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**Official Report
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(Hansard)**

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(Hansard)**

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**Standing Committee on
Justice Policy**

Supporting Ontario's Recovery
and Municipal Elections Act, 2020

1st Session
42nd Parliament
Monday 9 November 2020

**Comité permanent
de la justice**

Loi de 2020 visant à soutenir
la relance en Ontario
et sur les élections municipales

1^{re} session
42^e législature
Lundi 9 novembre 2020

Chair: Roman Baber
Clerk: Thushitha Kobikrishna

Président : Roman Baber
Greffière : Thushitha Kobikrishna

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CONTENTS

Monday 9 November 2020

Supporting Ontario's Recovery and Municipal Elections Act, 2020, Bill 218, Mr. Downey / Loi de 2020 visant à soutenir la relance en Ontario et sur les élections municipales, projet de loi 218, M. Downey	JP-671
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Monday 9 November 2020

Lundi 9 novembre 2020

The committee met at 0905 in room 151 and by video conference.

**SUPPORTING ONTARIO'S RECOVERY
AND MUNICIPAL ELECTIONS ACT, 2020**

**LOI DE 2020 VISANT À SOUTENIR
LA RELANCE EN ONTARIO
ET SUR LES ÉLECTIONS MUNICIPALES**

Consideration of the following bill:

Bill 218, An Act to enact the Supporting Ontario's Recovery Act, 2020 respecting certain proceedings relating to the coronavirus (COVID-19), to amend the Municipal Elections Act, 1996 and to revoke a regulation / Projet de loi 218, Loi édictant la Loi de 2020 visant à soutenir la relance en Ontario concernant certaines instances liées au coronavirus (COVID-19), modifiant la Loi de 1996 sur les municipalités et abrogeant un règlement.

The Chair (Mr. Roman Baber): Good morning, members. The Standing Committee on Justice Policy is now in session. We're here to debate clause-by-clause of Bill 218, An Act to enact the Supporting Ontario's Recovery Act, 2020 respecting certain proceedings relating to the coronavirus (COVID-19), to amend the Municipal Elections Act, 1996 and to revoke a regulation.

We have no members physically in the room. However, we have the following members joining via teleconference on Zoom: MPP Will Bouma, MPP Lucille Collard, MPP Parm Gill—MPP Natalia Kusendova by phone—MPP Lindsey Park, MPP Gurratan Singh, MPP Nina Tangri, MPP Effie Triantafilopoulos, MPP Teresa Armstrong, MPP Peggy Sattler. Have I missed anyone or has anyone joined us since we last took attendance? No?

We're joined by Kristi Cairns from the office of legislative counsel, as well as staff from Hansard and broadcast and recording. Please speak slowly. Please take a moment before you begin speaking since it will take a moment to recognize you.

The Clerk has distributed the amendment package to all members and staff electronically. Are there any questions or business before we begin?

I'd like to alert members that MPP Natalia Kusendova has now physically joined in the room.

We'll now begin clause-by-clause consideration of Bill 218. Bill 218 is comprised of—

Ms. Teresa J. Armstrong: Chair? Excuse me, Chair?

The Chair (Mr. Roman Baber): Yes. One moment, MPP Armstrong. Yes, MPP Armstrong?

Ms. Teresa J. Armstrong: I just want to clarify, because I don't know if I heard it when you were speaking about the proceedings of how to do clause-by-clause. If we want to comment on something before it goes to a vote, how are you going to recognize us? Do we just put up our hand or just vocally ask for the time to talk to that motion or amendment?

The Chair (Mr. Roman Baber): Whenever we move to the next section, I will ask whether there is any debate on that particular section, and that would be your opportunity.

Ms. Teresa J. Armstrong: Okay, thank you.

The Chair (Mr. Roman Baber): Bill 218 is comprised of three sections which enact two schedules. In order to deal with the bill in an orderly fashion, I suggest that we postpone dealing with the three sections and go to the schedules first. Is there agreement on that? Thank you.

We now turn to schedule 1 of the bill itself. I also appreciate that the official opposition has provided notice of their intent to vote against certain sections even prior to their amendment. I appreciate that, and I understand that that is an appropriate legislative procedure. What I will do is prior to the calling of the vote, I will also provide that the official opposition has provided notice of their intent to oppose the carrying of a certain section.

With that, we will proceed to schedule 1. I understand that we have an independent motion with respect to subsection 1(1) of schedule 1. Madame Collard.

M^{me} Lucille Collard: I move that the definition of "good faith effort" in subsection 1(1) of schedule 1 to the bill be struck out and the following be substituted:

"'good faith effort' includes an honest effort that is reasonable in the circumstances; ('effort de bonne foi')" en français.

The Chair (Mr. Roman Baber): Madame Collard, would you like to explain your motion, or debate?

M^{me} Lucille Collard: Yes, of course. I want to point out that the actual standard of reasonable or not reasonable is not appropriate in the circumstances, because long-term-care operators owe their vulnerable residents a duty of care, and that's pursuant to the Long-Term Care Homes Act. This includes a duty to ensure the reasonable safety and well-being of residents. When a long-term-care operator falls below the standard of care, meaning they did not act reasonably in the circumstances and harm was

caused, the resident may sue a negligent. This is the law in Ontario. Adopting this standard would exclude anyone from being able to be sued. It's just too high of a protection. I think we've heard many people during the hearing and throughout the submissions speaking to that as well.

0910

The Chair (Mr. Roman Baber): Further debate on Madame Collard's motion? MPP Park?

Ms. Lindsey Park: First of all, I have to disagree with the independent member's analysis to say that somehow because of this legislation people won't be able to bring court cases or won't be able to sue. There's no stakeholder that agrees with that. There have been many people on all sides of this who, in the newspaper, have commented over the last many weeks clarifying that.

I will say this amendment would defeat the purpose of why we brought this legislation, which is to provide narrow immunity in appropriate cases to protect workers in Ontario in an unprecedented situation. This amendment would effectively change the immunity standard going back to what the common law standard already is. There would be actually no point in bringing the legislation if we made this amendment, so we'll be voting against it.

The Chair (Mr. Roman Baber): MPP Armstrong?

Ms. Teresa J. Armstrong: I think this is a reasonable motion put forward. I mean, the definition of "good faith" has been torqued by the government here. It's very clear. We've had a practitioner quote and define it as, "It is not only confusing, but also vacuous given that the defendant must only establish an honest effort meeting deficient standards." So it speaks volumes that the expectation of when people put their loved ones in long-term-care homes that there's a level of care that long-term-care homes should provide. Changing the definition the way the government has, again, is lowering the bar so low that it's going to be very, very difficult for people to hold long-term-care homes and retirement homes accountable. We are not arguing that the hockey coach and the swim instructors and those volunteers need that protection, but I think the fact that it's also applying to long-term-care homes and retirement homes is very problematic. I would ask that the government look at that and support this motion.

The Chair (Mr. Roman Baber): MPP Singh?

Mr. Gurratan Singh: We've heard very clear evidence from these experts who've described the government's legislation as providing far too much immunity and far too much cover for long-term-care facilities. It has been very, very clear, so when I hear government members mischaracterize the evidence of witnesses just as early as last week, that's not what people have been saying. People have been saying very clearly that this bill is going to provide a huge cover to billion-dollar long-term-care facilities which should be held to a higher standard of care than to hockey coaches and to other community groups.

The Chair (Mr. Roman Baber): Further debate on Madame Collard's motion? Madame Collard?

M^{me} Lucille Collard: I just want to add, we need to understand and be really clear that long-term-care homes,

it's their job, it's their duty to protect the people that they care for. They cannot be held to the same standard as associations or community organizations; that's just wrong. It's very clear that no lawsuits have been launched against any front-line workers. It's against the operators of long-term care, and they need to have that higher standard. I strongly oppose the suggestion of the government that this is needed to protect front-line workers because that's not the case at all. There's no lawsuit at all right now in front of any court against front-line workers.

The Chair (Mr. Roman Baber): Further debate on Madame Collard's motion? Seeing none, are members ready to vote on motion number 1, proposed amendment to subsection 1(1) of schedule 1? All those in favour of Madame Collard's motion? All those opposed? I declare the motion lost.

We'll now proceed with the second motion for the day: NDP—

Ms. Teresa J. Armstrong: Excuse me, Chair.

The Chair (Mr. Roman Baber): MPP Armstrong.

Ms. Teresa J. Armstrong: Before you asked for a formal vote, I asked for a recorded vote. Was that a recorded vote?

The Chair (Mr. Roman Baber): That was not a recorded vote, but I did outline the process in the beginning of this meeting: that you shall ask for a recorded vote before the vote takes place when I call the vote. So when I say, "Are MPPs ready to vote?" that's your cue to say, "I've asked for a recorded vote, please."

Ms. Teresa J. Armstrong: I did do that. I don't know if I was unmuted. That's what I'm asking about the process. The host mutes and unmutes us. So I just want to be clear: What's the signal that I want to say that, visually, in case I'm muted?

The Chair (Mr. Roman Baber): You should raise your hand.

Ms. Teresa J. Armstrong: I did do that. I will attempt to do that again next time around.

The Chair (Mr. Roman Baber): Thank you very much, MPP Armstrong, and I'm mindful of your concern.

We'll now proceed with motion number 2 brought by the official opposition. Is there a mover by the NDP—MPP Armstrong—with respect to subsection 1(2) of schedule 1?

Ms. Teresa J. Armstrong: I move that subsection 1(2) of schedule 1 to the bill be struck out and the following substituted:

"Same

"(2) A reference in this act to a person includes a reference to any individual, corporation or other entity, other than the crown in right of Ontario."

The Chair (Mr. Roman Baber): MPP Armstrong, would you like to explain the nature of your motion?

Ms. Teresa J. Armstrong: I would, but I would like MPP Gurratan Singh to lead that first, please.

The Chair (Mr. Roman Baber): MPP Singh?

Mr. Gurratan Singh: Basically, this amendment that we're putting forward exempts the amendment that exempts the government from availing itself on the

liability protections in this bill, so it's an amendment to address that. There's no justification for the government insulating itself from the consequences of its own negligence. This is just the latest in a series of actions from the government that they have taken that has worked to—including the Crown Liability and Proceedings Act—limit the ability for Ontarians to hold them to account. This is an inexcusable attack on access to justice.

That's why what we're putting forward is our amendment to ensure that the government, which should rightfully be able to be held to account by Ontarians, that this practice continues. That is why we put forward this amendment: to ensure that the government is not able to give itself cover unduly, and instead that the government has the ability to be held to account, as should be done in any strong democracy in which the people have that ability to hold government to account. We've seen this before with the Crown Liability and Proceedings Act. It's a bad precedent, and this amendment is showing opposition to that, and, in addition, a way in which this legislation will be more transparent for Ontarians.

The Chair (Mr. Roman Baber): Further debate on NDP motion number 2? MPP Sattler.

Ms. Peggy Sattler: I strongly support this motion. We know that, ultimately, the government has jurisdiction and responsibility over the operation of long-term-care homes, which is where, currently, lawsuits have been filed in the courts. This motion would hold the government to account for any failures in oversight or regulatory control over the long-term-care-home sector. It is an essential part of access to justice for the people of this province, and they should have the right to pursue justice in the court by holding the government accountable for its failures to ensure that the proper protections were in place.

0920

The Chair (Mr. Roman Baber): Further debate on NDP motion number 2? MPP Armstrong.

Ms. Teresa J. Armstrong: I think this motion speaks for itself when it comes to liability. Families want justice; they want to have their day in court; and they haven't had the ability to. We asked for public hearings—that wasn't granted. They want to be heard. They want to talk about how this affected them and their family members and what people have gone through. It's unspeakable that these things were allowed to occur. The Canadian Armed Forces report detailed the atrocities that happened in long-term care. To not allow families access to justice is just so egregious. I think all of us here understand the intent of this bill. Having long-term-care homes and retirement homes included in here isn't correct. It is not just. It's not right. And I put this motion forward hoping that the government understands how strongly the official opposition feels about this.

The Chair (Mr. Roman Baber): Who is next? MPP Lindsey Park.

Ms. Lindsey Park: First off, as a procedural note, I would like to point out that in fact all of this committee process is public and available to the public. To any member of the public watching right now: You can request

videos of the hearings that took place last week. I think that's important for any member of the public to know. We take that principle very seriously, that these hearings are open to the public.

On this particular motion that is put before the committee, the rationale just doesn't quite add up. This legislation is designed to treat everyone equally in responding to an unprecedented situation that has been this COVID-19 pandemic, including municipalities and including the public sector. There's no principled reason to treat the provincial government differently from municipalities or the rest of the public sector. That employee at Service-Ontario should have the same protection as that employee when you walk into a municipal office. We think it's important that that's consistent, and that's the rationale here, so we're going to recommend voting against this motion.

The Chair (Mr. Roman Baber): MPP Singh.

Mr. Gurratan Singh: I think that's the crux of what the opposition finds very inexcusable in what the government is putting forward. Everyone should not be treated equally. Government has a higher duty of care. Government should be able to be held to account when it comes to any issue around the injustices and the pain that people have felt as a result of COVID-19. And for the government to say that they should be held to the same standard and treated as equally as a hockey club or as a community group is inexcusable. There is no justification for the government insulating itself from the consequences of its own negligence. There is none. This is a very clear indication from the government that we're seeing, where the government is saying, with all the resources and power available to them, that they should be held to the same standard—they should be treated equally to a local community hockey club. That is completely incorrect. It is unjust. What we're seeing is a clear indication from the government. The government is doing it time and time again: They did it with the Crown Liability and Proceedings Act, and they're doing it once again. They're limiting the ability of Ontarians to hold them to account, to hold the government to account in court.

Government should not be treated equally to local community hockey clubs or sports clubs. That is not how we build a just and equitable province in which people can hold government to account. This is the wrong direction. It's an inexcusable attack on access to justice. That's why the opposition is putting this amendment forward.

The Chair (Mr. Roman Baber): Further debate on NDP motion number 2? Madame Collard.

M^{me} Lucille Collard: I want to agree with this motion for the simple reason that a government has power and it has control, and it should be held accountable for what it does or does not do. I agree with the fact that they can't shield themselves with the same protection as community associations that don't have that power.

The standard that the government is shielding itself from is a standard that is very rarely used. It's used in cases where a jurisdiction doesn't have much control over incidents or accidents that can occur, and death in long-

term care—it's certainly nothing routine. We were giving the examples of this standard being applied in a municipality for falls from ice, because this happens routinely and we can't expect the municipality to have control over the weather. That's certainly not akin to what we're seeing today, and I will be voting for this motion.

The Chair (Mr. Roman Baber): Further debate on NDP motion number 2? Seeing none, are members ready to vote? I can see a number of members are raising their hands. I interpret that to mean that they wish for a recorded vote. Okay. But before I recognize the pleas for a recorded vote, I am bound to ask, are members ready to vote on NDP motion number 2? Yes. A recorded vote being asked for on NDP motion 2 dealing with subsection 1(2) of schedule 1.

Ayes

Armstrong, Collard, Sattler, Gurratan Singh.

Nays

Bouma, Gill, Kusendova, Park, Tangri.

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

We will now proceed to consider section 1 of schedule 1. Any debate on section 1 of schedule 1 of Bill 218? MPP Sattler, did you try to raise your hand?

Ms. Peggy Sattler: We are going to be voting against section 1 of schedule 1, as we had provided notice of earlier. This bill is a perversion of justice in this province. We heard from members who appeared before the committee, but more than that, all of us have received an outpouring of emails from citizens whose residents have been harmed in long-term care, who are seeking a mechanism to get justice for themselves and their family members. This bill is insupportable. It denies those grieving families a way to get redress, and as I said, we cannot support it and we will not be supporting this bill.

The Chair (Mr. Roman Baber): Further debate on section 1 of schedule 1? MPP Singh.

0930

Mr. Gurratan Singh: I just want to note that when this matter was before committee with respect to hearing witnesses share their experiences in the deputations last week, we know that there was a large contingent, lots and lots of folks across the province who wanted to watch live and understand what was going on. We're seeing that people are not able to access information they want with respect to seeing this hearing live. We know that people want long-term-care facilities to be held to account and they want the government be held to account.

This bill does not address that big, big gap where people who were really struggling with COVID-19, who have lost families in these long-term-care facilities are now not going to have the same protections afforded to them. As a result of that, we'll be voting no.

The Chair (Mr. Roman Baber): Further debate on section 1 of schedule 1? MPP Armstrong.

Ms. Teresa J. Armstrong: I'm just going to make my comments brief. As my colleagues noted, we will not be voting for section 1 of schedule 1 of this bill.

I also have concerns with how quickly this bill has been passed through the Legislature. I also have questions, and people have brought this forward, as to who was consulted on the drafting of this bill. It certainly wasn't people like families who lost loved ones. The stakeholders that I spoke to weren't contacted either.

As MPP Singh pointed out about the recording, I reached out to broadcasting after our committee presentations and asked for a link to those, and they specifically said that there is no recording available. They don't have recording capabilities even to record us in those presentations. They obviously weren't linked to livestream—which we knew—but broadcasting said they don't even record the committee meeting. There isn't actual broadcasting footage of the committee presentations that we had on this bill.

So I will be voting against section 1 of schedule 1 of this bill as well.

The Chair (Mr. Roman Baber): MPP Park.

Ms. Lindsey Park: I just have a procedural item. I just want to make sure that the voting is working properly. I understand that Ms. Triantafilopoulos attempted to vote in the recorded vote but did not hear her name called, so I just wanted to confirm, in fact, that her vote was recorded.

The Chair (Mr. Roman Baber): In fairness, I have had some concern with the vote myself. I was unable to hear the Clerk very well as she was calling the vote, so I ask that you bring your microphone closer to you, and I ask that the volume please be increased.

Ms. Triantafilopoulos, I apologize if that is in fact the case. We have another Clerk joining us today, and I will also oversee personally that every single vote is counted. I've heard a lot of that this week, so thank you very much.

Any further debate on section 1 of schedule 1? MPP Singh, followed by Madame Collard.

Mr. Gurratan Singh: It's even more disheartening to hear that the video is not available. That's something that my colleague was just referring to. It's something that we heard a lot about last week. People wanted to watch. This is a very pressing issue. Thousands and thousands of Ontarians have been impacted by it, and it's something that is devastating our entire province. So we'll be voting against this section, and we hope that the government reconsiders their approach with respect to how they have been insulating long-term-care facilities and holding themselves to an equal standard of local community hockey leagues. That should not be the case. Government should be held to account, and so, too, should long-term-care facilities.

The Chair (Mr. Roman Baber): Madame Collard.

M^{me} Lucille Collard: I have to say that I agree in terms of the process for the study of this bill. There have been some events that are undemocratic, that I think people have complained about. The fact that I did request to livestream and the fact that I was granted that permission

which was later refused is very concerning. People are concerned that the government is trying to hide the effect of this bill. I find it very concerning that we're doing that. This bill hasn't been put through the proper process and hasn't allowed all the people who wanted to speak on it to meaningfully do that, and I will be voting against the bill. Thank you.

The Chair (Mr. Roman Baber): MPP Park.

Ms. Lindsey Park: I'll just confirm that the scheduling of committee meetings, where they take place and what the arrangements are, is not determined by the government, that's determined by the Ontario Legislative Assembly, a non-partisan group. So any of the questions raised about those logistics—I think it's appropriate that they respond, Chair, to these concerns.

The Chair (Mr. Roman Baber): The Chair will speak to this issue subsequent to the vote on section 1. The Chair was hesitant to intervene in this debate, as we are now considering section 1, schedule 1; however, I believe that in view of the concerns raised that discussion should be afforded, which I will reserve, for the benefit of the Chair only, to begin after the vote.

Further submissions on section 1, schedule 1? MPP Sattler.

Ms. Peggy Sattler: I just want to echo concerns that have already been expressed about lack of transparency and lack of access to the public to view the live proceedings of this committee. I do have to note that the scheduling of the time allocation motion was entirely within the government's control, and they chose to schedule public hearings on the one day that room 151, the committee room that is equipped with translation and live broadcast, was not available—

The Chair (Mr. Roman Baber): Excuse me, excuse me. MPP Kusendova, on a point of order.

Ms. Natalia Kusendova: Chair, I believe that at this time we are discussing schedule 1 of the proposed bill, and as you have mentioned, we will debate these further concerns after. I would like to ask that we indeed keep the discussion to schedule 1 of the bill. Thank you.

The Chair (Mr. Roman Baber): MPP Kusendova, the Chair has suggested that the Chair will make some comments on the questions regarding transparency after the committee considers section 1 of schedule 1. Nonetheless, your objection, I believe, is valid with respect to what is before the committee right now. That is not to say that I wish to preclude MPP Sattler from expressing any concerns, that, I will entertain should I be asked as ordinary business of the committee. However, I ask that we try to focus and get through section 1, schedule 1.

Any further substantive comments with respect to section 1 of schedule 1 of the bill? Seeing none, are members ready to vote on section 1 of schedule 1 of the bill? I will interpret the raised hands by the NDP to mean that they seek a recorded vote.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 1 of schedule 1 carried.

At this moment, the Chair would like to seek some indulgence. The spirit of my comments is intended to respect the institution that is the Ontario Legislative Assembly and the staff that assist us in bringing these proceedings—carrying them forward and bringing them to the public.

0940

The role of the Legislative Assembly of Ontario and its staff and procedural services that assist the working of the committee is to facilitate, broadcast and to assist the committee and Chair in the conduct of the hearings. The role of the Chair, as I sit as Chair, is to oversee the committee, interpret the standing orders and make direction in accordance with the orders. The Chair is to act fair and impartial. My rulings are subject to appeal to the Speaker of the House.

The proceeding herein has been prescribed by a time allocation order. It is an order passed after debate by the entire House, which prescribes the conduct of the hearing herein. That includes the amount of time allotted to the hearing. It is not the decision of the Legislative Assembly staff or the Chair as to what amount of time is to be spent, and the time is equally allocated among witnesses, excluding the Attorney General, who is prescribed to have received an hour at the commencement of the hearing as being a sponsor of the bill.

I would first like to address the substantive concern raised by Madame Collard this morning. In the afternoon of the hearing, which took place last Wednesday, Madame Collard sought permission to broadcast proceedings from her own personal social media. Initially, the Chair, upon consultation with the Clerk, understood that there is no prohibition to do the same; however, upon further reflection and an objection by Ms. Park and further consultation by the Chair with House staff, the House staff advised the Chair, and the Chair accordingly ruled, that only accredited media and the House itself are entitled to broadcast proceedings. As such, the ruling changed. The ruling is in Hansard, and the ruling is subject to appeal to the Chair.

With respect to any suggestion with respect to the broadcasting or non-broadcasting of the hearing on Wednesday, the Chair would like to advise as follows: Ordinarily, proceedings of this committee would be and are still open to the public. That means that under ordinary circumstances, I would invite any member of the public to sit in this room and watch these proceedings; however, by order of the Speaker, in view of the extraordinary times that we're in, the Queen's Park precinct is closed to the public.

The Legislative Assembly of Ontario, the precinct itself, has three committee rooms: It has a main room in which we are congregating right now, the Amethyst Room—in which this proceeding is taking place—and committee rooms 1 and 2. Ordinarily, committee rooms 1

and 2 are home to the justice policy committee. Ordinarily, the Amethyst Room, the room in which we are right now, is home to public accounts and estimates when they sit in committee. The main room, the Amethyst Room, in which we're situated right now, has a live feed available to be broadcasted out. Committee rooms 1 and 2, conversely, do not have a live feed. That is something that all members are aware of or should be aware of.

I want to be very clear: The allocation of committee rooms is a determination made by the staff of the Legislature. That is, the procedural services branch is the branch that books these hearings, unless a request is made by any member of the Legislature prior to the hearings. In other words—I will allow you to respond, Ms. Armstrong; please allow me to conclude—the rooms are allocated by the procedural services branch in accordance with the convention of where these committees are typically held, unless sought by a member of the committee prior to the hearing.

No request to hold the hearing in the main room had come in until the second hour of the hearings on Wednesday. The very first time that there was any mention of a room that would have a feed came from Madame Collard and Mr. Singh in the afternoon of the first day of hearings. By that time, we had already concluded a witness.

When such a request came in on Wednesday afternoon, I immediately inquired with the Clerk if the justice policy committee could be moved to the main room so as to allow the feed. At that point, the Chair was advised that such change would not be possible. It would not be possible since public accounts committee started meeting in the main room approximately 40 minutes before the request was made. It was also understood that the estimates committee was scheduled to proceed there a couple of hours into the hearing.

So it is to be understood that the proceedings and the location and the feed of the proceedings were directed by procedural services assembly staff, and no opposition or NDP member had sought any change of venue until after the proceeding had begun and, at which point, a change was impossible.

I'd like to thank the procedural services assembly staff for assisting us in conducting those hearings. I should alert the members, specifically the opposition members and the independent member, that they have recourse to seek change of venue prior to the committee hearing, something that was not done until a hearing was well under way.

With that, I will conclude the statement and propose that we proceed to deal with the bill. Madame Collard.

M^{me} Lucille Collard: Thank you for the explanation. I guess, going forward, we will be able to be mindful of that and make the appropriate request. I just want, with all due respect, though, to indicate that before the hearing started, the day before, I did receive, in writing, permission from the Clerk to be able to livestream. I think that's probably taking into account the extraordinary circumstances we're in. I think we all need to be flexible. Nobody can come into the precinct, as you indicated. That was an alternative that would have shown a little bit of transparency to the process.

So thank you for the explanation going forward, but just to correct the record that the request was not made only on the day of. For better transparency, I decided to put the motion and request unanimous consent to livestream. But I had received the permission before, so presumably, I could have done so without going through this process of requesting unanimous consent, trying to be transparent. I just wanted to put it out there, just to have the full story.

Thank you for the explanation.

The Chair (Mr. Roman Baber): MPP Sattler.

Ms. Peggy Sattler: Thank you very much, Chair, for your ruling. I did want to clarify that the official opposition voted against the time allocation motion. The time allocation motion directed that public hearings be held on a Wednesday, when this Amethyst Room is occupied by the public accounts committee, which automatically precluded the public broadcasting of the hearings. So by voting against the time allocation motion, we did indicate our lack of support for proceeding as the government intended to proceed, which was to hold hearings on a Wednesday when it was not possible to provide the webcasting of the proceedings.

0950

The Chair (Mr. Roman Baber): MPP Sattler, again, as I sit in this chair, I am acting as an impartial observer and enforcer of the rules, and that gives me the possibility of speaking to the staff of the Legislative Assembly and ascertaining what, if any, options are available. I understood very clearly from the person in the best position to speak to this issue that, had a request been made to televise these proceedings in advance of Wednesday's hearing, such a request would have been potentially accommodated by the House. However, no such request had been made by the opposition or the independent member prior to the hearing, neither to the House nor to the Chair. Any other comments? With that, I propose that we proceed.

We will now proceed with section 2 of schedule 1 of the bill. I understand that the independents have a motion. I recognize Madame Collard on independent motion number 3.

M^{me} Lucille Collard: I move that clause 2(1)(b) of schedule 1 to the bill be struck out and the following substituted:

“(b) the act or omission of the person does not constitute,

“(i) negligence, in the case of a person who is a licensee of a long-term care home, as those terms are defined in the Long-Term Care Homes Act, 2007, or

“(ii) gross negligence, in any other case.”

The Chair (Mr. Roman Baber): Debate?

M^{me} Lucille Collard: I guess this is self-explanatory. We've been talking about the standard that needs to be different from long-term-care homes, given that it's their mandate to look after the safety and the security of their residents, especially those that are paying for it, and I think that they should be excluded from this bill.

The Chair (Mr. Roman Baber): Further debate on Madame Collard's motion? MPP Park.

Ms. Lindsey Park: I'll just reiterate some of the rationale behind this bill, which is that the legislation is designed to treat everyone equally in responding to this unprecedented situation. This motion would not be in alignment with that, so we will be voting against it.

The Chair (Mr. Roman Baber): Further debate on Madame Collard's motion number 3? MPP Sattler.

Ms. Peggy Sattler: We will be supporting this motion. This motion responds to a direct request that was made to this committee by members who appeared before us to talk about their experience in trying to seek justice for the loss of their loved ones in a long-term-care facility.

We also heard very clearly from the Ontario Nonprofit Network, an umbrella organization that represents thousands and thousands and thousands of non-profits in this province, that they did not feel comfortable being grouped together with long-term-care-home operators and that the exclusion of long-term-care-home operators from the bill is something that they would support. So we believe that this motion is important, and we will be voting in favour of it.

The Chair (Mr. Roman Baber): MPP Singh.

Mr. Gurratan Singh: Throughout this whole process, we've heard the government often say, "Why is the opposition against local community groups"—or mom-and-pop shops or these smaller individuals—"being protected from liability against COVID?" It has been very clear that we want to hold the long-term-care facilities accountable and hold the government accountable. This motion does that and because of that it is supportable from the NDP.

The Chair (Mr. Roman Baber): Further debate on motion number 3? MPP Armstrong.

Ms. Teresa J. Armstrong: I heard one of the government members say that this part of the bill was to treat everyone equally. The questions were asked to presenters about whether or not they felt that long-term-care homes and retirement homes were on the same level playing field when it comes to care as to hockey coaches, swim clubs, not-for-profits, volunteers, those kinds of organizations. Many of them were very hesitant—actually, they weren't hesitant; they said that they could not comment on that. The one group that MPP Sattler mentioned, the non-profit groups, were able to come out and identify what is clearly an inequity in this bill, that long-term care and retirement homes shouldn't be lumped into the same group as volunteers. So having them grouped together isn't treating everyone equally.

Again, I go back: We can discuss the language of law all we want, and what the details of it and what the intent of the law are, but the human aspect of this bill is families who have lost their loved ones in grave conditions, and they are not getting treated equally when it comes to holding retirement homes and long-term-care homes accountable under this bill. That's my comment with regard to that.

It's very clear to everyone that the way it has been grouped together does not make any sense at all. Delivering health care and a volunteer or a sports activity—

those two things are not on the same playing field when there is accountability that should hold people to a higher standard.

The Chair (Mr. Roman Baber): Any further debate on motion number 3? Seeing none, are members ready to vote on independent motion number 3? A recorded vote has been asked for.

Ayes

Armstrong, Collard, Sattler, Gurratan Singh.

Nays

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

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

We will now proceed with motion number 4, being an NDP-proposed amendment. Is there an NDP mover? I recognize MPP Armstrong.

Ms. Teresa J. Armstrong: I move that section 2 of schedule 1 of the bill be amended by adding the following subsections:

"Long-term-care homes

"(8) Subsection (1) does not apply,

"(a) causes of action arising against a licensee of a long-term-care home; and

"(b) any proceeding arising from a cause of action referred to in clause (a).

"Definitions

"(9) In subsection (8), 'licensee' and 'long-term-care home' have the same meaning as in Long-Term Care Homes Act, 2007."

The Chair (Mr. Roman Baber): MPP Armstrong, would you be so kind as to reread the motion?

Ms. Teresa J. Armstrong: Yes. I move that section 2 of schedule 1 to the bill be amended by adding the following subsections:

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"Long-term-care homes

"(8) Subsection (1) does not apply to,

"(a) causes of action arising against a licensee of a long-term-care home; and

"(b) any proceedings arising from a cause of action referred to in clause (a).

"Definitions

"(9) In subsection (8), 'licensee' and 'long-term-care home' have the same meaning as in the Long-Term Care Homes Act, 2007."

The Chair (Mr. Roman Baber): MPP Armstrong, would you like to debate the amendment?

Ms. Teresa J. Armstrong: I would like to debate the amendment, but I first ask MPP Singh to—

The Chair (Mr. Roman Baber): I recognize MPP Singh.

Mr. Gurratan Singh: This amendment being put forward by the NDP is very clearly addressing this point

we've heard time and time again from the government, where they've said that we don't want to have protections afforded to these community hockey clubs or hockey organizations or any sports group or these small organizations. We are clearly putting in our amendment right now that we need to ensure that billion-dollar long-term-care businesses are able to be held to account and are not able to have the same kind of liability protections as these other groups that I've just mentioned.

It is completely unjust, it is completely unfounded and it is wrong for the government to reward long-term-care facilities, their friends and lobbyists in these private businesses by ensuring that they are unanswerable to families who have lost loved ones in long-term-care facilities. This is unjust, it is wrong, it is unprecedented. Our amendment will very clearly ensure that these billion-dollar for-profit long-term-care facilities are not able to use this bill as a way of protecting themselves from liability. I want to put this on the record: It is unjust, it is shameful, that the government is trying to protect these long-term-care facilities. That's why we're putting this amendment forward.

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

Ms. Lindsey Park: I will just say, we certainly have a different view of what this bill does than the opposition. I've been clear: The rationale of this section is to treat everyone equally in responding to an unprecedented situation. I'm hearing from the members opposite that they think long-term-care workers should be held to a different standard of care than health care workers or mental health workers or home care workers or hospital workers: They should all be treated differently. We don't agree. We think they all have that same fiduciary duty and that this legislation should be consistent among those classes of people.

The Chair (Mr. Roman Baber): MPP Sattler.

Ms. Peggy Sattler: I'm supporting this amendment, obviously. It's being brought forward by the official opposition, and it responds directly to input that was presented to this committee last week. This was a recommendation of the Ontario Health Coalition, the Advocacy Centre for the Elderly and some of the legal experts who came to speak to us.

Clearly, despite what MPP Park says, there is a difference of opinion within the legal community as to the merits of holding long-term-care homes to a different standard of liability than volunteer organizations, swim clubs etc. We heard loud and clear, both in the input that was received and in the outpouring of emails that has arrived in all of our inboxes over the last few days that people want the right to seek justice from the for-profit long-term-care homes within which loved ones have died. This amendment is important to allow them to have that avenue to seek the justice that they and every citizen in Ontario deserve, particularly from for-profit long-term-care-home operators, who were being paid to care for the residents of those homes.

The Chair (Mr. Roman Baber): MPP Singh.

Mr. Gurratan Singh: Any time that we articulate that our focus is billion-dollar long-term-care facilities, the government will respond by talking about front-line workers. I want to be very clear: We are talking about long-term-care facilities, as defined in legislation by the Long-Term Care Homes Act. That is our Long-Term Care Homes Act. That's what is clearly articulated in our amendment, and the government is mischaracterizing time and time again this very clear amendment.

I'll ask the government straight-on: Why are you protecting billion-dollar, for-profit, long-term-care facilities? Why are you suggesting that these companies that have often, during a pandemic, issued as much as \$1.5 billion in dividends to its shareholders and are making money hand over fist—why should they be held to the same standard of care and treated equally to a front-line worker? This is a completely shameful act to protect these lobbyists and these friends of the government.

Instead, I would ask the government, the Conservative government, to actually enforce the words spoken by your Premier, to hold these long-term-care homes to account by ensuring there's legislation to do so. Instead, the government is doing the exact opposite. The government is putting forward legislation that protects these companies, these long-term-care homes that have, quite frankly, blood on their hands. It's wrong, it's shameful, and that's why the opposition NDP is putting forward this amendment.

The Chair (Mr. Roman Baber): Further debate on motion number 4? Seeing none, are members ready to vote on NDP motion number 4? I see a recorded vote being asked for.

Ayes

Armstrong, Collard, Sattler, Gurratan Singh.

Nays

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

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

We'll now move to amendment number 5, proposed by the government, with respect to adding a new subsection 2(8). Is there a government mover? MPP Park.

Ms. Lindsey Park: I move that section 2 of schedule 1 to the bill be amended by adding the following subsection:

“Vicarious liability

“(8) This section applies with necessary modifications with respect to a person who is vicariously liable for the acts or omissions of another person, where subsection (1) would negate the liability of the other person in relation to any such act or omission.”

The Chair (Mr. Roman Baber): MPP Park, would you like to begin debate on your motion?

Ms. Lindsey Park: This is a technical motion that would clarify how the proposed civil immunity applies in situations of vicarious liability. The most common

example of vicarious liability is that an employer is vicariously liable for the acts and omissions of its employees. This motion would clarify that if an employee is protected by the immunity—i.e., acting in good faith in accordance to applicable public health guidance and laws and was not grossly negligent—then the employer would similarly not be vicariously liable for the employee’s good-faith conduct.

1010

Without this amendment, there is a possible technical argument that “person,” as it’s defined in the bill in the immunity provision, refers to the employee and not the employer, and thus the employer would be outside of the immunity protection.

The Chair (Mr. Roman Baber): Further debate on government amendment number 5? MPP Singh.

Mr. Gurratan Singh: What we’re seeing is that the government is now putting forth amendments that are really not addressing the actual issue that stakeholders brought up, that folks across the board brought up. We need to hold long-term-care facilities to account. We need to ensure that the government is not continually protecting themselves from being held—or insulating itself and ensuring it’s not being free from liability. That is what we heard from stakeholders. That is what we heard from folks across the board. The government is not addressing that.

We need to ensure that this bill does not provide a cover for long-term-care facilities, does not provide a cover for billion-dollar companies that have been issuing billions of dollars in dividends in profits. It’s just something that we need to ensure. That is what this bill is doing, and that’s what the opposition is against. Long-term-care facilities should be able to be held to account as should the government be held to account with respect to this bill and the tragedies surrounding it.

The Chair (Mr. Roman Baber): Further debate on government motion number 5? Seeing none, are members ready to vote? I see a recorded vote is being sought.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Collard.

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

We will now proceed with motion number 6. That is an NDP amendment. I recognize Mr. Singh.

Mr. Gurratan Singh: I move that section 2 of schedule 1 to the bill be amended by adding the following subsection:

“Exception, crown

“(10) Subsection (1) does not apply to,

“(a) causes of action arising against the crown in right of Ontario or against any officer, employee or agent of the crown in right of Ontario; and

“(b) any proceedings arising from a cause of action referred to in clause (a).”

The Chair (Mr. Roman Baber): Mr. Singh, would you like to commence debate on your amendment?

Mr. Gurratan Singh: Similar to amendments we’ve put forward previously, what we’re seeing is that the government is once again availing itself of the liability protections in this bill, and that’s wrong. We are saying that the government should not be insulating itself from the consequence of its own negligence. This is a very clear pattern we’re seeing from the government. If we look at the Crown Liability and Proceedings Act—time and time again, they’re trying to limit the ability of Ontarians to hold them to account in the courts. It’s an inexcusable attack on access to justice. Ontarians need to be able to hold government to account.

Furthermore, in our democracy, our province, government acts better when they are able to be held to account. This is an issue of access to justice. This is an issue of process. This is an issue of ensuring our democracies are strong, ensuring local Ontarians have the ability to make sure that no one is above the court, no one is above law and no one is above liability. We’re putting this amendment to make this very clear, and we’re putting this amendment forward in hopes that the government will heed the values of transparency and openness that should be defining all our actions in this House, in this assembly.

The Chair (Mr. Roman Baber): Further debate on NDP motion number 6? MPP Park.

Ms. Lindsey Park: The government agrees that no one is above the law, and that’s why we’re proposing a standard here to which everyone that’s subject to this legislation would be held, that’s consistent. As I’ve said with previous motions that this one is very similar to, this legislation is designed to treat everyone equally in responding to the unprecedented situation that is the COVID-19 pandemic that none of us could have predicted, including municipalities, including the public sector and including public sector employees.

The Chair (Mr. Roman Baber): MPP Sattler.

Ms. Peggy Sattler: I wanted to re-emphasize points that I raised earlier about the right of citizens in this province to seek redress when they have been harmed by actions or inactions of the crown, for which the crown should be held accountable.

In Ontario, the crown has jurisdiction over the operation of long-term-care homes, and people who have lost loved ones in long-term-care homes, grieving families, should have the right to pursue justice and to hold the crown accountable for their failure to protect their loved ones. We heard this loud and clear from the people who came to the committee to speak about the anguish that they have experienced in the wake of COVID and losing loved ones in long-term care. We have been hearing it in the emails that we have been reading, and this amendment speaks directly to the input that was received by this committee.

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

Mr. Gurratan Singh: Just on this point, the government raises it time and time again. I just need to point out the absurdity of the point. Government, with all its resources and access to resources, and all its funds and support and staff and everything available to itself, should not be held to the same standard as a local hockey club or a local sports club or front-line workers. It just doesn't make sense. It should not be held to that standard. When the government keeps on saying, "We're treating everyone equally," that's precisely our problem. Government should not be held equally to the public or to everyday folks or to hockey clubs or to sports clubs. We've seen what happens. Government can be negligent. We've seen Walkerton. We've seen situations in which government failed. This idea that government should be held to the same standard as everyday folks is completely unjust, it's wrong and it's not in line with reality. Governments have more resources. They have more money. They have more everything available to them, and because of that, to group them alongside a volunteer organization that's completely not-for-profit does not make sense.

We are continually raising this issue from the opposition. The NDP is really trying to say, "Listen, we are strongly"—that's the other thing: Government is trying to protect itself. The Conservative government is saying to say, "Hey, let me ensure that we're not held liable." That's actually weakening our democracy. It actually weakens the government. It weakens people's faith in the government. It weakens the institution that we're currently in right now. Hold yourself accountable. Open yourself to being held accountable, because that's how we strengthen our province, and that's how we strengthen everyone across Ontario.

The Chair (Mr. Roman Baber): Further debate on NDP motion number 6? MPP Armstrong?

Ms. Teresa J. Armstrong: I think it has all been said, but we forget that this government has done this before, where they limit their liability or the capability of people having access to justice to hold them accountable, under—I think it was Bill 161. So everything all being equal, people should have access to justice. They need to have the person that they are accusing or alleging of wrongdoing—being able to take them to court.

1020

Having, again, long-term-care homes and the government lumped together with the people who don't have that same level of conduct is not correct. We have all kinds of oversight for us in the Legislature, because we are held to a higher standard when we're elected, and the government is also held to a higher standard and to be responsible for their actions. This takes away that responsibility, takes away what it means to be accountable to people. It really is an injustice in this piece of legislation to have it formed this way.

Having the workers protected, having not-for-profits protected, having volunteers protected, I think we all came to an agreement that that's a good thing. But lumping in the government with that, it really, I think, disillusiones a

lot of people, and this would disillusion mostly, obviously, the public at large. But the people who have been directly affected by the loss and what was revealed during the pandemic in long-term-care homes, they're seeking justice. They want answers. I don't think they would want to see their loved one die in vain and not be able to correct what they went through, to tell their story. I think it was Cathy Parkes that said her dad would have wanted this. He wouldn't want to just die and not have the story being told so that others don't suffer like that.

Of course, I'm going to vote in support of our motion, but I just need to get on record that it's imbalanced. This motion is imbalanced and it's to the detriment of the public, those who want to hold the government accountable for what happened during COVID to their loved ones in long-term care.

The Chair (Mr. Roman Baber): Further debate on NDP motion number 6? Seeing none, are members ready to vote on NDP motion number 6? I take the hands up by the NDP as asking for a recorded vote.

Ayes

Armstrong, Sattler, Gurratan Singh.

Nays

Bouma, Gill, Park, Tangri, Triantafilopoulos.

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

We will now proceed to consider section 2 of schedule 1, as amended. Any debate? MPP Sattler.

Ms. Peggy Sattler: We will be voting against section 2 of schedule 1 to the bill for many of the reasons that have already been expressed by myself and my colleagues, but, more importantly, because of the input that was provided to this committee, both in-person and in written deputations that were formally made to the committee, as well as in the hundreds and hundreds of emails that all of us have received.

We heard from many organizations who spoke to the committee—including the Advocacy Centre for the Elderly, the Ontario Health Coalition, CUPE, some of the legal firms that were representing families whose loved ones had died in long-term care—that the exemptions, the amendments that we had brought forward for schedule 2 of section 1, were critical to ensure that people in this province are able to seek justice.

But we also heard—for those members of the committee who reviewed the written presentations—loud and clear and strong support for the amendments that we brought forward. Because of this government's decision to oppose those amendments and not ensure that this bill reflects the interests of the people of Ontario, we cannot support section 2 of schedule 1 of this bill. It is an attack on due process. It is an attack on access to justice. And it is an insult, a huge disservice, to those grieving families

who are seeking justice and should be able to count on their government for allowing them to do that.

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

Mr. Gurratan Singh: Just to summarize it, and my colleague did a fantastic job, but just to understand what the crux of the issue is: We want to make sure that these billion-dollar companies that we know, independently from military reports, did a terrible job and have blood on their hands—they have acted negligently. They've acted in a manner which is completely—it's just something that they shouldn't have done. They should have had a higher degree of care to their residents, to the people who are paying, often, for the for-profit situation, for their services and were put in deplorable situations.

They shouldn't be protected, and it's wrong that they're being protected. The government is using, quite frankly, local organizations as a shield. They're using local hockey clubs as a shield.

The amendment we put forth from the NDP is very clear: We're saying, hold these long-term-care facilities, these huge, wealthy corporations to account. Don't protect them. But, instead, the government is continually siding with their friends and their lobbyists and letting them be protected by legislation. It's wrong. It's something that should not be done, and it's something that we, in the NDP, are opposing.

The Chair (Mr. Roman Baber): Further debate on section 2 of schedule 1 of the bill? MPP Armstrong.

Ms. Teresa J. Armstrong: Section 2 of schedule 1 reads, "A reference in this act to a person includes a reference to any individual, corporation or other entity, and includes the crown in right of Ontario." That, by definition, is an issue. That's what we're here debating today and moving amendments to change. The government shouldn't be included in that definition. Profitable long-term-care corporations shouldn't be included in that definition.

It needed to be substantially removed. Those things needed to be taken out of the bill in order for the intent of the bill to actually cover those not-for-profits, those volunteers, those clubs, those hockey leagues, the swimming teams. Those are the things that the intent of the bill should address. Putting all these groups all together isn't—the bill just isn't doing justice to what your intent is. You're skewing it. You're muddying it by including the government in here. Obviously, we're going to vote against section 2 of schedule 1 of the bill for those reasons.

The presenters that came—who it's going to help, such as the swim teams and the hockey leagues—they understand the intent. But the other presenters were very clear that government and long-term-care corporations, profitable corporations, didn't belong in the bill. They wanted to see those changes. So we're again attempting to bring this up to the government, to make it clear that people are watching and people are listening. Despite the fact that, for those logistical reasons, it wasn't broadcasted, people have paid attention, and they don't like it and we don't like it. Those are my comments on that, Chair.

The Chair (Mr. Roman Baber): MPP Singh?

Mr. Gurratan Singh: Just very quickly: Earlier, with respect to amendments in this section that I put forward, about the fact that long-term-care facilities should be exempt, the government responded saying the workers, the people who were in these facilities—I quickly just pulled up the Long-Term Care Homes Act. We said we should use the same adoption of the definition of "long-term-care home" as defined in the Long-Term Care Homes Act, and it says very clearly, "a place that is licensed as a long-term-care home" and that "licensee" is defined as someone who is "the holder of a licence." We're talking about the people who own these facilities. We're talking about the corporations who own these facilities—the billion-dollar corporations. It's very clearly in our amendment. I encourage the government that maybe did not read the Long-Term Care Homes Act or did not understand the definitions in the amendment to say that—we're not going after the front-line worker, we are going after the billion-dollar corporations and saying that those billion-dollar corporations should be held to account. We directly reference the definition of "licensee" and "long-term-care home" as written in the Long-Term Care Homes Act because, purposefully, we want to hold them to account.

Any time we bring up this criticism, we hear from the government, "Why aren't you trying to provide protection to front-line workers?" Front-line workers are not the focus of our criticisms. The holder of the licence: That is the focus of our criticism. These billion-dollar corporations that should be held to higher care should not be held—an organization, an institution, an industry that can issue \$1.5 billion of dividends during a pandemic while the residents are in deplorable situations should not be treated equally, as the government says, as a hockey club or a sports club. It's wrong. To the government, we're asking you: Heed this criticism. This is going to be something that people will see. They will understand very clearly. Legal experts have already commented that this will be on you. Don't make the wrong decision and, instead, choose the people of Ontario; don't choose your billion-dollar friends and these for-profit corporations.

The Chair (Mr. Roman Baber): Further debate on section 2 of schedule 1 of Bill 218? Seeing none, are members ready to vote? I see a show of hands for a recorded vote—with an NDP notice given to vote against section 2.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare the section, as amended, carried.

At this point, I'm prepared to entertain a short break. I propose under 10 minutes. The committee will resume at quarter to 11.

The committee recessed from 1034 to 1047.

The Chair (Mr. Roman Baber): I call today's session of the Standing Committee on Justice Policy back to order. Has anyone joined us who is currently not accounted for in the attendance? Okay. Thank you.

We will now proceed to deal with the next sections, being sections 3 and 4, which do not have any proposed amendments. Is it the will of the committee that we bundle them together for consideration? MPP Armstrong?

Ms. Teresa J. Armstrong: I would like to have them voted on individually, please.

The Chair (Mr. Roman Baber): Seeing that unanimity is required for bundling but is absent under the circumstances, we will now proceed to deal with section 3 of schedule 1.

Any debate on section 3? No debate on section 3 of schedule 1 of Bill 218. Are members ready to vote? We will now proceed to vote on section 3 of the bill, with the NDP notice that they recommend voting against section 3. Shall section 3 of schedule 1 carry? All those in favour? All those opposed? Carried.

We'll now proceed to deal with section 4 of schedule 1. Any debate? Seeing none, we will now proceed with section 4 of schedule 1. Are members ready to vote? Shall section 4 of schedule 1 carry? All those in favour? All those opposed? I declare section 4 of schedule 1 carried.

We will now proceed to consider section 5 of schedule 1. Any debate? MPP Armstrong.

Ms. Teresa J. Armstrong: Sorry, I just want to clarify that I'm going to ask for a recorded vote when I put up my hand when you ask for the vote at the time. No debate from me at this point.

The Chair (Mr. Roman Baber): Understood, and with thanks.

Any debate on section 5 of schedule 1? Seeing none, I have an NDP notice to vote against section 5 of schedule 1. Are members ready to vote? I believe MPP Singh is asking for a recorded vote.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare the section carried.

We will now proceed with section 6 of schedule 1 of the bill. Any debate? MPP Armstrong.

Ms. Teresa J. Armstrong: I was just putting my hand up for a vote, please.

The Chair (Mr. Roman Baber): So MPP Armstrong, further to the process of this morning, I kindly ask that you

raise such a request after I ask if members are ready to vote, but we're still at the portion allowing debate.

Any debate on section 6 of schedule 1? Seeing none, are members ready to vote? Thank you, MPP Armstrong, with a recorded vote being sought.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare the section carried.

We will now proceed to consider section 7 of schedule 1. Any debate? Seeing no debate, are members ready to vote on section 7 of schedule 1? A recorded vote is being sought.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 7 of schedule 1 carried.

We will now proceed to consider schedule 1, as amended, as a whole. Any debate? MPP Singh.

Mr. Gurratan Singh: Just to once again put on the record why the NDP is opposing this: Long-term-care facilities should not be held to the same standard as local community sports groups. Further, the government shouldn't be able to protect themselves from liability and hold themselves in a way where they can't be held to account by the public. Our focus has been on the government not holding themselves liable and also protecting their billion-dollar long-term-care-facility friends. We are against this, and because of that we'll be voting against it.

The Chair (Mr. Roman Baber): Further debate on schedule 1, as amended, as a whole? MPP Collard.

M^{me} Lucille Collard: I also just want to briefly explain why I can't vote in favour of this schedule. In the absence of the government accepting considering carving out the long-term-care-home operators from this liability, I have to vote against.

The Chair (Mr. Roman Baber): MPP Sattler?

Ms. Peggy Sattler: I just wanted to remind members of the deputation that we heard from the Ontario Nonprofit Network, which is the organization that represents the vast majority of non-profit organizations in the province. Certainly they had asked for good Samaritan legislation. I think there was general agreement across all sides in the

Legislature that this kind of good Samaritan liability protection was reasonable for volunteer organizations like swim clubs, hockey organizations, soccer clubs etc., but we also heard loud and clear that for-profit, private sector long-term-care-home operators cannot be held to the same standard of accountability as volunteers working in these small non-profit organizations.

The Ontario Nonprofit Network said to the committee during their presentation that they were not comfortable being grouped together with private sector, for-profit long-term-care-home operators, and that they supported an exemption of those operators from this legislation. This does not reflect what they intended when they made the ask for good Samaritan legislation.

The Chair (Mr. Roman Baber): Further debate on schedule 1, as amended, as a whole? Seeing none, we will now proceed to vote on schedule 1 as amended as a whole. I see a request for a recorded vote and an NDP notice to vote against.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare schedule 1, as amended, as a whole, carried.

We will now proceed with schedule 2 to the bill. I see NDP notices on sections 1, 2 and 3 of schedule 2 of the bill. Does this mean that the NDP would prefer not to consider the sections bundled as a whole? Thank you.

We will begin with section 1 of schedule 2 of the bill. There are no amendments. Any debate? MPP Sattler.

Ms. Peggy Sattler: Unfortunately, this committee only heard from a single delegation, the city of London, with regard to schedule 2 of this bill, which was a shame because there were a number of written submissions from both provincial organizations, such as AMO, the Association of Municipalities of Ontario, and Fair Vote Canada, as well as other municipalities like the county of Prince Edward, Democracy Guelph, the town of Mono, the township of Woolwich etc.

This schedule came as a complete surprise to all municipalities in this province. The mayor of London told this committee that there was no consultation that took place with the city of London, and we know from the written input that was received that there was no consultation with any municipality, not a single one of the 444 municipalities in the province of Ontario.

We cannot support this legislation. It flies in the face of the province's obligation to consult with municipalities on matters of mutual interest. It's simply insupportable. We heard loud and clear that municipalities want this entire schedule withdrawn.

1100

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

Ms. Teresa J. Armstrong: I'd also like to reference the city of London. They are the only city that has ranked ballots, and for them not even to be consulted is quite disturbing, because they, as the mayor articulated, had expenses in order to have this ranked ballot system put into the election of 2018. Not to have any consideration for consulting with the city that started it, that was the first one to do it, and to see how it worked and the benefits, the advantages, the disadvantages, whatever the case may be—no consultation at all with a city that actually has the ranked ballot. So, again, I think the messages this government sent out to cities that were either contemplating it or voted on it—or have it implemented, in this case, for the city of London—I think it's just a disregard for them. It speaks to how they treat democracy. Again, to have this bill lumped in with the government's liability piece around long-term care doesn't mesh.

It's disappointing that there wouldn't have been better consultation if there were intentions of changing the voting system throughout Ontario. And, yes, the time allocation piece, but, again, because it was time-allocated that way, and we don't agree with time allocation, the fact that there was only one presenter on the ranked ballot is not a good way to make legislation. It's not a good way to start a process to make people feel confident in the government, have faith in the government, arbitrarily just ripping the rug from under the city of London and passing this legislation removing ranked ballots.

The Chair (Mr. Roman Baber): MPP Singh.

Mr. Gurratan Singh: Just to echo the comments put forward by my colleague, this adds to the fact that local communities should have the right to organize as they see fit if it's done in a democratic way. Cities like London had a democratic mandate to move forward with ranked ballots, and to take this power away from them is disempowering and also flies in the face of democracy. If a local community decides to do something in certain way for their municipal elections that impacts them, they should be given that right to do so. The government is overreaching in spirit by not allowing communities to organize in such a way.

The Chair (Mr. Roman Baber): Further debate on section 1 of schedule 2 of the bill? Seeing none, are members ready to vote on section 1 of schedule 2? With a recorded vote being sought.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 1 of schedule 2 carried.

We will now proceed to consider section 2 of schedule 2. Any debate? MPP Sattler.

Ms. Peggy Sattler: I want to reiterate what was said to this committee by the mayor of London and also the theme that was repeated in virtually all of the written presentations that were submitted to this committee as input: that is, respect for municipal autonomy and the lack of respect for municipal autonomy that is demonstrated by this schedule 2 of the bill. Regardless of where you stand on whether ranked ballots are an appropriate way to elect municipal councillors, you have to respect the right of democratically elected local governments to make decisions about how their citizens are represented. Schedule 2 completely flies in the face of that, and that is ultimately the reason why the NDP cannot support section 2 of schedule 2 to the bill.

The Chair (Mr. Roman Baber): Further debate on section 2? MPP Park.

Ms. Lindsey Park: Perhaps, just since the opposition members have taken the opportunity and are debating section 1 and section 2 to introduce their position on the whole schedule, I'll just state broadly that the government's position on this schedule is that it will bring a more consistent municipal election process that would ensure municipalities avoid unnecessary higher costs with ranked ballots. It will also ensure that the system is consistent with the provincial election system and the federal election system. Municipalities are creatures of the province, and we think that makes sense.

The Chair (Mr. Roman Baber): MPP Sattler.

Ms. Peggy Sattler: I will note that municipalities across the province vary in how they elect their local councillors. Some municipalities elect councillors at large. Some elect as many as two or three councillors for a ward. Municipalities like the city of London have been empowered to make changes to the way that they run municipal elections in the city of London. They increased the number of wards. They had been a two-councillor-per-ward system. They went to a single-councillor-per-ward system with more wards. They eliminated the board of control.

There is no consistency. Some municipalities have deputy mayors on the ballot. Other municipalities allow the elected councillors to elect a deputy mayor. In single-tier municipalities, there are no regional councillors elected. There is no consistency across the province at the municipal level. At the federal and provincial level, ballots have party affiliation. There are no parties at the municipal level. So the government's argument that there is a need to bring consistency between the three levels of government does not hold up, especially because, even within the municipal sector, there is already no consistency to how municipal ballots look across the province of Ontario.

The other point about government's concern about how municipalities are spending their money is completely unfounded, and government does not have the right, nor should it have the ability, to direct how municipal councillors, in accordance with the will of the people, decide to

make governance decisions. That, again, is the reason why the NDP is so strongly opposed to schedule 2 of this bill.

The Chair (Mr. Roman Baber): MPP Singh.

Mr. Gurratan Singh: Just to add to the point around costs, the mayor of London I think was very clear that to switch over to ranked ballots was a one-time cost, and he was very clear that to switch back would actually incur further costs to the city of London. So the Conservative government is not being clear right now. The mayor himself described how this is going to be a further cost to the city and also they weren't even sure the clerk would be able to switch back in time. So you're actually causing further cost, further confusion.

1110

To my colleague MPP Sattler's point, there is so much inconsistency. In Brampton alone, we have regional councillors and city councillors. We have a ward system that does not match up to our federal and provincial ridings. Even beyond that, some federal and provincial ridings don't even match up across the province, because people recognize different levels of government have different needs and need to organize in different ways.

It's very clear the Conservative government is just doing an attack on democracy, and that's wrong. This bill should not be taking these overarching attacks on democracy and should not be interfering in how local communities decide to enact their democracy.

The Chair (Mr. Roman Baber): Further debate on section 2 of schedule 2 of the bill? Seeing none, are members ready to vote? With a recorded vote being sought and an NDP notice given to recommend against this section.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare the section carried.

We'll now proceed with section 3 of schedule 2 of the bill. Any debate? MPP Sattler.

Ms. Peggy Sattler: I just want to refer to the written presentation that was made by the Association of Municipalities of Ontario. They remind committee members and the Conservative government that municipal governments are the level of government that are closest to the people and most in tune with the concerns of the people. They point out that to best represent residents, communities need to be able to determine how they elect their leader. AMO was not taking a position about whether ranked ballots are a good thing or not, but they do emphasize the principle of local autonomy that must be respected, in particular at the municipal level.

Municipalities are the levels of government that are closest to the people. Municipal councillors hear on a daily basis from the people they represent. A number of municipalities like Cambridge and Kingston have already gone to the people to gauge their interest in proceeding with ranked ballot elections, and that should be respected. In particular, the right of the city of London to proceed with a ranked ballot election should very much be respected because London has already invested \$515,000 in conducting a ranked ballot election that was praised across Canada. It has become a model. Other municipalities are looking to London for the leadership that it showed in running, really, a flawless ranked ballot election campaign. As the mayor of London said, it should be the right of municipalities to proceed with the voting system that they feel and the people who live in the municipality feel is best able to elect representatives to represent local governments.

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

Mr. Parm Gill: Just quickly, for the record—nothing that hasn't been mentioned already, at least from the government side.

As mentioned, London was the only municipality that used ranked ballots in the last municipal election. They spent over half a million dollars—40% more than what they would have otherwise—to achieve the exact same results that they would have received using the previous system. So 443 out of the 444—that is a system that is used federally, that is a system that is used provincially and that was also used by, as I mentioned, 443 municipalities out of the 444.

Also, to add one more point, in some of the other municipalities that are exploring the opportunity of using the ranked ballot, like the city of Toronto, we have seen that they have committed over \$1 million just to consult—not to move forward, not the cost, but just to look at ways of consulting on whether they want to use ranked ballots or not—

Interjection.

The Chair (Mr. Roman Baber): Excuse me, MPP Gill. I apologize. MPP Sattler on a point of order.

Ms. Peggy Sattler: Sorry, Chair, I don't have a point of order. I just wanted to be recognized to speak.

The Chair (Mr. Roman Baber): Thank you very much. I apologize, MPP Gill. We take all best efforts to note prospective MPPs when they want to speak, and we do keep note of them in order.

MPP Gill, I apologize. Back to you.

Mr. Parm Gill: Thank you very much, Chair. I was just going to mention that there are also other municipalities that have looked at the idea of using ranked ballots and have decided not to.

I think what our government is proposing, especially during COVID-19 and the most challenging time that the entire country is going through—municipalities are also strapped for cash. They are looking at other levels of government, be it provincial or federal, to help them out, to bail them out with the costs associated with not just

COVID-19, but also some of the losses that are occurring with revenue. So the money to be spent on exploring items could be much better spent on, obviously, focusing their efforts on the health and well-being of their local constituents.

For all of those reasons, I think the changes proposed by our government in this piece of legislation are a no-brainer. They make a lot of sense and a lot of people out there do agree with those. For all of those reasons, I would encourage every single member on this committee and ultimately in the Legislature to support this piece of legislation.

The Chair (Mr. Roman Baber): MPP Sattler.

Ms. Peggy Sattler: I did want to remind members that we heard very clearly from the mayor of London, who spoke to the committee, that this allegation that nothing changed as a result of ranked ballots is not true. The city of London elected the first Black woman to London city council ever in our history, Arielle Kayabaga. She has been very public in the fact that she chose to run because she knew that it was going to be a ranked ballot election. Her name would not even have been on the ballot if the city had proceeded with a first past the post election.

The mayor also spoke about his own experience running in a ranked ballot election and the strength of the mandate that he got by having over 50% of the vote at the end of the day. We have heard from other city councillors who participated in the ranked ballot election in 2018 that in previous elections where a candidate who was further down the ballot may have dropped off, in a ranked ballot election, they stayed on the ballot. That could have had an impact on the outcome. We also know that there were other candidates who chose to run who may not have run in a first past the post election.

1120

The other point I want to make is that the mayor of London was very clear that there are many, many issues that the city of London would be prepared to address, and wants to address, with the \$51,000 that the city will now be forced to spend to return to a first past the post election. There is also the \$515,000 that the city invested, most of which was a one-time cost, in running a ranked ballot election in 2018. Those funds, that investment in creating infrastructure that, as I said, has been lauded, is now lost.

So for the government to come in and say, "We're trying to save municipalities money," certainly in the case of London, London is actually losing money. London will have less funds available to address the needs of the citizens of our community at a time when support is desperately needed.

The Chair (Mr. Roman Baber): Further debate on section 3 of schedule 2 to the bill? MPP Gill.

Mr. Parm Gill: Just to the point that the NDP member just made: Yes, there was one councillor that ran supposedly because they were using the ranked ballot system. Every citizen has the right to choose whenever they want to run for an election or not. The reality and the point that I'm trying to make is, yes, you might have run because it was a ranked ballot, or not run—other people

might not have. But it would not have changed the system—she would have gotten elected using the previous system. So what I’m trying to say is that she did not get elected because they used ranked ballots. She would have gotten elected either way, which she did, so congratulations.

The Chair (Mr. Roman Baber): Further debate on section 3 of schedule 2? Seeing none, are members ready to vote? With a recorded vote being sought and NDP notice to vote against given.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 3 of schedule 2 carried.

We will now proceed with the next motion of the day, independent motion number 7, to create a new section 3.1 to schedule 2 of the bill. Madame Collard.

M^{me} Lucille Collard: I move that schedule 2 to the bill be amended by adding the following section:

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

“Question re ranked ballot elections

“8.4 If, before the day the Supporting Ontario’s Recovery and Municipal Elections Act, 2020 receives royal assent, a council of a municipality passed a by-law to submit a question to its electors under clause 8(1)(b) in connection with the use of ranked ballot elections for one or more offices on the council and the results of the question were answered in the affirmative by the majority of the votes, the following apply:

“1. This act, as it read before the day the Supporting Ontario’s Recovery and Municipal Elections Act, 2020 receives royal assent, continues to apply as necessary to permit the council of the municipality to implement the results of the question and to permit the clerk of the municipality to conduct ranked ballot elections.

“2. Ontario Regulation 310/16 (ranked ballot elections) made under the act, as it read immediately before it was revoked, continues to apply as necessary to permit the council of the municipality to implement the results of the question and to permit the clerk of the municipality to conduct ranked ballot elections.

The Chair (Mr. Roman Baber): Madame Collard, would you like to explain your proposed amendment?

M^{me} Lucille Collard: Yes, of course. I don’t agree with schedule 2 to begin with, just because it removes an important discretionary power to the municipalities, and I think it’s wrong. But the government has indicated that the intent of this bill is to save money at a time where we are trying to recover from this crisis. So making this provision applicable to municipalities that have already invested

significant resources will in fact be a waste of money and a clear disrespect for the freedom of municipalities to confirm their local election process. If the government is serious and it wants to be consequent with its argument, it should support this motion.

The Chair (Mr. Roman Baber): Further debate on the independent motion? MPP Sattler.

Ms. Peggy Sattler: We will be supporting this because, certainly, it does address the issue that municipalities like London already have infrastructure in place and will have to pay in order to return to first past the post. Kingston and Cambridge have already invested in referendums to move forward with ranked ballot voting. From that perspective, this motion is supportable. What it does not address, ultimately, is the principle of municipal autonomy, the principle of allowing municipal governments to determine how local representatives will be elected. We will be speaking to that piece later in this clause-by-clause process.

The Chair (Mr. Roman Baber): Further debate on Madame Collard’s independent motion number 7? MPP Park.

Ms. Lindsey Park: I’ll just clarify that the government will be voting against this, as it is inconsistent with the purposes of this schedule.

The Chair (Mr. Roman Baber): Further debate? Seeing none, we will now proceed to vote on independent amendment number 7, with a recorded vote being sought.

Ayes

Armstrong, Collard, Sattler, Gurratan Singh.

Nays

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

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

We will now proceed to consider section 4 of schedule 2. I understand that there’s a government motion pending, being motion number 8. MPP Park.

Ms. Lindsey Park: I move that section 4 of schedule 2 to the bill be amended by striking out “second Friday in September” and substituting “third Friday in August”.

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

1130

Ms. Lindsey Park: The proposed motion would move the deadline for municipal council and school board candidates to file or withdraw their nomination to the third Friday in August. Municipal clerks raised this concern through AMO that moving the deadline to September would result in additional challenges for election administration. We listened to those concerns, and therefore an August deadline is introduced here that would address to some degree the election administration concerns raised by municipal clerks.

The Chair (Mr. Roman Baber): Further debate to government motion number 8? MPP Sattler?

Ms. Peggy Sattler: I'm not going to speak to the merits or otherwise of this amendment, but I did want to point out that this is solving a problem that the government itself created by bringing in schedule 2 as part of a so-called COVID recovery bill, when the entire focus of what we do at the Legislative Assembly should be on helping people get through the COVID-19 pandemic. There was no reason to bring in schedule 2 as part of this bill, and as I said before, it caught every municipality in the province entirely by surprise. There had been no advanced notice. There had been no municipality that was asking for this schedule to be included.

In fact, I did want to talk about the role of municipal clerks. We know that that's where this amendment originated from, but we heard from the Attorney General, both in the Legislative Assembly and in his deputation to this committee, that schedule 2 was the result of conversations, apparently, that had been had with unnamed municipal clerks in unnamed municipalities, who were worried about their local democratically elected councillors, in the words of the Attorney General, going down the rabbit hole of ranked ballots, which is so fundamentally disrespectful, for the Attorney General to use that kind of language. It is so disrespectful of the role of locally elected representatives that it shouldn't be part of what we are discussing here in the province.

So as I said, this amendment is solving a problem that the government itself created by bringing in unnecessary legislation when it should be looking at COVID recovery for all the citizens of this province.

The Chair (Mr. Roman Baber): Further debate with respect to government motion number 8? Seeing none, are members ready to vote? With a recorded vote being sought with respect to government motion number 8.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong.

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

We will now proceed to consider section 4 of schedule 2, as amended. Any debate? Seeing none, are members ready to vote on section 4 of schedule 2, as amended? With a recorded vote being sought.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 4 of schedule 2, as amended, carried.

We will now proceed to section 5 of schedule 2. I understand that there is an independent amendment pending. Madame Collard, would you like to move motion number 9?

M^{me} Lucille Collard: I would like to withdraw this motion, Chair.

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

We will now proceed to consider section 5 of schedule 2. Ms. Sattler.

Ms. Peggy Sattler: We are voting against this section of schedule 2 of the bill for many of the reasons that have already been enumerated, particularly because this bill in its entirety really is an undermining of local autonomy, it is an attack on local democracy, and it cannot be supported, which is why we're recommending voting against this section.

The Chair (Mr. Roman Baber): Further debate on section 5 of schedule 2 of the bill? Seeing none, are members ready to vote? With a recorded vote being sought and an NDP notice to vote against given.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 5 of schedule 2 of the bill carried.

We will now proceed with section 6 of schedule 2. With no amendments, any debate on section 6 of schedule 2 of the bill? MPP Park.

Ms. Lindsey Park: I'm proposing that we bundle sections 6 through 9. It looks like there aren't any proposed amendments to those sections.

The Chair (Mr. Roman Baber): In fact, it would be through section 10. MPP Park seeks unanimous consent that the committee consider section 6 through section 10 of schedule 2 of the bill. Agreed? I'm seeing a no.

1140

We will therefore continue with section 6 of schedule 2. Any debate? Seeing none, are members ready to vote on section 6? With a recorded vote being sought and NDP notice to vote against given.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 6 of schedule 2 carried.

We will now proceed to section 7 of schedule 2. With no amendments, any debate on section 7 of schedule 2 of the bill? Seeing none, we will proceed to vote. With a recorded vote being sought and an NDP notice to vote against given.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler.

Failure of sound system.

The Chair (Mr. Roman Baber): I declare section 7 of schedule 2 carried.

Interjection.

The Chair (Mr. Roman Baber): Let the record reflect that MPP Singh voted against the carriage of section 7.

We now proceed with section 8 of schedule 2. Any debate with respect to section 8 of schedule 2 to the bill? Seeing none, are members ready to vote? With a recorded vote being sought and NDP notice to vote against given.

Ayes

Bouma, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 8 of schedule 2 carried.

We will now proceed to consider section 9 of schedule 2. With no amendments pending, any debate on section 9 of schedule 2 of the bill? Seeing none, are members ready to vote? With a recorded vote being sought and NDP notice to vote against given.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 9 of schedule 2 carried.

We will now proceed to considering section 10 of schedule 2 of the bill. With no amendments, any debate on section 10 of schedule 2? Seeing none, are members ready to vote? With a recorded vote being sought and an NDP notice given.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 10 of schedule 2 carried.

We will now proceed with amendments 10 and 11, brought by the official opposition, specifically new section 10.1 of schedule 2. Motion 10: I recognize MPP Sattler.

Ms. Peggy Sattler: I move that schedule 2 to the bill be amended by adding the following section:

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

““Transitional, Ranked Ballot Elections

““Transitional, ranked ballot elections

““Application

““96.1(1) This section applies to any municipality,

““(a) that was authorized under this act to conduct a ranked ballot election for offices on its municipal council immediately before the day the Supporting Ontario’s Recovery and Municipal Elections Act, 2020 received royal assent;

““(b) that,

““(i) passed a by-law under subsection 8(1) to submit a question to its electors to determine if they are in favour of a ranked ballot election for specified offices on the municipal council before the day the Supporting Ontario’s Recovery and Municipal Elections Act, 2020 received royal assent, and

““(ii) had more than 50 per cent of the votes on the question indicate that they are in favour of ranked ballot elections for the specified offices; or

““(c) that passed a resolution in support of conducting a ranked ballot election for specified offices on its municipal council before the day the Supporting Ontario’s Recovery and Municipal Elections Act, 2020 received royal assent.

““Continuation of ranked ballot elections

““(2) A municipality described in subsection (1) may continue to conduct ranked ballot elections in accordance with,

““(a) this act, as it read immediately before the day the Supporting Ontario’s Recovery and Municipal Elections Act, 2020 received royal assent; and

““(b) Ontario Regulation 310/16, as it read immediately before it was revoked.””

The Chair (Mr. Roman Baber): MPP Sattler, would you like to explain your amendment?

Ms. Peggy Sattler: Yes, I would, Chair. Thank you. We heard from the city of London, the mayor of London on behalf of the only municipality of the 444 municipalities in the province of Ontario that had already conducted a ranked ballot election in 2018. I should point out that the election in 2014, four years prior to the ranked ballot election in 2018, had very much focused on the question or the decision about using ranked ballot voting in the following municipal election.

So the people of the city of London have been talking about ranked ballots for a long time. They were talking about it prior to the 2014 election, they were talking about it prior to the 2018 election when ranked ballot voting was used. The city council for the city of London made a decision. An overwhelming majority of the councillors at the time decided to proceed with a ranked ballot election.

This motion recognizes the right of the city of London to continue to elect its councillors using a ranked ballot process. But, more importantly, it also recognizes the right of municipalities like Kingston and Cambridge that have already invested in going to the people with a question through a referendum to gauge the interest of citizens in using ranked ballot voting as a way to elect its municipal representatives.

1150

Further, it also reflects the interest of a number of other municipalities that are looking at ranked ballot voting as a way to better and more fully engage their citizens in local decision-making. In motions that have been passed at a number of municipalities, including Prince Edward county, Barrie, Burlington, Cambridge, Cobourg, Mono, Peterborough, Thunder Bay, Toronto—there are a number of municipalities that are interested in using ranked ballot processes because they have heard from citizens that this is something that they believe will enhance democracy, that it will engage more people in local decision-making. They should have the right to proceed in that direction if that is the determination of democratically elected councillors.

Basically, what this motion does is it upholds the principle of municipal autonomy and local decision-making and the right of democratically elected representatives at the level of government that is closest to the people to make decisions about how local representatives are elected.

The Chair (Mr. Roman Baber): Further debate on NDP amendment number 10? MPP Park.

Ms. Lindsey Park: We will be proposing to vote against this motion. We don't think that now is the time for municipalities, as was the case mentioned in the city of Toronto, to spend \$1 million on studying a new voting system in the middle of a global pandemic. We also don't think it's time for expensive local referendums, which cost taxpayers money. We think taxpayer resources should be dedicated at this time to public health, safety and the economic recovery that we all hope is ahead of us.

The Chair (Mr. Roman Baber): Further debate on NDP amendment number 10? MPP Sattler.

Ms. Peggy Sattler: I did want to say that I think it is so disrespectful to the 444 municipalities around this province, who are doing everything they possibly can to support the people who live in those communities to recover from COVID-19, to make it through this pandemic, to ensure that there are still main street businesses that are able to survive, to ensure that people have the supports they need.

There is no municipality that does not want to support the people. We heard from the mayor of London that they have lots of ideas about how to use the \$51,000 that they will now be required to spend in 2022 because of this legislation. They have lots of ideas about how that could help the people of the city of London. We know the city of Toronto was looking at 2022 and responsibly made the decision to look at ranked balloting in 2026 because of the pandemic.

Local municipalities should be respected for understanding what their communities need, and they should be respected for the ability to make responsible decisions on behalf of the people they represent without this government coming in and attacking local democracy and telling local councillors what they can and cannot do and how they should or should not elect the people who are speaking for them.

The Chair (Mr. Roman Baber): Further debate on NDP motion number 10? Seeing none, are members ready to vote? With a recorded vote being sought.

Ayes

Armstrong, Collard, Sattler, Gurratan Singh.

Nays

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

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

We now proceed to proposed NDP amendment number 11. MPP Sattler.

Ms. Peggy Sattler: I move that schedule 2 to the bill be amended by adding the following section:

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

““Transitional, Ranked Ballot Elections in city of London

““Transitional, ranked ballot elections in city of London
““96.1(1) This section applies to the city of London.

““Continuation of ranked ballot elections

““(2) The city of London may continue to conduct ranked ballot elections in accordance with,

““(a) this act, as it read immediately before the day the Supporting Ontario's Recovery and Municipal Elections Act, 2020 received royal assent; and

““(b) Ontario Regulation 310/16, as it read immediately before it was revoked.””

The Chair (Mr. Roman Baber): MPP Sattler, would you like to explain your proposed amendment?

Ms. Peggy Sattler: Yes, thank you, Chair. I would.

As a citizen of London, as an MPP who sat on this committee last week when we heard the mayor of London come to speak to us about his concerns regarding schedule 2 of the bill, understanding that the city has already invested \$515,000 in creating the infrastructure to run ranked ballot elections in a process that has been recognized nationally because of how flawlessly it was implemented, and understanding that it is going to cost an additional \$51,000 for the city to revert to first past the post in 2022, I think, at the very, very least, this committee, of which the majority of the members are government, should support the request from the city of London to be exempted from schedule 2 and to be allowed to continue to run a ranked ballot election in the next municipal election to save the city the expense, that \$51,000 that the city would have to spend, that we know could be used to support people in my community, in my colleague MPP Teresa Armstrong's community, to make it through the COVID-19 pandemic.

The Chair (Mr. Roman Baber): Further debate on NDP amendment number 11? MPP Armstrong.

Ms. Teresa J. Armstrong: Thank you to the member from London West for bringing this amendment forward.

We have tried, obviously, to put other amendments forward that government didn't support. But this one in particular is something that this government could make its way to support. Here is a city that went to great expense and education to have a ranked ballot system in the last election, in 2018. They put themselves out there. They were the first city who did this, and they did it successfully. To penalize them by not allowing them to be exempt from this legislation really speaks to democracy, that the decision that the city has made, city council has made—this government is not going to respect that.

The government has talked about the cost of elections and the cost of ranked balloting. Well, the cost has already been incurred by the city of London. But the cost that they're going to additionally have to put out—\$51,000 is what has been quoted—that doesn't make any sense when you're looking at an economic recovery.

The government has talked about the cost of elections and the cost of ranked balloting. Well, the cost has already been incurred by the city of London. But the cost that they're going to additionally have to put out—\$51,000 is what has been quoted—that doesn't make any sense when you're looking at an economic recovery. Why needlessly make a city spend \$51,000 when they have proven that they had proceeded with a ranked ballot according to all rules and regulations?

They had a successful example of what a ranked ballot campaign or election would look like, and yet there's no respect. There's no respect for the city of London's city council and their decision, and that was prior to the election of 2018. There were other councillors who sat on there, and there are new ones now today, so they're both in agreement. The ones that did get re-elected, the ones

that didn't get re-elected and the new city councillors are all saying that that was the right thing. That was the decision that the city came to, prior and post-election 2018, and it's working for them. If they happen to have—

The Chair (Mr. Roman Baber): MPP Armstrong?

Ms. Teresa J. Armstrong: Yes?

The Chair (Mr. Roman Baber): I apologize to interrupt you mid-sentence. The time allocation order provides that this committee is to recess at 12 o'clock, so I would propose that you would complete your submissions at 1 o'clock when this committee resumes.

Thank you. We're in recess.

The committee recessed from 1201 to 1300.

The Chair (Mr. Roman Baber): Good afternoon, members. The Standing Committee on Justice Policy's clause-by-clause review of Bill 218 resumes this afternoon.

When we broke for recess, we were debating NDP amendment number 11, and that is to add new section 10.1 to schedule 2. MPP Armstrong, you had the floor, and I invite you to continue or conclude your remarks.

Ms. Teresa J. Armstrong: I was pretty much done at the time when you had called for recess, but just to wrap it up: London does have a ranked ballot system. It had implemented it in the 2018 election. It has been successful for them, and I think this amendment that was brought forward by MPP Sattler from London West is very reasonable to ensure that London keeps the integrity of the decision that they passed in council. Of course, I'm going to be supporting this motion.

The Chair (Mr. Roman Baber): Further debate on NDP amendment 11? MPP Sattler.

Ms. Peggy Sattler: I did want to make the Conservative members of this committee aware that how they vote on this amendment will be watched very carefully by Londoners and by people across the province, because it will really reveal what schedule 2 is actually all about.

We have heard from this government that this schedule is necessary because ranked ballot voting is confusing to voters. We heard at the same time from the mayor of London that 68% of Londoners understood very well what ranked ballot voting involved and took the opportunity to rank their choices when they went to the ballot box in 2018. We also know that the Premier of this province was elected through a ranked balloting process. Conservative Party members understand how ranked balloting works. Members of all political parties understand ranked balloting, because that's how the leaders are elected.

We've also heard this government say repeatedly that this schedule is necessary because municipal councils might be frivolously spending money that should be spent on COVID-19, as if they are children and don't act responsibly in the interests of their citizens. In the case of the city of London, it will cost London money to revert to first past the post. It will cost \$51,000, and the investment that was made, that \$515,000—a mostly one-time investment—will be completely lost.

If the government does not support this amendment, we will know that the government is saying that it does not

respect local democracy, it does not believe in local decision-making, it is not interested in consulting with municipalities about matters of municipal significance, and it fundamentally does not believe in democracy. So please, Conservative members of this committee, think about that before you vote on this amendment.

The Chair (Mr. Roman Baber): Further debate on NDP motion number 11? Seeing none, are members ready to vote on Ms. Armstrong's motion? With a recorded vote being sought.

Ayes

Armstrong, Collard, Sattler, Gurratan Singh.

Nays

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

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

We will now proceed to consider section 11 of schedule 2. Any debate? Seeing none, are members ready to vote on section 11 to schedule 2? With a recorded vote being sought and NDP notice to vote against given.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 11 of schedule 2 carried.

We will now proceed to consider section 12 of schedule 2. Any debate on section 12 of schedule 2? Seeing none, are members ready to vote on section 12? With a recorded vote being sought and NDP notice to vote against given.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 12 of schedule 2 carried.

We will now proceed to consider schedule 2, as amended, as a whole. Any debate? MPP Collard.

M^{me} Lucille Collard: I just want to briefly mention why I can't support this schedule of the bill either. The first schedule is about robbing people of their right to accountability and justice and schedule 2 is about robbing

municipalities of their freedom to run their election processes as they see fit and in accordance with the people they serve. Saving money, even if it did—and, I submit, it does not—is not a good argument, and it's not a good reason to interfere with municipal affairs anyway.

Wanting to harmonize the municipal election with the federal and provincial jurisdictions is not a good argument, as municipalities do not govern according to party lines. And what about leadership elections that use preferential ballots to select party leaders?

Whether you agree with ranked ballots or not is actually not relevant. The fact is that municipalities are best placed to understand and appreciate the realities of their communities. In fact, since being elected, I have learned even more about the needs and priorities of the community of Ottawa–Vanier that I represent because I collaborate with the three city councillors, who each represent a portion of my constituency. I can also tell you that none of them agree with this infringement on their discretionary power to decide on their own.

So for all these reasons, I cannot support this schedule or this bill.

The Chair (Mr. Roman Baber): MPP Sattler.

Ms. Peggy Sattler: I want to say how deeply disappointed I am by the lack of debate that was brought forward by Conservative members of this committee to attempt, in any way, to justify schedule 2 of this bill. The claims that were made that the ballots were confusing for voters, that there's a need for predictability and that it costs money were all challenged by the amendments that we put forward, that the Conservative members did not support.

1310

Through this process, it has become crystal clear that this government has no interest in local democracy, no respect for local decision-making. Perhaps that's not surprising, because we did see that one of the first acts of this government right after the last election was to meddle in local elections in the city of Toronto, and later to meddle in regional municipality elections in other parts of the province. So this is all part of a pattern.

It is fully laid out for all Ontarians to see in this bill that has absolutely nothing to do with helping municipalities recover from COVID-19, nothing to do with supporting people and businesses in this province, and everything to do with this government using its heavy-handed legislation to interfere with local decision-making, to undermine local democracy and to prevent citizens of this province from making responsible decisions about how they govern themselves and what kinds of measures local municipalities want to enact.

The Chair (Mr. Roman Baber): Further debate on schedule 2, as amended? Seeing none, are members ready to vote on schedule 2, as amended, as a whole? With a recorded vote being sought.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare schedule 2, as amended, as a whole, carried.

We will now proceed—in fact, move back—to consider the sections contained in Bill 218. We will first consider section 1 of the bill, now that we have dealt with the schedules.

Any debate on section 1? Seeing none, are members ready to vote on section 1? With a recorded vote being sought and NDP notice to vote against.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 1 carried.

We will now proceed to consider section 2 of the bill. Any debate on section 2? Seeing none, are members ready to vote? With a recorded vote being sought and NDP notice to vote against given.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 2 carried.

We will now proceed with section 3 of the bill. Any debate? MPP Armstrong? I am guessing MPP Armstrong seeks a recorded vote, in the event that members are ready to vote on section 3. Members are ready to vote? With a recorded vote sought, and NDP notice to vote against given.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare section 3 of the bill carried.

We will now proceed to consider the title of the bill. Any debate? Mr. Singh.

Mr. Gurratan Singh: I just want to say that this bill does not actually outline the recovery of Ontario's economy; this bill outlines the protection of billion-dollar long-term-care facilities and the friends of the Conservative government. This bill is going to hurt people's ability to access justice, to hold the government to account and to hold billion-dollar long-term-care facilities to account. Its name is not in any way a recovery plan—the name of the bill does not at all articulate what's actually in this bill, and I think it's a completely inappropriate and misleading name.

The Chair (Mr. Roman Baber): Further debate on the title of the bill? Seeing none, are members ready to vote on the title of the bill? With a recorded vote being sought.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare the title of the bill carried.

We will now proceed to consider Bill 218, as amended, as a whole. Any debate? MPP Sattler.

Ms. Peggy Sattler: I just want to say that I think that this is a sad day for democracy in this province. As my colleague the member for Brampton East has said, it takes away the rights of grieving families who have lost loved ones in for-profit long-term-care chains that are making millions of dollars in dividends for shareholders on an annual basis. It takes away the rights of those grieving families to seek justice through our legal system. It also is an all-out attack, quite honestly, on local democracy in this province. It is a shameful day, and the Conservatives who participated in this committee process should be ashamed of themselves.

Ontarians can see right through this. We know that from the number of emails and phone calls and submissions that were made to this committee. Ontarians understand what this government is doing: It is protecting long-term-care-home chains and it is undermining local democracy.

The Chair (Mr. Roman Baber): Further debate on Bill 218, as amended, as a whole? Seeing none, are members ready to vote on Bill 218, as amended, as a whole? With a recorded vote being sought.

Ayes

Bouma, Gill, Kusendova, Park, Tangri, Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare Bill 218, as amended, as a whole, carried.

Next, I shall ask the committee if I shall report the bill, as amended, to the House. Any debate? MPP Armstrong.

Ms. Teresa J. Armstrong: I guess it's just a matter of procedure. There's no way to stop the bill from going back to the House. The committee has a majority. Do I wish we could stop the bill from going back to the House in order to allow families to access justice and allow municipalities to have a democratic vote on how they are allowed to run elections? Absolutely, we should allow that. But, unfortunately, with the majority government, we know how this vote will go.

The Chair (Mr. Roman Baber): Further debate on reporting the bill to the House? Seeing none, are members ready to vote? With a recorded vote being sought.

Ayes

Bouma, Gill, Kusendova, Park, Tangri,
Triantafilopoulos.

Nays

Armstrong, Collard, Sattler, Gurratan Singh.

The Chair (Mr. Roman Baber): I declare that the bill, as amended, shall be reported to the House.

That concludes the committee's business with respect to Bill 218. Any further business? Seeing none, I declare this committee adjourned.

The committee adjourned at 1322.

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