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**Official Report
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(Hansard)**

JP-15

**Journal
des débats
(Hansard)**

JP-15

**Standing Committee on
Justice Policy**

Rebuilding Consumer
Confidence Act, 2020

1st Session
42nd Parliament

Thursday 27 February 2020

**Comité permanent
de la justice**

Loi de 2020 visant à rétablir
la confiance chez
les consommateurs

1^{re} session
42^e législature

Jeudi 27 février 2020

Chair: Roman Baber
Clerk: Christopher Tyrell

Président : Roman Baber
Greffier : Christopher Tyrell

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
JUSTICE POLICYCOMITÉ PERMANENT
DE LA JUSTICE

Thursday 27 February 2020

Jeudi 27 février 2020

The committee met at 0904 in room 151.

The Chair (Mr. Roman Baber): The meeting of the Standing Committee on Justice Policy is called to order. Good morning, everyone. We're here to consider clause-by-clause on Bill 159, the Rebuilding Consumer Confidence Act, 2020.

There have been 35 amendments to the bill filed with the Clerk of the Committee. That package of amendments was distributed to all members of the committee, and another copy is on your desk before you today.

Before we begin, does anyone wish to make any brief comments on the bill as a whole? Mr. Bailey.

Mr. Robert Bailey: The government would like to withdraw motion 3 and replace it with motion 3.1.

The Chair (Mr. Roman Baber): Just a minute, Mr. Bailey.

Interjections.

The Chair (Mr. Roman Baber): Mr. Bailey, I invite you to resubmit your motion when we get to section 3.

Mr. Robert Bailey: Okay.

The Chair (Mr. Roman Baber): In the meantime, I understand that Mr. Miller has a motion.

SUBCOMMITTEE MEMBERSHIP

Mr. Norman Miller: I move that Mr. Gill be appointed to the subcommittee on committee business.

The Chair (Mr. Roman Baber): Mr. Miller has moved to appoint Mr. Gill as a member of the subcommittee for subcommittee business. Are members ready to vote on the motion? All those in favour? All those opposed? Carried.

Any other comments or motions? No.

REBUILDING CONSUMER
CONFIDENCE ACT, 2020
LOI DE 2020 VISANT À RÉTABLIR
LA CONFIANCE CHEZ
LES CONSOMMATEURS

Consideration of the following bill:

Bill 159, An Act to amend various statutes in respect of consumer protection / Projet de loi 159, Loi modifiant diverses lois en ce qui concerne la protection du consommateur.

The Chair (Mr. Roman Baber): The bill is comprised of three sections and 10 schedules. When dealing with a

bill containing schedules, it is generally advisable to consider the schedules first, before considering the sections to the bill.

I'm seeking unanimous consent to stand down consideration of sections 1 to 3 of the bill until the schedules have been considered. Agreed? Agreed.

We will now begin with consideration of section 1 of schedule 1 to the bill.

I understand that sections 1 through 4 of schedule 1 have no amendments. Is it the will of the committee that I bundle them together for consideration? Any debate? Are members ready to vote on sections 1 to 4 of schedule 1, inclusive? Shall sections 1 through 4 of schedule 1 to the bill carry? Carried. I declare section 1 to section 4 of schedule 1, inclusive, carried.

Mr. Tom Rakocevic: Did we deal with schedules 4 and 5 as well yet, or not?

The Chair (Mr. Roman Baber): Not yet. We're just on schedule 1.

Ms. Sara Singh: Just on schedule 1. We just want to make sure.

The Chair (Mr. Roman Baber): We're just dealing with individual sections or bundled sections within this schedule, and we're just on schedule 1.

Mr. Tom Rakocevic: Okay. Thanks.

The Chair (Mr. Roman Baber): We shall now consider section 5 to schedule 1 of the bill. Any motions? I understand that there's a motion pending by the government, government motion number 1. Mr. Bailey?

Mr. Robert Bailey: Yes. The government wishes to withdraw—this is 3?

Interjections.

Mr. Robert Bailey: Okay, yes, motion 1. I'm getting confused with it; I'm not looking at that any more.

Motion 1 from the government: schedule 1 of the Condominium Act, 1998.

I move that subsection 5(3) of schedule 1 to the bill be amended by adding the following subsections to section 1.7 of the Condominium Act, 1998:

"No crown liability

"(7) No cause of action arises against the crown, a minister of the crown, a crown employee or a crown agent as a direct or indirect result of the revocation or restriction of the designation of the condominium authority or any regulation made under subsection (6).

"No proceeding

"(8) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, shall be

instituted against the crown, a minister of the crown, a crown employee or a crown agent by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (7).”

0910

The Chair (Mr. Roman Baber): Thank you, Mr. Bailey. For future reference, there is no requirement to read punctuation.

Mr. Robert Bailey: Okay. Thank you.

The Chair (Mr. Roman Baber): Any debate? Are members ready to vote on government motion number 1? All those in favour? All those opposed? I declare the motion carried.

I understand that section 6—

Interjection.

The Chair (Mr. Roman Baber): Apologies. We shall now vote on section 5 of schedule 1, as amended. Are members ready to vote on section 5 of schedule 1, as amended? Shall section 5 of schedule 1, as amended, carry? Carried.

I understand that there are no proposed amendments to section 6 through section 10, inclusive, of schedule 1. Is it the will of the committee that I bundle them together for consideration? Yes. Any debate? Are members ready to vote on section 6 through section 10 of schedule 1, inclusive? Shall section 6 through section 10 of schedule 1, inclusive, carry? I declared section 6 through section 10 of schedule 1, inclusive, carried.

We will now proceed to consider section 11 of schedule 1. I understand that there is a government motion pending, being motion number 2 in your package, with respect to section 11. Mr. Bailey.

Mr. Robert Bailey: I move that section 11 of schedule 1 to the bill be amended by striking out “any acts and omissions” in section 1.18 of the Condominium Act, 1998 and substituting “any act or omission”.

This is a technical amendment.

The Chair (Mr. Roman Baber): Thank you. We will now consider section 11 to schedule 1, as amended. Any debate on the motion to amend? No debate.

We’ll now proceed to vote on the proposed amendment. Are members ready to vote? All those in favour? All those opposed? Carried.

We’ll now consider section 11, as amended. Any debate? Are members ready to vote on section 11 to schedule 1, as amended? Shall section 11 to schedule 1, as amended, carry? I declare the section carried.

We shall now consider section 12 to schedule 1. I understand that there is a government motion pending, being motion number 3. Mr. Bailey.

Mr. Robert Bailey: The government wishes to withdraw this motion, motion 3.

The Chair (Mr. Roman Baber): Thank you. The motion is withdrawn.

I understand that there is a pending motion 3.1 proposed by the government. Mr. Bailey.

Mr. Robert Bailey: I’d like to move that section 12 of schedule 1 to the bill be amended by striking out

subsection 1.19(2) of the Condominium Act, 1998 and substituting the following:

“Same

“(2) Subsection (1) applies to,

“(a) the registrar;

“(b) deputy registrars appointed under subsection 9.1(1);

“(c) members of the board of directors of the condominium authority;

“(d) persons who perform functions under this act or the regulations as employees, agents or officers of the condominium authority or as persons whose services it retains;

“(e) members of committees of the condominium authority who perform functions under this act or the regulations; and

“(f) members of the Condominium Authority Tribunal, if it has been established under part I.2.”

The Chair (Mr. Roman Baber): Any debate on the proposed motion? Mr. Rakocevic.

Mr. Tom Rakocevic: I just have a question of the government: What specifically are the changes? If you can explain any rationale as to why the change.

Mr. Robert Bailey: Yes. This specifically clarifies liability and protection in the act.

Mr. Tom Rakocevic: Okay.

The Chair (Mr. Roman Baber): Further debate? Seeing none, are members ready to vote on motion number 3.1? All those in favour? All those opposed? I declare the motion carried.

We will now consider section 12 to schedule 1 of the bill, as amended. Any debate? Are members ready to vote? Shall section 12 of schedule 1, as amended, carry? I declare section 12, as amended, carried.

I understand that section 13 through section 16, inclusive, of schedule 1 have no proposed amendments. I therefore propose to bundle them together for consideration. Is it the will of the committee that I bundle them together? Yes.

Any debate on sections 13 through 16? Are members ready to vote on section 13 through section 16 of schedule 1, inclusive? Shall section 13 through section 16, inclusive, carry? Carried.

We will now be considering section 16 to schedule 1 of the bill. I understand that there is a government motion pending for section 16.1 of the bill, being motion number 4 in your package. Mr. Bailey.

Mr. Robert Bailey: I move that section 16.1 be added to schedule 1 to the bill:

“16.1(1) Section 132 of the act is amended by adding the following subsection:

“Non-application

“(4.1) Subsections (1) and (4) do not apply to any matter in dispute for which a person may apply for resolution under section 1.36 to the Condominium Authority Tribunal established under I.2 if the tribunal has been established under that part.”

“(2) Section 132 of the act is amended by adding the following subsections:

“No order for permanent removal of person

“(8) If a disagreement is submitted to arbitration under this section, the arbitral tribunal shall not make an award requiring a person to vacate a property permanently.

“Copy of arbitration award

“(9) If a matter is submitted to arbitration under this section, the arbitral tribunal that makes an award as part of the arbitration shall ensure that a copy of the award is delivered to the following person or body within the prescribed time period and in accordance with the regulations:

“1. The board of the condominium authority, if the authority exists.

“2. The minister, if there is no condominium authority.

“Same, copy for public

“(10) Upon receiving a copy described in subsection (9), the board of the condominium authority or the minister, as the case may be, shall make it available to the public in the prescribed manner.”

0920

The Chair (Mr. Roman Baber): Mr. Bailey, would you be so kind as to reread subsection (4.1)?

Mr. Robert Bailey: “Non-application

“(4.1) Subsections (1) and (4) do not apply to any matter in dispute for which a person may apply for resolution under section 1.36 to the Condominium Authority Tribunal established under part I.2 if the tribunal has been established under that part.”

Mr. Roman Baber: Thank you, Mr. Bailey. Any debate on the proposed amendment? Are members ready to vote on government motion number 4? All those in favour? All those opposed? I declare the motion carried.

We will now consider section 16.1, as amended—apologies. We will now consider section 16.2, being government motion number 5. Mr. Bailey.

Mr. Robert Bailey: I move that section 16.2 be added to schedule 1 to the bill:

“16.2(1) Section 134 of the act is amended by adding the following subsections:

“Notice to owner

“(2.1) Subject to subsections (2.2) and (2.3), a person is not entitled to apply for an order requiring an occupier of an owner’s unit or any or all of the invitees, agents and employees of the owner or occupier to vacate a property permanently unless the applicant gives reasonable notice of the application to the owner.

“Service of notice

“(2.2) Despite subsection 47(4), if the applicant is not the corporation, the applicant shall give the notice in the prescribed manner.

“Exception, no notice

“(2.3) An applicant is not required to give the notice described in subsection (2.1) in the event of the circumstances that are prescribed, which may include an emergency or other event.”

“(2) Section 134 of the act is amended by adding the following subsection:

“Non-application

“(2.4) This section does not apply to any matter in dispute for which a person may apply for resolution under

section 1.36 to the Condominium Authority Tribunal established under part I.2, if the tribunal has been established under that part.”

The Chair (Mr. Roman Baber): We will now consider government motion number 5. Any debate? Are members ready to vote on motion number 5? All those in favour? All those opposed? Carried.

We shall now proceed to consider section—

Interjection.

The Chair (Mr. Roman Baber): Members, I understand from Ms. Singh—and I agree—that it’s very, very cold in this room. I understand that the heat is now on, and I apologize that the window was open overnight.

Interjections.

The Chair (Mr. Roman Baber): I understand that some members of the government have some objections to turning up the heat. I will not open this up for debate or a vote.

We shall now proceed with section 17 to schedule 1 of the bill. I understand that there is a government motion titled motion number 6.

Mr. Robert Bailey: I move that section 17.1 be added to schedule 1 to the bill:

“Protecting Condominium Owners Act, 2015”—

The Chair (Mr. Roman Baber): Apologies, Mr. Bailey. We’ll first consider section 17 as a whole—my apologies—before we create the new section.

Interjection.

The Chair (Mr. Roman Baber): We do not need to consider 16 as a whole. We simply created 16.1 and 16.2. To the surprise of the Chair, there is no voting on section 16 as a whole—or we did that earlier when we bundled. We then subsequently voted to add new sections.

We’ll now vote on section 17. There are no proposed amendments. This is section 17 to schedule 1 of the bill. Any debate? Are members ready to vote on section 17? Shall section 17 carry? I declare section 17 to schedule 1 carried.

I understand that there is a motion pending by the government, being motion number 6. Mr. Bailey.

Mr. Robert Bailey: I move that section 17.1 be added to schedule 1 to the bill:

“Protecting Condominium Owners Act, 2015

“17.1(1) Subsection 114(6) of schedule 1 to the Protecting Condominium Owners Act, 2015 is repealed.

“(2) Subsection 116(3) of schedule 1 to the act is repealed.”

The Chair (Mr. Roman Baber): Any debate on government motion number 6? Are members ready to vote on the amendment, being amendment number 6? All those in favour? All those opposed? I declare the motion carried.

We will now proceed to section 18. I understand that there’s a motion pending by the government, being motion number 7. Mr. Bailey.

Mr. Robert Bailey: I move that subsection 18(2) of schedule 1 to the bill be amended by striking out “Sections 11 and 16” at the beginning and substituting “Sections 11, 16, 16.1 and 16.2”.

The Chair (Mr. Roman Baber): With respect to government motion number 7, any debate? Are members ready to vote on motion number 7? All those in favour? All those opposed? I declare the motion carried.

We will proceed to consider section 18 to schedule 1, as amended. Any debate? Are members ready to vote on section 18 to schedule 1, as amended? Shall section 18 to schedule 1, as amended, carry? Carried, as amended.

We will now proceed to consider schedule 1 in its entirety, as amended. Any debate? Are members ready to vote on schedule 1, as amended? All those in favour? All those opposed? I declare schedule 1 to the bill, as amended, carried.

We will now proceed to consider schedule 2 to the bill. I understand that sections 1 through 9, inclusive, to schedule 2 of the bill do not have any proposed amendments. Is it the will of the committee that I bundle them together for consideration? Any debate? Are members ready to vote on sections 1 through 9 of schedule 2, inclusive? Shall sections 1 through 9 of schedule 2, inclusive, carry? I declare sections 1 through 9, inclusive, to schedule 2 carried.

0930

We'll now proceed to consider schedule 2 as a whole. Any debate? Are members ready to vote on schedule 2 as a whole? Shall schedule 2, as a whole, carry? I declare schedule 2, as a whole, carried.

We shall now proceed to consider schedule 3 to the bill. Sections 1 through 10, inclusive, have no proposed amendments. Is it the will of the committee that I bundle them together for consideration? Any debate with respect to sections 1 through 10, inclusive, of schedule 3? Shall sections 1 through 10, inclusive, of schedule 3 carry? I declare sections 1 through 10 to schedule 3 carried.

We'll now consider schedule 3 as a whole. Any debate with respect to schedule 3? Are members ready to vote on schedule 3 as a whole? Shall schedule 3 carry? I declare schedule 3 carried.

We'll now proceed to schedule 4. Sections 1 through 4, inclusive, of schedule 4 have no amendments. Is it the will of the committee that I bundle them together for consideration? Any debate with respect to sections 1 through 4 of schedule 4? Shall sections 1 through 4—sorry. Are members ready to vote on sections 1 through 4? Shall sections 1 through 4 of schedule 4 carry? I declare sections 1 through 4, inclusive, to schedule 4 carried.

We will now proceed to consider section 5 to schedule 4. I understand that there's an NDP motion pending, being motion number 8. Mr. Rakocevic?

Mr. Tom Rakocevic: I move that section 5 of schedule 4 to the bill be amended by adding the following subsection:

“(2) Section 11 of the act is amended by adding the following subsection:

“Conflict of interest

“(3) No person may serve as a member on the board if, at the time of appointment, they would have a real or apparent conflict of interest, as defined in the regulations.”

The Chair (Mr. Roman Baber): Thank you, Mr. Rakocevic. Any debate on motion number 8?

Mr. Robert Bailey: Chair?

The Chair (Mr. Roman Baber): Mr. Bailey?

Mr. Robert Bailey: I'd like it on the record at this time that the government will not be supporting this motion.

The Chair (Mr. Roman Baber): Any further debate with respect to motion number 8? Are members ready to vote on motion number 8?

Mr. Tom Rakocevic: Recorded vote.

Ayes

Rakocevic, Gurratan Singh, Sara Singh.

Nays

Bailey, Gill, Harris, Norman Miller, Dave Smith.

The Chair (Mr. Roman Baber): I declare the motion lost.

We'll now proceed to vote on section 5 to schedule 4. Any debate? Are members ready to vote on section 5 to schedule 4? All those in favour? All those opposed? I declare section 5 to schedule 4 carried.

Still on schedule 4, I understand that the government wishes to bring a motion entitled motion number 9. Mr. Bailey?

Mr. Robert Bailey: I move that section 5.1 be added to schedule 4 to the bill:

“5.1 Section 17 of the act is repealed and the following substituted:

“Limits on liability

“No personal liability, employee of the crown

“17(1) No action or other proceeding shall be instituted against a current or former employee of the crown for,

“(a) any act done in good faith in the exercise or performance or intended exercise or performance of a duty or power under this act, the regulations or a minister's order; or

“(b) any neglect or default in the exercise or performance in good faith of such a duty or power.

“Tort by employee to the crown

“(2) Despite subsection 8(3) of the Crown Liability and Proceedings Act, 2019, subsection (1) does not relieve the crown of liability in respect of a tort committed by an employee of the crown to which it would otherwise be subject.

“No crown liability

“(3) No cause of action arises against the crown, a minister of the crown, a crown employee or a crown agent as a direct or indirect result of any act or omission of a person who is not a minister of the crown, a crown employee or a crown agent if the act or omission is related, directly or indirectly, to the exercise or performance or intended exercise or performance of a duty or power under this act, the regulations or a minister's order.

“Same

“(4) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, shall be instituted against the crown, a minister of the crown, a

crown employee or a crown agent by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (3).

“Application

“(5) Without limiting the generality of subsection (4), that subsection applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, including loss of revenue and loss of profit, or any other remedy or relief, and includes a proceeding to enforce a judgment, order or award made by a court, tribunal or arbitrator outside of Canada.

“Revocation

“(6) Subsections (1) to (5) apply, with necessary modifications, in respect of a direct or indirect result of the revocation of a designation under section 8 or of any regulation made under subsection 8(6).”

The Chair (Mr. Roman Baber): Mr. Bailey, if you would be so kind to read subsection (2), entitled “Tort by employee of the crown.”

Mr. Robert Bailey: Yes.

“Tort by employee of the crown

“(2) Despite subsection 8(3) of the Crown Liability and Proceedings Act, 2019, subsection (1) does not relieve the crown of liability in respect of a tort committed by an employee of the crown to which it would otherwise be subject.”

The Chair (Mr. Roman Baber): Thank you, Mr. Bailey.

We’ll now proceed to debate on government motion number 9. Any debate? Are members ready to vote on motion number 9? Shall the motion carry? Carried.

I understand that there’s a further motion proposed by the government, numbered motion 10. Mr. Bailey?

Mr. Robert Bailey: I move that section 5.2 be added to schedule 4 to the bill:

“5.2 Section 18 of the act is repealed and the following substituted:

“Indemnification

“18. The regulatory authority shall indemnify the crown, in accordance with the administrative agreement, in respect of damages and costs incurred by the crown for any act or omission of the regulatory authority or its members, officers, directors, employees or agents in the exercise or performance or intended exercise or performance of their duties and powers under this act, the regulations, a minister’s order, the administrative agreement or the information sharing agreements, or for any act or omission otherwise connected to this act, the regulations, a minister’s order, the administrative agreement or the information sharing agreements.”

0940

The Chair (Mr. Roman Baber): Any debate on government motion number 10? Are members ready to vote? All those in favour of government motion 10? All those opposed? I declare the motion carried.

I understand that there is yet a further motion, being government motion number 11.

Mr. Robert Bailey: I move that section 5.3 be added to schedule 4 of the bill:

“5.3 Section 19 of the act is repealed and the following substituted:

“No personal liability

“19(1) No action or other proceeding shall be instituted against a person mentioned in subsection (2), or who was formerly such a person, for any act done in good faith in the exercise or performance or intended exercise or performance of any of the person’s duties or powers under this act, the regulations or a minister’s order, or for any neglect or default in the exercise or performance in good faith of such a duty or power.

“Application

“(2) Subsection (1) applies to the following persons:

“1. The registrar.

“2. A deputy registrar.

“3. The director.

“4. A deputy director.

“5. An inspector.

“6. An investigator.

“7. An assessor.

“8. A director or officer of the regulatory authority.

“9. A person whom the regulatory authority employs or whose services the regulatory authority retains.

“10. An agent of the regulatory authority.

“11. A member of the discipline committee under subsection 57(1), of the appeals committee under subsection 57(2) or of a committee or an advisory body of the regulatory authority.

“12. The person, if any, prescribed by the minister for the purpose of the definition of “appeal body” in subsection 77(1).

“Liability of regulatory authority

“(3) Subsection (1) does not relieve the regulatory authority of liability to which it would otherwise be subject in respect of the acts or omissions of a person mentioned in subsection (2).”

The Chair (Mr. Roman Baber): Any debate with respect to government motion number 11? Are members ready to vote on motion number 11? All those in favour? All those opposed? I declare the motion carried.

I understand that there is yet a further motion by the government, being motion number 12. Mr. Bailey?

Mr. Robert Bailey: I move that section 5.4 be added to schedule 4 to the bill:

“5.4 Section 20 of the act is repealed.”

The Chair (Mr. Roman Baber): Any debate with respect to motion number 12? Are members ready to vote on motion 12? All those in favour? All those opposed? I declare the motion carried.

We’ll now consider section 6 to schedule 4 of the bill. Section 6 has no amendments. Any debate? Are members ready to vote on section number 6? Shall section 6 carry? I declare section 6 to schedule 4 carried.

We’ll now proceed to section 7 of schedule 4. I understand that there is an NDP motion pending, being motion number 13. Mr. Rakocevic.

Mr. Tom Rakocevic: I move that section 7 of schedule 4 to the bill be amended by adding the following

subsection to section 34 of the New Home Construction Licensing Act, 2017:

“Provision of information to building inspectors

“(3) The regulatory authority shall, in accordance with the regulations, provide inspectors appointed under section 3 of the Building Code Act with prescribed information about the performance and conduct of licensees.”

The Chair (Mr. Roman Baber): Any debate with respect to NDP motion number 13? Mr. Rakocevic.

Mr. Tom Rakocevic: An earlier NDP amendment, government members voted against. It had to do with conflict of interest with HCRA. I’m urging government members to support this. This comes out of recommendation 17 from the Auditor General, which urged Tarion to pass on information about builder non-compliance with the building code to municipal building inspectors. This is important information to give building inspectors about non-compliant builders.

I urge government members to support this amendment. It’s supported by stakeholders, and it’s the right move. Please do the right thing.

The Chair (Mr. Roman Baber): Any further debate on NDP motion 13? Mr. Bailey.

Mr. Robert Bailey: The government will not be supporting this motion. We feel it’s redundant. It has already been addressed, and there’s certain other information that can be shared by the minister.

The Chair (Mr. Roman Baber): Further debate? Mr. Rakocevic.

Mr. Tom Rakocevic: I absolutely disagree with that statement. This is important information. Let’s do the right thing and support this.

The Chair (Mr. Roman Baber): Mr. Harris.

Mr. Mike Harris: With all due respect to the member opposite, this can already be laid out in regulations, and we’ll be moving through with that part of the bill.

The Chair (Mr. Roman Baber): Further debate? Mr. Rakocevic.

Mr. Tom Rakocevic: Nonetheless, that remains to be seen. We have a clear amendment that would achieve this. The NDP are hoping that government members will support this. This is something that stakeholders want. Let’s support it.

The Chair (Mr. Roman Baber): Mr. Harris.

Mr. Mike Harris: Under subsection 34(2) of the bill, as amended, you actually can lay this out in regulations now, so there are provisions built into the bill already to do that. That’s why we feel it’s redundant. We’ll be building that out in regulations instead of having it as a separate act in the bill.

The Chair (Mr. Roman Baber): Any further debate? Seeing none, are members ready to vote on motion 13?

Mr. Tom Rakocevic: Recorded vote.

Ayes

Rakocevic, Gurratan Singh, Sara Singh.

Nays

Bailey, Harris, Gill, Norman Miller, Dave Smith.

The Chair (Mr. Roman Baber): I declare the motion lost.

We will now proceed to consider section 7. Any debate? Are members ready to vote on section 7? Shall section 7 carry? I declare section 7 of schedule 4 carried.

I understand that sections 8 through 19, inclusive, to schedule 4 have no amendments. Is it the will of the committee that I bundle them together for consideration? Any debate with respect to sections 8 through 19, inclusive, to schedule 4? Are members ready to vote on sections 8 through 19 to schedule 4, inclusive? Shall sections 8 through 19 to schedule 4, inclusive, carry? I declare sections 8 through 19, inclusive, to schedule 4 carried.

I understand that there’s a government motion pending: motion 14. Mr. Harris.

Mr. Mike Harris: Schedule 4, New Home Construction Licensing Act, 2017.

I move that section 19.1 be added to schedule 4 to the bill:

“Protecting What Matters Most Act (Budget Measures), 2019

“19.1 Subsection 125(1) of schedule 17 to the Protecting What Matters Most Act (Budget Measures), 2019 is repealed.”

0950

The Chair (Mr. Roman Baber): We’ll now proceed to consider government motion 14. Any debate? Are members ready to vote on motion 14? All those in favour? All those opposed? I declare the motion carried.

We’ll now proceed to consider section 20 to schedule 4 of the bill. It has no amendments. Any debate? Are members ready to vote on section 20 to schedule 4? Shall section 20 to schedule 4 carry? I declare section 20 to schedule 4 carried.

We’ll now proceed to consider section 21. I understand that there is a motion pending by the government, being motion 15. Mr. Gill.

Mr. Parm Gill: I move that subsection 21(2) of schedule 4 to the bill be amended by striking out “Section 20” at the beginning and substituting “Section 19.1, section 20”.

The Chair (Mr. Roman Baber): Any debate with respect to government motion 15? Seeing none, are members ready to vote on motion number 15? All those in favour? All those opposed? I declare the motion carried.

We’ll now proceed to consider section 21, as amended. Any debate? Seeing none, are members ready to vote on section 21 to schedule 4, as amended? Shall section 21 to schedule 4, as amended, carry? I declare section 21 to schedule 4, as amended, carried.

We will now proceed to consider schedule 4, as amended, as a whole.

Yes, Mr. Rakocevic?

Mr. Tom Rakocevic: I’m sorry; I missed that. Schedule 4, did you say, as amended, or section 4?

The Chair (Mr. Roman Baber): We will now proceed to consider schedule 4 as a whole, as amended.

Mr. Tom Rakocevic: Okay—

The Chair (Mr. Roman Baber): Schedule 4, as amended, as a whole.

Mr. Tom Rakocevic: All right. Recorded vote.

The Chair (Mr. Roman Baber): Before we proceed to a vote, any debate on schedule 4, as amended, as a whole? Mr. Rakocevic.

Mr. Tom Rakocevic: Government members have voted against an NDP amendment that would bar members on HCRA's board from having conflicts of interest. Government members have voted against an NDP amendment that would support directly the AG and that would require that Tarion now pass on information on bad builders to municipalities. This would be a great help to municipalities.

As such, the NDP will not be supporting this schedule.

The Chair (Mr. Roman Baber): Any further debate on schedule 4, as amended, as a whole? Are members ready to vote on schedule 4, as amended, as a whole?

Ayes

Bailey, Gill, Harris, Dave Smith.

Nays

Rakocevic, Gurratan Singh, Sara Singh.

The Chair (Mr. Roman Baber): I declare schedule 4, as amended, as a whole, carried.

We'll now proceed to consider schedule 5 to the bill. Sections 1 through 4, inclusive, have no proposed amendments. Is it the will of the committee that I bundle them together for consideration? Yes. Any debate with respect to sections 1 through 4 to schedule 5, inclusive? Are members ready to vote on sections 1 through 4 of schedule 5, inclusive? Shall sections 1 through 4 to schedule 5, inclusive, carry? I declare sections 1 through 4 of schedule 5, inclusive, carried.

I understand that there is a pending motion by the NDP, motion 16. Mr. Rakocevic.

Mr. Tom Rakocevic: I move that section 5 of schedule 5 to the bill be amended by adding the following paragraph to subsection 2.0.1(2) of the Ontario New Home Warranties Plan Act:

"4. Policies governing the limits on compensation, as defined in subsection 2.6(1) and including severance and other entitlements, that may be provided to the chief executive officer and other executives of the corporation."

The Chair (Mr. Roman Baber): Any debate with respect to NDP motion 16? Mr. Rakocevic.

Mr. Tom Rakocevic: The Auditor General was able to get into the books of Tarion and see what was going on there, thanks to an earlier NDP motion in a government committee.

It's not enough to know what the executive compensation is. We have to bring in a cap. We have to be fair. I'm

hoping that the government members will support this NDP amendment.

The Chair (Mr. Roman Baber): Any further debate on NDP motion number 16? Mr. Bailey.

Mr. Robert Bailey: The government will not be supporting this motion. Tarion, like all administrative authorities, is a private, not-for-profit corporation that is not publicly funded, and as such, is responsible for making its own decisions. Having said that, Tarion is currently required, through a minister's order, to publicly disclose all compensation and other payments it provides to directors and certain officers of the corporation on an annual basis, and thus, is already required to be transparent and accountable in this regard. I know the board has been changed and there are new people in charge there. So I expect that we'll see a different change of tone at the board.

The Chair (Mr. Roman Baber): Any further debate? Mr. Rakocevic.

Mr. Tom Rakocevic: I want to know if government members think that Tarion executives deserve the salaries that they're getting—that that's a fair, equitable salary that they should be getting.

The Chair (Mr. Roman Baber): I invite Mr. Rakocevic to direct his comments through the Chair.

Any further debate? Mr. Bailey.

Mr. Robert Bailey: What I've said already outlines that the minister has taken hold of this. They're responsible to the new board of directors. We will be watching them very closely—not just this administrative authority, but others that are under our purview.

The Chair (Mr. Roman Baber): Any further debate with respect to NDP motion number 16? Are members ready to vote on motion number 16?

Mr. Tom Rakocevic: Recorded vote.

Ayes

Rakocevic, Gurratan Singh, Sara Singh.

Nays

Bailey, Gill, Harris, Dave Smith.

The Chair (Mr. Roman Baber): I declare the motion lost.

We will now proceed to consider section 5 to schedule 5. Seeing no further motions, any debate? Are members ready to vote on section to schedule 5? Shall section 5 to schedule 5 carry? I declare section 5 to schedule 5 carried.

I understand that sections 6 through 9, inclusive, to schedule 5 have no amendments. Is it the will of the committee that I bundle them together for consideration? Any debate with respect to sections 6 through 9 of schedule 5? Seeing no debate, are members ready to vote on sections 6 through 9 to schedule 5, inclusive? Shall sections 6 through 9 of schedule 5, inclusive, carry? I declare sections 6 through 9 to schedule 5, inclusive, carried.

I understand that there is a pending motion by the government, being motion number 17. Mr. Gill?

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Mr. Parm Gill: I move that section 10 of schedule 5 to the bill be amended by striking out “any acts and omissions” in section 2.9 of the Ontario New Home Warranties Plan Act and substituting “any act or omission”.

The Chair (Mr. Roman Baber): This is with respect to section 10 to schedule 5. Mr. Gill moved a motion to amend, being government motion number 17. Any debate on the motion? Seeing none, are members ready to vote on motion number 17? All those in favour? All those opposed? I declare the motion carried.

We’ll now proceed to consider section 10 to schedule 5 of the bill, as amended. Any debate? Are members ready to vote on section 10 to schedule 5, as amended? Shall section 10 to schedule 5, as amended, carry? I declare section 10 to schedule 5, as amended, carried.

We will now move onto section 11 of schedule 5. I understand that there is an NDP motion pending, being motion number 18. Mr. Rakocevic?

Mr. Tom Rakocevic: I move that section 11 of schedule 5 to the bill be struck out and the following substituted:

“11. Subsections 5.1(1) to (4) of the act are repealed and the following substituted:

““Administrator

“(1) The minister shall, as soon as possible after section 11 of schedule 5 to the Rebuilding Consumer Confidence Act, 2019 comes into force, appoint an individual as an administrator of the corporation for the purposes of assuming control of it and responsibility for its activities.”

The Chair (Mr. Roman Baber): Mr. Rakocevic has moved motion number 18. Any debate? Mr. Rakocevic?

Mr. Tom Rakocevic: Tarion has an entrenched anti-consumer culture. It has proven itself incapable of fixing itself. It’s time for the government to appoint an administrator and start fixing the problems for new homebuyers now. I’m sure we have all heard from the same individuals and the same groups, many who have been fighting for years. We need serious change. This will allow for that. I’m urging government members to support the NDP in having an administrator appointed to take over Tarion immediately.

The Chair (Mr. Roman Baber): Any debate? Mr. Bailey.

Mr. Robert Bailey: The government feels that the minister has the capability and the power to appoint an administrator at any time. This would be redundant. The government will be voting against this.

The Chair (Mr. Roman Baber): Any further debate? Mr. Rakocevic.

Mr. Tom Rakocevic: What is not redundant is listening to the stakeholders, who are experts, who have been fighting Tarion for years, who have been fighting for improving new home warranties. I again urge the government to support this amendment. Whether or not the minister will or won’t support an administrator, we have the opportunity to have that happen by supporting this

amendment. I’m asking the government members to support this NDP amendment.

The Chair (Mr. Roman Baber): Any further debate? Are members ready to vote on NDP motion 18?

Mr. Tom Rakocevic: Recorded vote.

Ayes

Rakocevic, Gurratan Singh, Sara Singh.

Nays

Bailey, Gill, Harris, Dave Smith.

The Chair (Mr. Roman Baber): I declare the motion lost.

We will now proceed to consider section 11 to schedule 5 of the bill. Any debate? Are members ready to vote on section 11 to schedule 5 of the bill? Shall section 11 to schedule 5 of the bill carry? I declare section 11 to schedule 5 of the bill carried.

We will now proceed. I understand that sections 12 through 15 of schedule 5 have no amendments. Is it the will of the committee that I bundle them together for consideration? Yes. Any debate with respect to sections 12 through 15? Are members ready to vote on sections 12 through 15? Shall sections 12 through 15 of schedule 5 carry? I declare sections 12 through 15, inclusive, to schedule 5 carried.

We’ll now proceed to section 16 of the bill. I understand that there is a government motion with respect to section 16, being government motion number 19. Mr. Bailey?

Mr. Robert Bailey: I move that section 16 of schedule 5 to the bill be amended by adding the following subsection:

“(2.1) Subsection 7(1) of the act is amended by adding the following clause:

“(b.1) the applicant or an employee or agent of the applicant makes a false statement or provides a false statement in an application for registration or for renewal of a registration;”

The Chair (Mr. Roman Baber): Any debate with respect to government motion number 19? Are members ready to vote on government motion number 19? All those in favour? All those opposed? I declare the motion carried.

On section 16 to schedule 5, I understand that there is a further motion by the government, being motion number 20. Mr. Harris?

Mr. Mike Harris: I move that subsection 16(3) of schedule 5 to the bill be amended by adding “of a registration” at the end of subclause 7(1)(c)(iv) of the Ontario New Home Warranties Plan Act.

The Chair (Mr. Roman Baber): Any debate with respect to motion number 20? Seeing none, are members ready to vote on motion number 20? All those in favour? All those opposed? I declare the motion carried.

We’ll now to proceed to consider section 16 to schedule 5, as amended. Any debate? Seeing none, are members

ready to vote on section 16 to schedule 5, as amended? Shall section 16 to schedule 5, as amended, carry? I declare section 16 to schedule 5, as amended, carried.

We will now proceed to consider section 17 to schedule 5. Any debate? Are members ready to vote on section 17 to schedule 5? Shall section 17 to schedule 5 carry? I declare section 17 to schedule 5 carried.

We'll now proceed to section 18 to schedule 5. I understand that there is a pending government motion, being motion number 21. Mr. Gill?

Mr. Parm Gill: I move that section 18 of schedule 5 to the bill be amended by striking out subsection 10.3(10) of the Ontario New Home Warranties Plan Act.

The Chair (Mr. Roman Baber): Mr. Gill moved government motion number 21. Any debate? Are members ready to vote on motion number 21? All those in favour? All those opposed? I declare motion 21 carried.

We will now proceed to consider section 18 to schedule 5, as amended. Any debate? Seeing none, are members ready to vote on section 18 to schedule 5, as amended? Shall section 18 to schedule 5 to the bill, as amended, carry? I declare section 18 to schedule 5, as amended, carried.

The Acting Chair (Mr. Dave Smith): Seeing the time on the clock and hearing the bells calling us to the chamber, we will recess until 2 p.m. today.

The committee recessed from 1012 to 1405.

The Acting Chair (Mr. Dave Smith): Welcome back. We are here for—

Mr. Mike Harris: Clause-by-clause.

The Acting Chair (Mr. Dave Smith): Clause-by-clause on Bill 159, An Act to amend various statutes in respect of consumer protection.

Where we left off was, we had just voted on schedule 5, section 18. We are now at schedule 5, section 19. There are no proposed amendments or motions put forward. Is there any debate? Seeing none, are the members ready to vote? All those in favour, please raise your hand. Those opposed? The motion carries.

Schedule 5, section 20: We have motion 22 from the NDP. Mr. Rakocevic.

Mr. Tom Rakocevic: I move that section 20 of schedule 5 to the bill be amended by adding the following subsection to section 14 of the Ontario New Home Warranties Plan Act:

“Unfinished work, when warranties take effect

“(10.1) Despite subsection (3), if the vendor of a home delivers to an owner a certificate specifying the date upon which the home is completed for the owner’s possession and any work is unfinished on that date, the warranties under subsection (1) take effect in respect each item of unfinished work on the day the work is finished.”

The Acting Chair (Mr. Dave Smith): Any debate? I’m sorry. Tom, do you mind pronouncing your last name for me so that I have it correct?

Mr. Tom Rakocevic: Rakocevic.

The Acting Chair (Mr. Dave Smith): Rakocevic; thank you.

Mr. Tom Rakocevic: Thank you, Chair.

This comes directly out of AG recommendation number 5. The one-year warranty term for warrantable items begins when those items are completed. Currently, this one-year term begins when the home reaches the minimum occupancy standard, which can occur well before the home is finished or even properly habitable. Homebuyers should not have their warranty rights reduced because they are required to take possession of a home before all of the warrantable work is finished.

I think it’s pretty clear as stated. This is something that’s definitely needed. This is supported by the stakeholders. I’m hoping the government will support this amendment.

The Acting Chair (Mr. Dave Smith): Further discussion? MPP Bailey.

Mr. Robert Bailey: Yes, Mr. Chair. Thank you for acknowledging us.

I want to, at this time, thank the NDP for putting this motion forward. It’s something that the government is considering, but we want to put more study into it. We think that there are opportunities at a later date to make improvements to this. But at this time, the present time, the government will not be supporting this motion.

The Acting Chair (Mr. Dave Smith): Any further discussion? Mr. Rakocevic.

Mr. Tom Rakocevic: Issues like these in the amendments that the NDP have put forward today are not new. They haven’t come out of the sky. These are things that stakeholders have been asking for for many years. Justice Cunningham looked at Tarion and made suggestions. This one, in particular, comes out of a recommendation from the Auditor General. This isn’t something new. I’m hoping that the government will support the amendment.

The Acting Chair (Mr. Dave Smith): Any further discussion? MPP Bailey.

Mr. Robert Bailey: As I said, the change that this motion proposes will be reviewed in further detail. It may even be considered in a new motion at the standing committee following second reading. At this time, the government is not supporting this motion.

The Acting Chair (Mr. Dave Smith): Further debate? Seeing none, are the members ready to vote?

Mr. Tom Rakocevic: Recorded vote.

Ayes

Rakocevic, Gurratan Singh, Sara Singh.

Nays

Bailey, Cuzzetto, Harris, McKenna, Norman Miller.

The Acting Chair (Mr. Dave Smith): This motion fails.

Motion number 23 from the NDP: Mr. Rakocevic.

Mr. Tom Rakocevic: I move that section 20 of schedule 5 to the bill be amended by adding the following subsection to section 14 of the Ontario New Home Warranties Plan Act:

“Submission of claims

“(10.2) An owner may submit a claim to the corporation at any time during the applicable warranty period and may submit one or more updates setting out unresolved defects to the corporation at any time during the applicable warranty period.”

The Acting Chair (Mr. Dave Smith): Any debate? Mr. Rakocevic.

Mr. Tom Rakocevic: This specifically deals with these arbitrary 30-day windows that we all heard about. We heard about this when we travelled in justice committee: the fact that thousands of people had their claims denied for simply missing 30-day windows at the beginning and end of their one-year warranties. This is silly. We have an opportunity right now in committee to get rid of this. I’m calling on government members to support what I believe to be a prudent NDP amendment.

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The Acting Chair (Mr. Dave Smith): Further debate? Mr. Bailey.

Mr. Robert Bailey: We want to get on the record that, in theory, the idea is great, but the IT systems, according to the ministry, may not even be able to keep up with this. So the changes in this motion will be reviewed in further detail and considered in a new motion at the standing committee, following second reading. But at the present time, the government will not support this motion.

The Acting Chair (Mr. Dave Smith): Any further debate? Mr. Rakocevic.

Mr. Tom Rakocevic: I believe that we have an opportunity to change this right now, and it’s disappointing to hear that we won’t be supporting this right now.

The Acting Chair (Mr. Dave Smith): Further debate? Seeing none, are the members ready to vote?

Mr. Tom Rakocevic: Recorded vote.

Ayes

Rakocevic, Gurratan Singh, Sara Singh.

Nays

Bailey, Cuzzetto, Harris, McKenna, Norman Miller.

The Acting Chair (Mr. Dave Smith): This motion is defeated.

Motion 24 from the NDP: Mr. Rakocevic.

Mr. Tom Rakocevic: I move that section 20 of schedule 5 to the bill be amended by adding the following subsections to section 14 of the Ontario New Home Warranties Plan Act:

“Timeline for dealing with claims

“(11.1) The corporation shall set a fair and reasonable timeline for making a decision in respect of a claim.

“Same

“(11.2) The corporation shall promptly notify the claimant of the timeline set in respect of a claim and, in the event of a delay in meeting the set timeline, the

corporation shall inform the claimant in writing of the reasons for the delay.”

The Acting Chair (Mr. Dave Smith): Any debate? Mr. Rakocevic.

Mr. Tom Rakocevic: Tarion should set fair and reasonable timelines for dealing with homebuyer claims. Again, this goes back to the Auditor General; this is her seventh recommendation.

The Acting Chair (Mr. Dave Smith): Further debate? Mr. Bailey.

Mr. Robert Bailey: Tarion has already publicly committed to implementing the substance of this proposal in response to the Auditor General’s Special Audit of the Tarion Warranty Corporation, and the Ministry of Government and Consumer Services is already developing ways to implement this proposal. It’s in progress, and we’re working on it at this time. It’s also partly addressed by other provisions of the bill. So at this time, the government will not be supporting this motion.

The Acting Chair (Mr. Dave Smith): Any further debate? Mr. Rakocevic.

Mr. Tom Rakocevic: Tarion has lost public confidence. They say that they’re addressing it; I think that’s not enough. That’s why we’re setting this forward.

The Acting Chair (Mr. Dave Smith): Further debate? Seeing none, are the members ready to vote?

Mr. Tom Rakocevic: Recorded vote.

Ayes

Rakocevic, Gurratan Singh, Sara Singh.

Nays

Bailey, Cuzzetto, Harris, McKenna, Norman Miller.

The Acting Chair (Mr. Dave Smith): This motion is lost.

Shall schedule 5, section 20 carry? Is there any debate? Seeing none, are the members ready to vote?

Mr. Tom Rakocevic: Sorry, Chair, was this the entirety of—

The Acting Chair (Mr. Dave Smith): Schedule 5, section 20.

Mr. Tom Rakocevic: I’d like to make a comment on that.

The Acting Chair (Mr. Dave Smith): The floor is yours.

Mr. Tom Rakocevic: Again, is this for the entirety of the schedule or just section 20?

The Acting Chair (Mr. Dave Smith): This is just for section 20 itself.

Mr. Tom Rakocevic: Okay. So then I’m fine.

The Acting Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote? Shall schedule 5, section 20 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Section 20 of schedule 5 carries.

Schedule 5, sections 21, 22, 23, 24 and 25, do not have any amendments. Do I have unanimous consent to bundle them? Schedule 5, sections 21 to 25, then, inclusive: Is there any debate? Seeing none, are the members ready to vote? Those in favour of schedule 5, sections 21 through 25, inclusive, please raise your hand. Those opposed, please raise your hand. It carries.

Schedule 5: I understand there is a motion from the government, motion 25. Mr. Bailey?

Mr. Robert Bailey: I move that section 25.1 be added to schedule 5 to the bill:

“25.1 The act is amended by adding the following section:

““Owner-builders

““Application of this act

““17.6 The prescribed provisions of this act apply to an owner-builder in the prescribed circumstances, if any, subject to the conditions, if any, that are prescribed.””

The Acting Chair (Mr. Dave Smith): Any debate? Mr. Bailey.

Mr. Robert Bailey: Yes, I'd like to add a little bit of background to this. This motion would allow regulations to extend the application of any provision of the Ontario New Home Warranties Plan Act to owner-builders. These are the people building homes of their own. Owner-builders are individuals who build their own homes for their own use and occupation, though note that the regulations can modify this definition. This could assist in combatting illegal building by permitting the regulations to regulate the conduct of owner-builders.

I recommend voting for this motion because it could help to address illegal building by permitting regulations to regulate the conduct of owner-builders.

The Acting Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote? All those in favour, please raise your hand. Those opposed, please raise your hand. This motion carries.

Schedule 5, section 26: Is there any debate? Seeing none, are the members ready to vote? Those in favour of schedule 5, section 26, please raise your hand. Those opposed, please raise your hand. Schedule 5, section 26 carries.

Schedule 5, section 27: Is there any debate? Seeing none, are the members ready to vote? Those in favour of schedule 5, section 27, please raise your hand. Those opposed? Schedule 5, section 27 carries.

I have a government motion 26. Mr. Bailey.

Mr. Robert Bailey: I move that section 27.1 be added to schedule 5 to the bill:

“27.1 Clause 22(1)(b) of the act is amended by striking out ‘section 6 or 12’ and substituting ‘section 6, 10.1, 10.2 or 12.’”

The Acting Chair (Mr. Dave Smith): Any further debate? Mr. Bailey.

Mr. Robert Bailey: I would like to add on the record—

The Acting Chair (Mr. Dave Smith): Mr. Bailey.

Mr. Robert Bailey: Yes. Sorry. I would just like to add that the reason that we have proposed this motion is that this will ensure that consumers are protected from the

building or selling of new homes by unlicensed individuals and entities, and other activities prohibited under what would become sections 10.1 and 10.2 of the Ontario New Home Warranties Plan Act, providing consequences for builders and vendors that fail to meet key requirements of the act that would allow prosecution in many cases. The government supports this motion.

The Acting Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote? All those in favour of schedule 5, section 27.1, please raise your hand. Those opposed? Schedule 5, section 27.1 carries.

Interjection.

The Chair (Mr. Dave Smith): Amendment number 26, yes.

Amendment number 27: Mr. Bailey.

Mr. Robert Bailey: Yes, this is another government motion to schedule 5, the Ontario New Home Warranties Plan Act.

I move that subsection 28(1) of schedule 5 to the bill be amended by adding the following clause to section 22.1 of the Ontario New Home Warranties Plan Act:

“(page 1) respecting anything that is to be prescribed or done by regulation under section 17.6;”

The Acting Chair (Mr. Dave Smith): Mr. Bailey, could I get you to repeat the last sentence, starting at “(p.1)”?

Mr. Robert Bailey: Is that “page 1”?

The Acting Chair (Mr. Dave Smith): Just “(p.1).”

Mr. Robert Bailey: Sorry about that. “(p.1) respecting anything that is to be prescribed or done by regulation under section 17.6;”

The Acting Chair (Mr. Dave Smith): Thank you. Is there any debate? Seeing none, are the members ready to vote? We're voting on schedule 5, section 28, amendment number 27. All those in favour, please raise your hand. All those opposed, please raise your hand. The motion carries.

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Shall section 5, schedule 28, as amended, carry? Is there any debate? Seeing none, are the members ready to vote? All those in favour of schedule 5, section 28, as amended, please raise your hand. All those opposed, please raise your hand. Schedule 5, section 28, as amended, carries.

There are no amendments for schedule 5, sections 29, 30, 31 or 32. Do I have unanimous consent to bundle them together? Schedule 5, sections 29 to 32: Is there any debate? Seeing none, are the members ready to vote? All those in favour of schedule 5, sections 29 to 32, inclusive, please raise your hand. All those opposed? Schedule 5, sections 29 to 32, inclusive, carries.

Shall schedule 5, as amended, carry? Is there any debate?

Mr. Tom Rakocevic: This is all of schedule 5?

The Acting Chair (Mr. Dave Smith): This is all of schedule 5. Mr. Rakocevic.

Mr. Tom Rakocevic: Members of this committee travelled Ontario. We spoke to people who are facing problems, even to this very day, with their new home warranties. What was said in those committees—and

everyone can attest to it—overwhelmingly, was that there were serious problems with the system of new home warranties in this province. But what is being proposed by the government is not going far enough. These amendments are an attempt to improve the existing legislation.

In schedule 5, NDP amendments talked about capping Taron executives. They talked about appointing an administrator to make immediate fixes—today—to the problems being faced. They talked about removing 30-day periods—this was used to deny thousands of claims—and finally, even simple language to talk about setting reasonable timelines.

What the NDP members are hearing in committee is that government members are unwilling to collaborate on this and to actually move forward and make prudent amendments to this bill that would improve this bill. This is not just being called for by the opposition but by the stakeholders, who are reaching out to you just as they are reaching out to me.

We're disappointed that these amendments are not being adopted by the government, and we will not be supporting schedule 5.

The Acting Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote? All of those in favour of schedule 5, as amended, please raise your hand. All of those opposed, please raise your hand. Schedule 5, as amended, carries.

Schedule 6, sections 1—

Mr. Tom Rakocevic: It's too late for a recorded vote, yes?

The Acting Chair (Mr. Dave Smith): It is, yes. It's when I ask if members are ready to vote.

Schedule 6: There are no proposed amendments for sections 1, 2, 3 and 4. Can I have unanimous consent to bundle those together? Schedule 6, sections 1 through 4: Is there any debate? Seeing none, are the members ready to vote? All those in favour of schedule 6, sections 1, 2, 3 and 4, please raise your hand. All of those opposed to schedule 6, sections 1, 2, 3 and 4, please raise your hand. Schedule 6, sections 1 through 4, inclusive, carry.

Shall schedule 6 carry? Is there any debate? Seeing none, are the members ready to vote? All those in favour of schedule 6, please raise your hand. All those opposed to schedule 6, please raise your hand. Schedule 6 carries.

Schedule 7: There are no amendments for sections 1 through 20, inclusive. Could I have unanimous consent to bundle those together?

Schedule 7, sections 1 through 20: Is there any discussion? Seeing none, are the members ready to vote? All those in favour of schedule 7, sections 1 through 20, inclusive, please raise your hand. Those opposed, please raise your hand. Schedule 7, sections 1 through 20, inclusive, carries.

Shall schedule 7 carry? Any debate? Seeing none, are the members ready to vote? Those in favour of schedule 7, please raise your hand. Those opposed to schedule 7, please raise your hand. Schedule 7 carries.

Schedule 8: There are no amendments from sections 1 to 4. Could I have unanimous consent to bundle them?

Schedule 8, sections 1 through 4, inclusive: Is there any discussion? Seeing none, are the members ready to vote? Those in favour of schedule 8, sections 1 through 4, inclusive, please raise your hand. Those opposed, please raise your hand. Schedule 8, sections 1 through 4, inclusive, carry.

Schedule 8, section 5: I understand there is a motion.

Mr. Robert Bailey: Yes, Chair. I move that subsection 5(2) of schedule 8 to the bill be amended by adding the following subsections to section 6 of the Safety and Consumer Statutes Administration Act, 1996:

“No crown liability

“(7) No cause of action arises against the crown, a minister of the crown, a crown employee or a crown agent as a direct or indirect result of the revocation or restriction of the designation of an administrative authority or any regulation made under subsection (6).

“(8) No proceeding

“No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, shall be instituted against the crown, a minister of the crown, a crown employee or a crown agent by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (7).”

The Acting Chair (Mr. Dave Smith): Thank you, Mr. Bailey. Is there any debate? Seeing none, are the members ready to vote? All of those in favour of motion 28, please raise your hand. Those opposed, please raise your hand. The motion carries.

Shall schedule 8, section 5, as amended, carry? Any debate? Seeing none, are the members ready to vote? Those in favour of schedule 8, section 5, as amended, please raise your hand. Those opposed, please raise your hand. Schedule 8, section 5, as amended, carries.

Interjection.

The Chair (Mr. Roman Baber): Good afternoon, members. Sections 6 through 8 of schedule 8 do not have any proposed amendments. Is it the will of the committee that I bundle them together for consideration? Any debate? Are members ready to vote on sections 6 through 8, inclusive, of schedule 8? Shall sections 6 through 8, inclusive, of schedule 8 carry? I declare section 6 through section 8 of schedule 8, inclusive, carried.

We're now going to consider section 9 to schedule 8. I understand that there's a government motion pending. Mr. Harris.

Mr. Mike Harris: I move that subsection 9(2) of schedule 8 to the bill be amended by striking out “any acts and omissions” in subsection 11(4) of the Safety and Consumer Statutes Administration Act, 1996 and substituting “any act or omission”.

The Chair (Mr. Roman Baber): Any debate on the motion? Are members ready to vote on government motion number 29? All those in favour? All those opposed? I declare the motion carried.

We will now consider section 9, as amended, to schedule 8. Any debate? Are members ready to vote? Shall section 9, as amended, carry? I declare section 9 to schedule 8, as amended, carried.

I understand that sections 10 through 25, inclusive, to schedule 8 have no amendments. Is it the will of the committee that I bundle them together? Any debate on sections 10 through 25, inclusive? Are members ready to vote on sections 10 through 25, inclusive? Shall sections 10 through 25, inclusive, to schedule 8 carry? I declare that sections 10 through 25, inclusive, to schedule 8 carry.

We will now consider schedule 8, as amended, as a whole. Any debate? Are members ready to vote on schedule 8 to the bill, as amended? Shall schedule 8, as amended, carry? I declare schedule 8 to the bill, as amended, carried.

Moving on to schedule 9, I understand that sections 1 through 9, inclusive, have no amendments. Is it the will of the committee that I bundle them together? Any debate on sections 1 through 9, inclusive? Are members ready to vote on sections 1 through 9, inclusive, to schedule 9? Shall sections 1 through 9 to schedule 9, inclusive, carry? I declare sections 1 through 9, inclusive, to schedule 9 carried.

We now proceed to section 10. I understand that there is a government motion pending. It's motion number 30. Mr. Harris.

Mr. Mike Harris: I move that subsection 10(2) of schedule 9 to the bill be amended by striking out “any acts and omissions” in subsection 3.17(4) of the Technical Standards and Safety Act, 2000 and substituting “any act or omission”.

The Chair (Mr. Roman Baber): Any debate on motion number 30? Are members ready to vote on motion number 30, being the amendment motion? All those in favour? All those opposed? I declare the motion carried.

We will now consider section 10, as amended. This is section 10, as amended, to schedule 9. Any debate? Are members ready to vote on section 10 to schedule 9, as amended? Shall section 10, as amended, carry? I declare section 10 to schedule 9, as amended, carried.

Moving along, I see that sections 11 through 21, inclusive, have no amendments. Is it the will of the committee that I bundle them together for consideration? Any debate? Are members ready to vote on sections 11 through 21, inclusive, to schedule 9? Shall sections 11 through 21, inclusive, to schedule 9 carry? I declare sections 11 through 21, inclusive, to schedule 9 carried.

We will now consider schedule 9, as amended, as a whole. Any debate on schedule 9, as amended? Are members ready to vote on schedule 9, as amended? Shall schedule 9, as amended, carry? I declare schedule 9 to the bill, as amended, carried, as a whole.

Moving on to schedule 10—

Interruption.

Mr. Mike Harris: Excuse me, Mr. Chair.

The Chair (Mr. Roman Baber): Mr. Harris.

Mr. Mike Harris: Given the fact that we're going to probably have some votes here in a second, I request that we just keep an eye and make sure that we're able to go. Before we move into the next schedule, I think it would be—

The Chair (Mr. Roman Baber): Sure. The bells must start before we can entertain such a motion.

Mr. Mike Harris: Perfect.

The Chair (Mr. Roman Baber): I also understand that there may not be a bell; there may be a unanimous vote.

Interruption.

Mr. Mike Harris: They're standing.

The Chair (Mr. Roman Baber): We're just going to hold for 30 seconds.

The committee is recessed until immediately after the vote.

The committee recessed from 1437 to 1448.

The Chair (Mr. Roman Baber): Thank you, members. We will resume clause-by-clause of Bill 159, An Act to amend various statutes in respect of consumer protection.

We're now going to consider schedule 10, beginning with section 1 to schedule 10. I understand that there is an NDP motion pending. Mr. Rakocevic.

Mr. Tom Rakocevic: I move that section 1 to schedule 10 the bill be amended by adding the following subsection:

“(2) Section 7 of the act is amended by adding the following subsection:

“Maximum amount

“(5) Despite subsection 2(1), no person shall make a ticket available for sale on the secondary market or facilitate the sale of a ticket on the secondary market for an amount, including any applicable fees or service charges but excluding any applicable taxes, that exceeds the ticket's face value by more than 50 per cent of the ticket's face value.”

The Chair (Mr. Roman Baber): That was NDP motion number 31. Any debate on the motion?

Mr. Tom Rakocevic: Yes.

The Chair (Mr. Roman Baber): Mr. Rakocevic.

Mr. Tom Rakocevic: We saw and we all celebrated together as the Raptors won the most recent NBA championship; but we also saw what came to light there. When big, hot-ticket items, especially in the city of Toronto, come up, the control of ticket sales is often restricted. Individuals buy up large amounts, and we see insanely expensive resale values that make attending sporting events—something that could be enjoyed by the entire family—unreachable. This amendment deals with that: limiting those resale values to a more reasonable amount of money. I hope that the government will support it.

1450

The Chair (Mr. Roman Baber): Any further debate? Mr. Smith.

Mr. Dave Smith: I personally will be voting against this. I think that whenever we put legislation together, it has to be good for the people—I think the intent is good on this one; however, it also must be something that is enforceable. I do not see how this could reasonably be enforced in a widespread method. For that reason, I don't think it's appropriate that we try to pass legislation that is not enforceable.

The Chair (Mr. Roman Baber): Any further debate? Are members ready to vote on NDP motion number 31?

Mr. Tom Rakocevic: Recorded vote.

Ayes

Rakocevic, Gurratan Singh, Sara Singh.

Nays

Bailey, Harris, McKenna, Norman Miller, Dave Smith.

The Chair (Mr. Roman Baber): I declare the motion lost.

We will now consider section 1 to schedule 10. Any debate? Seeing none, are members ready to vote on section 1 to schedule 10? Shall section 1 to schedule 10 carry? I declare section 1 to schedule 10 carried.

I understand that there is a motion pending from the NDP, motion number 32. Mr. Rakocevic.

Mr. Tom Rakocevic: I move that schedule 10 to the bill be amended by adding the following section:

“1.1 The act is amended by adding the following section:

““Limit on holdbacks

““9.1 A primary seller shall make available for sale to the general public at least 75 per cent of all tickets for an event, other than,

“(a) tickets that are held or committed through a season ticket subscription or other type of subscription;

“(b) tickets for corporate, executive or luxury suites; and

“(c) prescribed types of classes of tickets.””

Mr. Roman Baber: Any debate on motion 32? Mr. Smith?

Mr. Dave Smith: Again, this is one where I look at it—I understand 100% what you’re trying to accomplish with it, but coming from a rural area where there are smaller events, where it is not always possible to offer up 75% of the tickets, I don’t think that this is something that I can support because, again, I don’t see it as being enforceable outside of major venues like what we have in Toronto. I don’t think it works when we get into the smaller areas of this province.

The Chair (Mr. Roman Baber): Any further debate? Mr. Rakocevic.

Mr. Tom Rakocevic: So the government has said, with regards to other stuff, they would contemplate things in regulations, perhaps come back with that. There are elements of this that could be modified, and I do think that this could be enforceable. Would the government be willing to then take some of this and work with it?

The Chair (Mr. Roman Baber): Further debate? Mr. Harris.

Mr. Mike Harris: I do just want to point out that in Bill 100 that passed a little while ago now, there are provisions of this and the general intent of what you’re looking to do within that bill. So when we talk about being collaborative and working together, I’d suggest that you go back, have a look at some of that. We’ll be using those sort of ideals as we move forward.

The Chair (Mr. Roman Baber): Any further debate? Mr. Smith.

Mr. Dave Smith: Absolutely, I think that this is something that—again, I applaud the intent. It would be something that I would feel very comfortable continuing having dialogue on to make sure that we get it right and that if we implement something like this, we do it in a way that works across the entire province. I think that more consultation does need to be had on it. As I said, I understand the intent of what you’re trying to do; I’m just not sure that they way it is laid out, it could be implemented appropriately across the entire province.

The Chair (Mr. Roman Baber): Any further debate? Seeing none, are members ready to vote on NDP motion number 32?

Mr. Tom Rakocevic: Recorded vote.

Ayes

Rakocevic, Gurratan Singh, Sara Singh.

Nays

Bailey, Harris, McKenna, Norman Miller, Dave Smith.

The Chair (Mr. Roman Baber): I declare the motion lost.

I understand that there is a further pending motion by the NDP, motion number 33. Mr. Rakocevic.

Mr. Tom Rakocevic: I move that schedule 10 to the bill be amended by adding the following section:

“1.2 The act is amended by adding the following section:

““Paper tickets

““9.2 Every primary seller that sells a ticket to a ticket purchaser shall provide the ticket in paper form, without charge, if requested by the ticket purchaser.””

The Chair (Mr. Roman Baber): Any debate on motion 33? Mr. Rakocevic?

Mr. Tom Rakocevic: It’s easy to fake an online ticket; it’s much harder to fake a hard-copy ticket. Some consumers may be willing to sacrifice security for the convenience of an electronic ticket, but this should be a choice, not a requirement of the ticket seller.

The Chair (Mr. Roman Baber): Any further debate? Mr. Harris?

Mr. Mike Harris: There are elements of this in Bill 100. Again, we are open to further consultation on this in trying to figure out the best step forward.

The Chair (Mr. Roman Baber): Any further debate? Seeing no further debate, are members ready to vote on motion number 33?

Mr. Tom Rakocevic: Recorded vote.

Ayes

Rakocevic, Gurratan Singh, Sara Singh.

Nays

Bailey, Harris, McKenna, Norman Miller, Dave Smith.

The Chair (Mr. Roman Baber): I declare the motion lost.

I understand that there is yet a further motion pending by the NDP, motion number 34. Mr. Rakocevic?

Mr. Tom Rakocevic: I move that schedule 10 to the bill be amended by adding the following section:

“1.3 Clause 36(d) of the act is repealed.”

The Chair (Mr. Roman Baber): Any debate on motion number 34? Mr. Rakocevic?

Mr. Tom Rakocevic: No.

The Chair (Mr. Roman Baber): Mr. Bailey?

Mr. Robert Bailey: Yes. The government is committed to consulting on proposed regulations under the act and securing feedback on approaches that promote choice, including regulations relating to paper tickets. The use of regulation-making authority to implement requirements for paper tickets provides a flexible approach that allows for additional consultation with the ticket sales industry and the public prior to finalizing any new rules. So, at this time, we're consulting and awaiting more feedback.

The Chair (Mr. Roman Baber): Any further debate on motion number 34? Are members ready to vote on motion 34? All those in favour? All those opposed? I declare the motion lost.

We'll now consider section 2 to schedule 10. Any debate? Are members ready to vote on section 2 to schedule 10? Shall section 2 to schedule 10 carry? Carried.

We will now proceed to vote on schedule 10 as a whole. Any debate? Mr. Rakocevic.

Mr. Tom Rakocevic: NDP amendments on schedule 10 seek to keep resale prices under control because, as we have seen, families are being asked exorbitant amounts if they want to attend events. We're trying to make access to tickets available to as many people as possible and not allowing restriction of tickets to be used as a means to control prices as well, and of course, to enable choice.

Government members voted against it. They did mention a willingness to collaborate, perhaps work together, in the future. And though they have voted against these amendments, NDP members will be supporting schedule 10.

The Chair (Mr. Roman Baber): Any further debate? Mr. Smith.

Mr. Dave Smith: I just want to reiterate that the intent was fabulous on it; however, I do think that we need to work out some of the details. I look forward to working more closely with you on this so that we can get it right when it comes back for second reading.

Mr. Tom Rakocevic: I appreciate that comment.

The Chair (Mr. Roman Baber): Any further debate? Seeing no more debate, are members ready to vote on schedule 10 as a whole? Shall schedule 10 to the bill, as a whole, carry? I declare schedule 10 to the bill, as a whole, carried.

Seeing that we're now finished with the schedules, we'll go back to the bill and we'll start with section 1. Any debate on section 1? Are members ready to vote on section 1 to the bill? Shall section 1 to the bill carry? I declare section 1 to the bill carried.

We'll proceed to section 2 of the bill. Any debate? Are members ready to vote on section 2 of the bill?

Mr. Gurratan Singh: Chair, are we referring to the section or the schedule?

The Chair (Mr. Roman Baber): We're finished with the schedules and we're now operative in the main sections to the main body of the bill.

Any debate on section 2 of the bill? Are members ready to vote on section 2? Shall section 2 of the bill carry? I declare section 2 to the bill carried.

Section 3 to the bill: short title. Any debate? Are members ready to vote on section 3 of the bill? Shall section 3 of the bill carry? I declare section 3 of the bill carried.

We shall now vote on the title of the bill. Any debate? Are members ready to vote on the title of the bill? Shall the title of the bill carry? I declare the title of the bill carried.

We will now proceed to vote on the bill as a whole, as amended. Any debate on the bill as a whole, as amended? Seeing no debate, are members ready to vote on Bill 159 as a whole, as amended? Shall Bill 159, as amended, as a whole, carry? I declare Bill 159 as a whole, as amended, carried.

Members, shall I report the bill, as amended, to the House? Agreed.

Seeing no further business, I now declare this meeting adjourned.

The committee adjourned at 1503.

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