a waterfront that was inhabited more by rats than by people, if you have seen the contaminated soil and the old buildings and it didn't look like anything, I invite you to go back to those great cities with vision and see what they have done in their port lands, because they are phenomenal. They are unbelievable. They give us all, as human beings, a great hope of what we can do and how we can do it and what we can develop and what we can dream of.

I have to tell you that that dream spoken about by the mayor, by the council, by Robert Fung, the first waterfront czar, by TEDCO, which is the company that owns some of the municipal properties, by ordinary citizens and by community groups was to develop that. There are drawings of parks with canals. There are places where people would go to eat and people would live in decent housing. There is everything on the planning board to what will happen down there.

I guess our dream was not to be the dream that this province sees. I was listening again intently in the chair, listening to some of the jibes that were going back and forth and some of the heckling that was taking place by the Minister of Health, who, by the way, is a consummate heckler not only in question period but even here in the evening sessions. When the member from Oxford talked about competing dreams, the minister said, "No, no, there are no competing dreams here. There's only one." I want to beg to differ. He, of course, said it far more eloquently and in a far better heckling style than I have just talked about. But there is, I think, a competing dream here. There is a dream of those who live there versus those who want to impose their will upon what that section should look like.

Now, a long time ago, as a member of the megacity council, I once heard a speech by Councillor Kyle Rae. At first I was a little offended by it, but then I started to laugh and thought, "You know, he is absolutely right." His speech and the purport of his speech went something like this: "I live downtown. The rest of you are merely tourists." He was talking about all the people from Scarborough and East York and Etobicoke and North York and York. We were merely tourists. He lived downtown. He had to live every day with homelessness. He had to live every day with the derelict buildings. He had to live every day with the problems of urbanity. He had to live there because that was his community. The rest of us were tourists, he said, because every day we came down there to work and every night we went home to some safe sinecure that we called our home in some faraway place that might only be five or 10 kilometres away, but was far away from the problems that he experienced and far away from the dreams that the people who lived there had.

I want to think that exactly the same thing is happening here. People who do not live in downtown Toronto, particularly people who do not live in the eastern portion of downtown Toronto from about Cherry Street over to the Beach and maybe out and a little bit into Scarborough, that section which is gentrifying, that section which is filled with lovely people and great homes and with those who have beautiful dreams for what their neighbourhood is going to look like, are having a will imposed upon them by the rest of Ontario, which is telling them what they are going to look like, what is going to happen in their neighbourhood and what is going to happen in their community.

They have tried to fight back. They have tried, right up until August 30, to mount a campaign. They had the mayor onside; they had the local councillors onside. In fact, they had the city of Toronto council onside; the waterfront czar and everyone else was on their side. On August 30, that came crashing down in our community. It came crashing down because if you saw what happened immediately after August 30, and I know that it had to have been a plan of this government, in the couple of days following August 30, the people came out into the port lands: They came out with instruments to measure, they came out with all of the tools of the trade, they came out with construction tools and earthmovers and they started to move in construction goods. They started to build on the port lands.

Long before the debate here today, it's already happening, because they are understanding that what you have put in that bill, on that fateful day in that committee, is the end of any public discussion. There is no longer any public discussion. The mayor has stated, "It's over." The council has stated that it's over but they still want to fight. It's over. Because what you have done is said that your competing dream is superior to theirs. You have taken away the right of their municipal government to fight it, and they were bound and determined to do it. What you've determined for Toronto, you've determined for everyone else.

What the citizens of Toronto and in particular the east end wanted was a pretty simple thing: They wanted to build a gas-fired generating plant that was about half the size of the one you want. They had a pretty good plan. They weren't NIMBYs. They had a plan that would do a whole bunch of really interesting things. They wanted to cut energy use in existing government and non-government buildings in Toronto. They wanted to set a much higher energy-efficient standard for new buildings. They wanted to invest in cutting household energy use. They wanted to utilize Toronto's cool cities program, which is renowned throughout the world. They wanted to invest in renewable energy projects; expand the use of the city's current district energy system to provide cogeneration; use gas burned at the Ashbridges Bay treatment plant for drying sludge; expand the Toronto Hydro program to convert standby generators in large buildings; set up a number of district energy grids; and provide a substantial community investment in green energy and efficiency.

They said that if all of those things were done and we still needed the energy, they would agree to put a gas-fired generating plant inside the old Hearn—not to build a new one, not to make it even uglier out there, but to put it inside the old Hearn plant, which is there on the waterfront, which has been designated as a historical property and which will probably be there for a long time, and really hide the whole thing so it wouldn't be seen and it wouldn't be a blight.

This is what reasonable people were asking to do, and this government and that committee, on August 30, said it wasn't to be. I think that was a pretty sad day for democracy and a pretty sad day for the people in the east end. In committee, I remember getting just a little riled up. You were the Chair of the committee on that day. I think I'm a little less riled up today. It came right out of the blue. We had no idea that that was going to happen until that was put on my desk the very morning of the committee. When I looked at it—the words are difficult, and it wasn't abundantly clear, and I don't think it would be abundantly clear to anyone, what page 94 was going to do. I'd just like to read it into the record to show how arcane sometimes government language is and how it's not readily apparent until a few questions are asked. It says:

"Exempt undertakings

"62.0.1(1) An undertaking or class of undertakings within the meaning of the Environmental Assessment Act that relates to energy is not subject to this act or to section 113 or 114 of the City of Toronto Act, 2006, if

"(a) it has been approved under part II or part II.1 of the Environmental Assessment Act or is the subject of,

"(i) an order under section 3.1 or a declaration under section 3.2 of that act, or

"(ii) an exempting regulation made under that act; and

"(b) a regulation under clause 70(h) prescribing the undertaking or class of undertakings is in effect."

2110

That's what people are supposed to understand took away all of their rights. Pardon me if it was not readily apparent to anyone, because no one at all was consulted. In committee, when I asked, "What did the mayor of the city of Toronto have to say to this provision?" the answer that came back from the government benchers and from the bureaucrats who were there was that the mayor probably doesn't know about this. When I asked what the council thinks, the council didn't know about it either. The citizens didn't know about it. The press didn't know about it. In fact, no one knew what this was going to do, because although there had been deputations throughout the days that led up to that August 30 date, not one of the deputants knew what was going to be put. This was not in the original bill. This was added to the original bill after they had all spoken, so they never had any chance to comment on this. They never had any chance to look at it. They never had any chance to debate it. They never had any chance to understand what had hit them squarely between the eyes until it was over.

To my mind, that is not the way government should behave. If you're going to take away the rights of citizens, particularly those rights that you have granted a mere three or four weeks before, then you ought to be able to explain and look them right in the eye and say, "What this government has given, we are now taking away." It was not done.

You know, it is like a government that absquatulated with the citizens' rights. It's a good word, "absquatulated." It means "take off in the middle of the night." That's really what they did: In the middle of the night, while everyone was asleep, they absquatulated with all of the rights of the citizens.

Mr. Levac: I'm glad you made that clear.

Mr. Prue: Yes. Under cover of darkness, I think, even.

I've talked now about the city of Toronto and about how their dreams have been dashed. I'd like to talk about the other municipalities too, because they all came forward—every single municipality that made a deputation at the committee came and said that section 23, the offending section that took away their rights under the Planning Act, was wrong. Mississauga came and said that; Toronto came and said that; York region came and said that; Ottawa, in a deputation, said that. There were written submissions from some of the smaller municipalities. The Town of the Blue Mountains said that; western Ontario municipalities with the windmills said that. Literally everybody said that this was a wrong thing. I think that all of them still think it's a wrong thing.

I received just today—it came out last week but I only saw it today—the Pembina Institute's detailed report outlining the McGuinty government's record on building sustainable communities. From that report, I would like to read just one paragraph, because I think this is the important one:

"Provisions of Bill 51, the Municipal and Conservation Statute Law Amendment Act, that would permit exemptions of energy-related infrastructure from the approval requirements of the Planning Act seem likely to further reduce the integration of large infrastructure projects with overall land use planning policy."

The Pembina Institute recommended, of course, that section 23 be dropped. That is not likely to happen. As we have heard from speakers before me, it is highly unusual for a government, after a bill is through committee, to make any amendments. I have not heard the minister or his parliamentary assistant suggest that so far, and I would doubt very much that I'm going to hear it from any of the members who are opposite here tonight. Why would they want to reopen a bill and take out this offending section? They have the legislative muscle to put it through, and they're going to do it. They're going to do it, to the detriment of the planning process in the province of Ontario and to every mayor and every council and every citizen who wants input on energy projects.

To my mind, this is the single and most outstanding failure of this bill. I do not understand why anyone over there thinks that this is going to further the cause of democracy in Ontario. It quite simply is not going to do so. It is going to embitter citizens; it is going to make them feel powerless; it is going to make them try to understand and not be forgiving when they find out that the rights they have enjoyed for generations have been taken away. That's where we start from here.

There are other aspects of the bill I also want to talk about, and I still have some 15 minutes left before I'm finished for today. The other aspects of it are equally troubling. They may not have been as powerful and caused such great consternation in my own self as section 23 or offending amendment number 94, but they are troubling all the same.

The first one that I find onerous and difficult and which will be impossible for ordinary citizens and for small ratepayer groups and environmentalists is the section that deals with who can appeal to the Ontario Municipal Board. The government, in its wisdom, has decided to confine—

Interjections.

The Acting Speaker: Order. It's hard to hear the member. There's too much cross-chatter.

The member from Beaches–East York.

Mr. Prue: Thank you very much, Madam Speaker. You're doing an excellent job in keeping the cross-chatter down.

Interjections.

Mr. Prue: Yes. Excellent. Thank you, members, those who are listening, for doing so.

It has caused a great deal of problem to many of the groups that have come forward: the environmental groups, as I have already mentioned; the Pembina Institute; the Sierra Club; and most of the municipalities that made deputations wonder intently what is in the government's mind to take away the rights that citizens have had for a long time. And I'm speaking about citizens who do not always have the luxury of attending planning meetings and making deputations. I do know, from considerable experience, as has been alluded to by my friend from Oxford—I do know, as a mayor, as a megacity councillor, as a councillor for some 13 years in East York, of citizens' ardour and passion when they come forward and want to be heard on planning issues. If there is one thing that gets the blood boiling, if there is one thing that gets citizens together, it is to look at a planning process that some of them believe may not be in the interests of their neighbourhood. You can count on them coming out by tens or twenties or hundreds, depending on the size of what is being proposed, either in favour or opposed. And they do so with the full knowledge that their local council and their mayor will listen to them, by and large will listen to them, will listen to their concerns, and will try to balance the rights that the local residents have versus the rights of the person wishing to do the development.

But what this government has chosen to do is to take away the rights of ordinary citizens to be heard at any subsequent level because they are forbidden by law under the various sections—I'm going to go through them later—to actually appeal to the Ontario Municipal Board, to have standing before the board and to make deputations before the board, unless it can be determined categorically that they have made deputations in the process that led up to this. What does that involve? I don't know. Are they going to be allowed before the board if 100 of them sign a form and one presents it? Are those 100 citizens going to be given authority?

Oftentimes citizens will have a spokesperson. They'll say, "Mr. Jones here is the most articulate amongst us. He is going to detail our concerns. We are all in agreement, we have all signed the letter, and Mr. Jones will make the presentation." Do those 100 citizens have the right—who have signed it, who went with Mr. Jones to the meeting—to be heard thereafter? What if something happens to Mr. Jones? What if he moves away? What if he dies? What if he changes his mind on the proposal? Do those citizens lose all their rights? Under this bill they do. Do the citizens lose their rights because they didn't hear about it, because they wouldn't necessarily be contacted? If the proposal is a small one, we know that people are notified usually in a 100-metre radius. Just for those who are watching TV, and perhaps for some of my colleagues here who are as old as I am, that's about 314 feet. If you live outside of that, you would not be contacted. You might never know about the development if you live 315 feet away. You might find out after the day of the hearing. You might say, "Oh, my God," when you read in the paper, "what they're going to do to me, and I live 315 feet from that. I wasn't even notified; I didn't even know." It's too late.

2120

Sometimes citizens, too, are trusting. They think that the local mayor and council are going to make a decision that they want. They find out, to their chagrin, they find out to their horror, some days later that that is not going to happen. The city council and the mayor have sided with the developer. Something that they thought wasn't going to happen suddenly does. Let me tell you, they can take notice pretty fast and they can mobilize themselves pretty fast.

Oftentimes too there are many groups within the community who, for financial or legal reasons, find it difficult to be involved in the planning process until they actually know where it is going. I'm speaking particularly about environmental—

Interjections.

The Acting Speaker: Could I ask you to show a little respect for our speaker, please? I can't hear the speaker.

Member from Beaches–East York.

Mr. Prue: Thank you. And I thank the member from York West, the parliamentary assistant, who should be listening to every word.

Mr. Sergio: It's a pleasure.

Mr. Prue: Okay.

Citizens, particularly environmental groups and small community groups that get involved in the planning process, often don't have the expertise or the time until the process is well under way. They may not have made deputations until they have found out that in fact there are environmental impacts with large buildings or that an underground stream will be disturbed or that there is danger to the water table or that the three-ringed—I'm going to make this up—newt that lives in the little grassy area and is unique to that part of the world is endangered. There are all kinds of things that come to light after. They may not have spent the money and they don't have the money to spend, and when they get involved later they're going to find out, because they did not have the money to spend, the expertise or the people to go to the council meeting, that they are going to be locked out too.

I find this a very sad day because citizens, for 100 years, have had the right to be heard. Now the only people who are guaranteed the right to be heard are the minister—a good thing, I guess, if the minister ever wants to get involved, which is doubtful—or the council that made the decision, or the body that made the decision if the council has delegated it, or—that's about it. Or the developer; oh, I forgot the developer. The developer can always be heard. You know those guys; they're the ones with the high-priced lawyers and the accountants and the planners and the environmental engineers and every expert that you could possibly think of and every piece of paper that can be put on a desk in front of a politician. They'll have the right to be heard, as if they weren't already heard. They are so professional,

these guys, and we all know it. Anybody who has been in municipal politics in this room, anybody who has been in this House for a while, knows that the developers have all of the marbles. They're not going to be impacted because of course they're going to be able to be represented. They've been there from the beginning. They're experts, they're doctors, they're lawyers, they're engineers. They're all going to be there, and they're not going to be impacted in any way. The only people who were asking in the committee, the only people who were saying that the citizens shouldn't be involved in this ultimate process, were the developers because they find it very troublesome, very irksome, to have to deal with ordinary citizens who get in the way of their making money and making it as fast and as well as they possibly can. They find it very irksome that people will come forward with complaints, oftentimes legitimate, after the fact, who just didn't know.

That's what we're seeing here: The developers are getting precisely what they wanted. They asked for it. They asked the Liberal members of the committee: "This is what we want to make more money." They didn't say those words, but they meant it. "This is what we want to do the process faster before people can find out what we're doing." They didn't say those words, but that's what they want too. And there was the committee, more than happy to oblige them and to take away every citizen's right to be heard.

I find that to be troubling as well. I find it to be troubling because we went through a whole bunch of sections, and each one of them was unique in itself, and each one of them—each and every one of them—took away and got rid of the section where the rights were contained with very calm and nice words. Here's a good example: "I move that subsection of whatever of the bill be struck out," and then the next thing you see is the subsection that they struck out, "and the following be substituted." So first of all you strike it out, and then you substitute what were a couple of lines with a couple of pages. It substitutes all those rights and takes all those rights away. In this one example here it says, "A person or public body who, before the plan was adopted, made oral submissions at a public meeting or a written submission to council." Those are the only people who can now be heard. If you didn't do that, you can't do it at all.

There was another really funny thing—because I've only got a couple of minutes today, in this first half of—

Applause.

Mr. Prue: Yes, I know you're glad that it's 9:30. I can tell.

There was one really funny question I asked, and I asked the question and I was shocked that the members of the committee voted for the resolution notwithstanding. It was that it is incumbent upon the head or the chair of the planning body—or on the mayor if in fact the council is hearing—at the end of the hearing to state that anyone who has made a deputation has the right to appeal it. But you don't have to tell those who have made written submissions. Remember when I asked this question? What if somebody couldn't go to the meeting because they're old or they're infirm or they just happen to know that they were leaving for vacation a few days before the meeting was held, but have sent a detailed written comment saying why they oppose the application or what changes they want in the application? How would these people be informed of their right to appeal? You know, this bill says they will not be informed of their right to appeal. I thought that was horrid. They will not be informed of their right to appeal. They will have no knowledge that they have a right to appeal because they were not at the meeting. Whether they made a written submission or an oral one, they were not at the meeting and therefore they could not hear it. There was no obligation whatsoever on the clerk of the municipality. There was no obligation on behalf of the council or the developer or anyone else who may reasonably have been in attendance to let those people who made written submissions know of their right to appeal if they did not like the decision. I questioned that. The committee seemed to think that that was okay; if you didn't show up, you don't know. If you wrote, you don't get a written response, but if you were there, you might.

So there you have it: If you write, you get no right of appeal, or at least you're going to have to find out some other way. If you're there and you let someone else do the speaking for you, even though you may have signed the document and indicated your support for the speaker, you get no right to appeal. If you're unable to attend, no right to appeal; if you live beyond the 314-foot perimeter and you didn't get notified and find out too late, you have no right to appeal. What kind of citizens' bill is this? Quite frankly, it is not a citizens' bill; it is a bill designed by and for the development industry.

I have more to say, but I think the time has run short.

If you think the time is over, then I would be more than happy to present the balance on the next occasion.

The Acting Speaker: It being 9:30 of the clock, this House now stands adjourned until tomorrow, Tuesday, October 3, 2006, at 1:30.

The House adjourned at 2129.

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Ottawa–Vanier	**Meilleur, Hon. / L'hon. Madeleine** (L) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones
Oxford	Hardeman, Ernie (PC)
Parkdale–High Park	DiNovo, Cheri (ND)
Parry Sound–Muskoka	Miller, Norm (PC)
Perth–Middlesex	Wilkinson, John (L)
Peterborough	Leal, Jeff (L)
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)
Prince Edward–Hastings	Parsons, Ernie (L)
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)
Sarnia–Lambton	**Di Cocco, Hon. / L'hon. Caroline** (L) Minister of Culture / ministre de la Culture
Sault Ste. Marie	Orazietti, David (L)
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)
Scarborough East / Scarborough-Est	**Chambers, Hon. / L'hon. Mary Anne V.** (L) Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)
Scarborough–Agincourt	**Phillips, Hon. / L'hon. Gerry** (L) Minister of Government Services / ministre des Services gouvernementaux
Scarborough–Rouge River	Balkissoon, Bas (L)
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)
Simcoe–Grey	Wilson, Jim (PC)
St. Catharines	**Bradley, Hon. / L'hon. James J.** (L) Minister of Tourism, minister responsible for seniors, government House leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement
St. Paul's	**Bryant, Hon. / L'hon. Michael** (L) Attorney General / procureur général
Stoney Creek	Mossop, Jennifer F. (L)
Stormont–Dundas–Charlottenburgh	Brownell, Jim (L)
Sudbury	**Bartolucci, Hon. / L'hon. Rick** (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Thornhill	Racco, Mario G. (L)
Thunder Bay–Atikokan	Mauro, Bill (L)
Thunder Bay–Superior North / Thunder Bay–Superior-Nord	Gravelle, Michael (L)
Timiskaming–Cochrane	**Ramsay, Hon. / L'hon. David** (L) Minister of Natural Resources, minister responsible for Aboriginal Affairs / ministre des Richesses naturelles, ministre délégué aux Affaires autochtones
Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Toronto Centre–Rosedale / Toronto-Centre–Rosedale	**Smitherman, Hon. / L'hon. George** (L) Deputy Premier, Minister of Health and Long-Term Care / vice-premier ministre, ministre de la Santé et des Soins de longue durée
Toronto–Danforth	Tabuns, Peter (ND)
Trinity–Spadina	Marchese, Rosario (ND)
Vaughan–King–Aurora	**Sorbara, Hon. / L'hon. Greg** (L) Minister of Finance, Chair of the Management Board of Cabinet / ministre des Finances, président du Conseil de gestion du gouvernement
Waterloo–Wellington	**Arnott, Ted** (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Whitby–Ajax	Elliott, Christine (PC)
Willowdale	Zimmer, David (L)
Windsor West / Windsor-Ouest	**Pupatello, Hon. / L'hon. Sandra** (L) Minister of Economic Development and Trade, minister responsible for women's issues / ministre du Développement économique et du Commerce, ministre déléguée à la Condition féminine
Windsor–St. Clair	**Duncan, Hon. / L'hon. Dwight** (L) Minister of Energy / ministre de l'Énergie
York Centre / York-Centre	**Kwinter, Hon. / L'hon. Monte** (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
York North / York-Nord	Munro, Julia (PC)
York West / York-Ouest	Sergio, Mario (L)
Burlington	Vacant
Markham	Vacant
York South–Weston / York-Sud–Weston	Vacant

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

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

CONTENTS

Monday 2 October 2006

THIRD READINGS

Planning and Conservation Land Statute Law Amendment Act, 2006, Bill 51, *Mr. Gerretsen*
Mr. Gerretsen 5113
Mr. Sergio..... 5117, 5120
Mr. Tascona..... 5118
Mr. Bisson..... 5119, 5128
Mr. Leal..... 5119
Mrs. Elliott 5119
Mr. Hardeman 5120, 5129
Mr. Levac 5128
Mr. Martiniuk..... 5129
Mr. Prue 5129, 5130
Debate deemed adjourned 5135

TABLE DES MATIÈRES

Lundi 2 octobre 2006

TROISIÈME LECTURE

Loi de 2006 modifiant des lois en ce qui a trait à l'aménagement du territoire et aux terres protégées, projet de loi 51, *M. Gerretsen*
Débat présumé ajourné..... 5135