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Wednesday 9 June 2004

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des débats
(Hansard)**

Mercredi 9 juin 2004

**Standing committee on
general government**

Greenbelt Protection Act, 2004

**Comité permanent des
affaires gouvernementales**

**Loi de 2004 sur la protection
de la ceinture de verdure**

Chair: Jean-Marc Lalonde
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 9 June 2004

Mercredi 9 juin 2004

The committee met at 1549 in room 151.

GREENBELT PROTECTION ACT, 2004

**LOI DE 2004 SUR LA PROTECTION
DE LA CEINTURE DE VERDURE**

Consideration of Bill 27, An Act to establish a greenbelt study area and to amend the Oak Ridges Moraine Conservation Act, 2001 / Projet de loi 27, Loi établissant une zone d'étude de la ceinture de verdure et modifiant la Loi de 2001 sur la conservation de la moraine d'Oak Ridges.

The Chair (Mr Jean-Marc Lalonde): I will call this meeting to order to resume clause-by-clause. We are now on motion number 3.2. It's a PC motion.

Mr Tim Hudak (Erie-Lincoln): I'm pleased to present—

Ms Marilyn Churley (Toronto-Danforth): Déjà vu all over again.

Mr Hudak: This one's very different. Well, it's on a similar line. I move that section 2 of the bill be amended by adding the following subsection:

“(2.1) The establishment of the greenbelt study area shall be further defined with reference to the urban growth studies completed by all municipalities within the greenbelt study area.

“(2.2) The study of the area described in section 2 shall include:

“(a) an agricultural framework necessary to support farmers and keep farming economically viable in the greenbelt area;

“(b) the transportation corridors necessary to promote economic growth;

“(c) the economic support necessary to support municipalities whose growth will be limited;

“(d) the development of a ‘growth management’ study which includes a 50-year plan for efficient and cost-effective public service facilities and infrastructure location, housing and employment areas;”

The Chair: Are there any comments or additional information on this motion 3.2?

Mr Hudak: If nobody else wants to speak, I'll grab the floor.

The Chair: I'll let you explain whether there is any additional—

Ms Churley: Explain yourself.

Mr Hudak: Explain myself.

This is a bit of an amalgamated motion from input from a number of stakeholders. I don't have at hand—and maybe I soon will for (2.1).

There are a number of municipalities in the greenbelt area as defined by the current version of the legislation that have gone through, or are in the process of, urban growth studies. The view put forward was that the new urban boundaries should be those that are considered by the greenbelt area, as opposed to those that existed as of the bill's introduction in December 2003.

As I think members well know, since these processes take a considerable amount of time to go through the studies, through the public consultations within the community, and to make sure they're consistent with any kind of provincial legislation, it would be a tremendous amount of work to start again. I do not believe any of those particular projects were prejudiced in any way and I think they went through the rules properly. So it would be appropriate to recognize those in the greenbelt study area, particularly when I make my point that a fair expectation would be that the permanent greenbelt legislation would probably be based considerably—it remains to be seen, but it's a fair expectation that it would be based considerably—on the existing legislation, the sort of reform Bill 27 has, and, if it passes the Legislature, will probably be a basis for the next bill.

Let me see what I have here. The Urban Development Institute was one such group. They said that when municipalities are considering urban expansion, they must undertake an exhaustive process to justify that kind of expansion, including consultation with multiple provincial ministries and with the public. They cite a Halton urban structure review from 1989 that took 10 years to complete at the regional level alone. The UDI's point was that Ontario already has one of the most comprehensive planning and public processes in North America with respect to urban boundaries.

The city of Pickering made a similar point that this amendment addresses. Pickering established a strategy to manage its growth. We heard that they hired Dillon Consulting to complete an arm's-length review, which they then brought forward to the Minister of Municipal Affairs. I think Pickering expressed that they did not want their work to go to waste. They believe that it appropriately incorporates growth management studies and that this bill should incorporate growth management studies that had happened already at the local level.

I think there were other municipalities—and I apologize, I don't have them at hand—that may be caught up in this process, and that's what (2.1) of the motion would seek to address.

Subsection (2.2) gives us some of the main points that I and some of my colleagues in the official opposition have made about what's missing in this bill. First and foremost, I've said I think an agricultural framework is absolutely necessary to go hand in hand with Bill 27. Once more, if you want to save the farm, you must save the farmer.

On this point, we had an indication yesterday through staff that the Minister of Municipal Affairs had committed to the greenbelt consultation group, that he was in favour of a similar panel on agricultural issues. Is my recollection accurate?

Mrs Maria Van Bommel (Lambton-Kent-Middlesex): Yes.

Mr Hudak: I think we had asked for, and hopefully we will get, a copy of the correspondence. We wrote a letter to the minister, co-signed by Mr Hardeman and myself, just trying to get that confirmation in writing. I appreciate staff's and the parliamentary assistant's acknowledgement of that. We don't yet have—

Mrs Van Bommel: Would you like someone to speak to that?

Mr Hudak: Sure.

Mrs Van Bommel: I'm going to ask John MacKenzie of the minister's staff.

Mr John MacKenzie: We did receive your letter and it will be responded to shortly. I just want to confirm—from your letter it seems that you may be unaware of a previous announcement. It sounds like you are aware now that the Greenbelt Task Force and the government, through the Greenbelt Task Force on May 20 at the King township consultation meeting that was taking place there, made—the task force chair, Mayor Robert MacIsaac of Burlington, announced that the province is acting on the directions of the task force and is moving forward to establish an agricultural advisory team to deal with a number of the concerns raised during planning reform and greenbelt consultations.

Right now the Ministry of Agriculture and Food is working on that. That team will consist of key agricultural stakeholders and will be supported by an inter-ministry team. The scope of the work that the advisory team will be undertaking will be province-wide in nature, not simply limited to the greenbelt study area. The Ministry of Agriculture and Food will be leading this initiative and will be reporting back with advice to the Minister of Agriculture and Food by late summer or early fall.

Mr Hudak: OK. I thank Mr MacKenzie for that information. I think that will be well received by the agricultural community. On that point, the commitment is for a province-wide agricultural committee with various representatives of various commodity groups etc. So it has a significant mandate if it's province-wide.

To what degree will the agricultural community in the greenbelt study area be featured prominently or early in that report? The only concern I have is, if it's a province-

wide engagement—it's a healthy process to go through—I worry that answers specific to the greenbelt and how they're impacted by Bill 27 will be some time in coming. So will it play a prominent and early role?

Mr MacKenzie: A member of the Greenbelt Task Force is the representative from the Ontario Federation of Agriculture and has been involved in fleshing out the type of work that would be conducted by this advisory team. They have been involved up front and will be involved throughout this process. Again, the lead ministry is the Ministry of Agriculture and Food. They're probably the best to speak to this directly, so I'd defer to them.

Mr Hudak: OK. Maybe I'll ask the parliamentary assistant if she would be kind enough to take an undertaking on behalf of myself and hopefully the other members of the committee. I think the agricultural committee, in responding to the task force advice, is certainly good news, and I think looking at the state of agriculture in the province of Ontario as a whole is good news in the broad-based approach. It certainly addresses a large number of questions.

We're moving ahead. The greenbelt legislation, Bill 27, is moving through the legislative process. My only concern is that I don't want it to get lost in that process. The issues that are impacting the agricultural area because of Bill 27 are here before us today. I know it's the Ministry of Agriculture that's making these decisions. Could we have some advice, some lobbying, some advocacy through the parliamentary assistant, that the agricultural community in the greenbelt will feature early in that process? Because Bill 27 is now before us.

Mrs Van Bommel: I certainly can't speak for the Minister of Municipal Affairs or the Minister of Agriculture, but as farmer I will certainly take those concerns forward. Sustainability and viability are issues all through the province in terms of agriculture, so when we speak of saving the farmer in order to save the farmland, that is a province-wide issue, and we need to address that. I will certainly take forward the concerns around the need to address the greenbelt area early in the process.

Mr Hudak: Yes. I appreciate that, if you can advocate on behalf of the input you have heard as part of this committee from farmers in the greenbelt area. I recognize that some of the issues are the same across the province. There are a number of agricultural issues that this committee will be looking at, and hopefully moving forward on, through the ministry or other ministries.

It's just that the concerns are clear and present as presented to the committee. It's very contemporary to Bill 27. So if members are being asked to vote through committee or in the Legislature on Bill 27, what helps me is some solace that those particular issues in the greenbelt area—in terms of what a farmer could do with his or her land, the value-added side and some of the planning rules around that—will be addressed early in the process. I think that's a very fair request to make.

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Mrs Van Bommel: I would certainly advocate for that.

Mr Hudak: Thank you. I appreciate that from the parliamentary assistant.

So clause (a), my preference was to include that in the legislation. I'm noting particularly the greenbelt area and I do at least appreciate the commitment from the two ministries to move ahead with that agricultural committee.

“(b) the transportation corridors necessary to promote economic growth”: As I said the last time we met, there are two processes taking place: Bill 27, and then Minister Caplan's process on growth management as a whole. He'll be looking at transportation corridors. With two ministries working, I worry that it might be independently, it might a silo-type approach, and that we will not hear back from the Ministry of Public Infrastructure Renewal in time on the real and present concerns of Bill 27. The mid-peninsula corridor was just one.

Clause (c) was “the economic support necessary to support municipalities whose growth will be limited.” We certainly have heard that from a number of them. We'll see what the permanent legislation looks like, but they'll be boxed in within their current boundaries. Their ability to rezone or allow particular projects outside of the urban area will be limited. That does fit with what I think the government is trying to do with Bill 27, but I think you need to recognize that municipalities' future growth will be constrained.

By way of example, if you're talking about the town of Lincoln—and we heard from the mayor. If you're developing a greenbelt area, which is to be a jewel for the province as a whole, I think it unfair that the taxpayers of Lincoln bear the financial cost of that. They'll be limited in their growth and they'll be limited in their job opportunities as a result of this legislation, if the permanent legislation resembles this. As such, I think there should be a transfer to them to assist them or to compensate for their loss of opportunity, whether that's through the CRF, a transfer through the province right now, or some other type of transfer.

I think we do need to recognize that municipalities will be impacted by Bill 27. Their future growth will be impacted. If they can't grow and they still want to improve services or reinvest in infrastructure, their only opportunity then would be to raise taxes on locals as opposed to assessment growth, which would be constrained.

So I think it's important as part of this bill that we recognize the impact, particularly on the small municipalities, and move forward with some assistance to them so that if they are part of the greenbelt area, they would continue to benefit from growth and revenue, as well as benefiting from being part of a greenbelt.

The fourth point comes from, I believe, a presentation by the UDI about ensuring an appropriate supply of land to make sure that growth in the province well into 50 years can be accommodated, that we don't lock ourselves in and find that we cannot accommodate that growth.

So I think those four pillars, in addition to the existing urban growth studies, would help improve this legislation

and address three of the main concerns we've heard from deputants in terms of the agricultural plan, the transportation plan and how we're going to help out municipalities that will be constrained by Bill 27 if their future growth is limited.

The Chair: Other questions and comments?

Ms Churley: Just briefly, because I really want to get on to some of my amendments, which are quite the opposite of the PC amendments. Although I support certain aspects of this amendment, particularly the agricultural framework, which I believe is going to be done, I believe that this goes in the opposite direction of where at least this bill is attempting to go. It's certainly not in the interests of establishing a greenbelt to be building in, for instance, the transportation corridor. If it were talking more about public transportation, rail, all of that kind of thing specifically, I might be more supportive.

Clause (d) in particular, I'm not quite sure—and I'm not asking the question; I'm just saying I understand to the extent that I know that I can't support that at this time because I have an amendment coming up; in fact, I think it's next—that talks about holding off on new highways and infrastructure until the study is complete. Therefore, I will not be supporting this amendment.

The Chair: Any other questions or comments?

Mrs Van Bommel: No further comments.

Mr Hudak: I appreciate Ms Churley's comments. The government member is not making comments?

The Chair: No, they're not.

Mrs Van Bommel: We're not making any further comments.

Mr Hudak: One area of discussion we have not yet had in any detail is (2.2)(c), and that's with reference to municipalities who would be constrained by the greenbelt area. If you don't feel this is an appropriate amendment, is there recognition that municipalities will have limited growth as a result of Bill 27?

Mrs Van Bommel: This is a short-term interim bill, and I think all those issues would be better dealt with in future legislation.

Mr Hudak: I think it's important. Fair enough. The goal is to have this bill in place and a more permanent bill brought in in the fall session of the Legislature, I guess. But it is a real concern expressed by municipalities, particularly the small municipalities, that if they are locked into particular boundaries—and I would expect that would be a principle in a permanent bill; maybe not—their growth would be limited. Does the government recognize that municipal growth is constrained when municipalities have no option to increase their urban boundaries?

The Chair: Mr Hudak, as Mrs Van Bommel just mentioned, this is an interim bill that is a moratorium while they're doing the study. There will be other consultation after this study is completed, but at the present time I don't think anybody on this committee could say what is going to happen after.

Mr Hudak: I'm not looking for predictions on what the final bill is going to look like. We've tried—and

we've heard from deputations—to point out some areas—I think while there's support for greenbelt in principle, maybe not from all the delegations but from a vast majority, they have pointed out where some flaws may exist or where other questions need to be answered. Maybe you could help with the consultations that are happening today with respect to limiting municipalities. Have we had input or recommendations from the panel on how we can address the issues of municipalities having limited growth?

The Chair: I believe the consultations are not over yet. They're still doing the consultation.

Mrs Van Bommel: That's right. They're still ongoing.

The Chair: It's ongoing at the present time. So it is a little premature to come up with a report.

Mr Hudak: OK. But they've done an interim report. The consultation panel has done an interim report that was sent into the minister with advice. Did the interim report address each—

Mrs Van Bommel: There is a consultation document, but there is no interim report. The consultations are still ongoing.

Mr Hudak: OK. Fair enough. I'm sorry. You'd term it an interim consultation document. There's a response from the committee, right, back to the minister that they're using for further input?

Mrs Van Bommel: Consultations are still ongoing.

Mr Hudak: I understand that. They put together a publication. Let me get my phraseology correct. The consultation panel put together a publication, which they released a few weeks ago.

The Chair: Everybody has received that copy. Every one of us has received—

Mr Hudak: What do you officially call it?

The Chair: Did you have a chance to read it, Mr Hudak?

Mr Hudak: Yes, and you know what? I forget exactly what the cover said. What do you actually call it?

The Chair: Oh, you have a copy of the cover there? Probably Mr Hudak would remember reading it.

Mrs Van Bommel: It is the Greenbelt Task Force Discussion Paper.

Mr Hudak: So it's a discussion paper. They've presented a number of options. I would call that giving advice. They presented a number of options in a series of areas.

Help me with my recollection. Did they address this issue about municipalities and municipalities potentially being limited in growth as part of a greenbelt process?

The Chair: I think to be fair to the ministry people, as I said, every one of us has received a copy of that, and if we have done our homework, we would have seen if the answer to the question you're asking—it's in there?

1610

Mr Hudak: I just think it's a very important concern that municipalities have. I guess before we vote on Bill 27 or move it through the committee process—and then any kind of advice we'd give back to the Legislature—

I've got to think it's important for some reassurance to municipalities that the government recognizes that that may be a challenge and intends to address it. Or maybe it's not seen as a challenge that municipalities are going to face.

The Chair: Any other questions or comments? If none, I will proceed with the vote.

Those in favour of motion number 3.2?

Mr Hudak: Recorded vote.

Ayes

Hudak, Ouellette.

Nays

Arthurs, Churley, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

The Chair: Motion number 3.2 is defeated.

Now we'll proceed with the vote on this section.

Shall section 2 carry?

Mr Hudak: Recorded vote.

Ayes

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

Nays

Churley, Hudak, Ouellette.

The Chair: The amendment is defeated. Section 2 is carried.

Motion number 4. It's an NDP motion. Ms Churley?

Ms Churley: At last. Mr Columbo has conceded the floor.

I want to move an amendment to section 2.1. I move that the bill be amended by adding the following section:

“Freeze on certain activities

“2.1(1) Despite any other provision of this act or any other act, no permission or approval shall be given or granted under the Planning Act or the Environmental Assessment Act in respect of land in the greenbelt study area that would have the effect of allowing,

“(a) the creation of a new highway or expansion of an existing highway; or

“(b) the expansion of any sewer or water system beyond existing settlement areas except where required to service existing dwellings in the greenbelt study area.

“Effect of contravention

“(2) Any permission or approval that purports to be given or granted in contravention of subsection (1) is of no effect.”

The Chair: Thank you, Ms Churley. Is there any additional information you would—

Ms Churley: I'll just explain very briefly why—actually, in the last session I did give some details and

did mention that this amendment would be coming forward. It's a well-established fact—nobody disagrees any more—that transportation corridors guide development. You build them and they will come. It's the same thing with building other infrastructure, sewers and that kind of infrastructure.

Again, I would say this is pretty key, because in some ways, to not include those right now is leaving out some of the most important things to preserve the greenbelt area, because if you have that kind of highway and infrastructure built, it will build up the pressure to amend the greenbelt later on to allow development. Once you have the highways there, once you have sewer systems put in, big pipes or whatever, then it's there, and you can imagine the pressure, either on your government or future governments.

There are also loopholes in the bill, if it's passed the way it is, that would allow exemptions. But even if the exemptions wouldn't be given, it would build up a lot of pressure on your government or future governments to allow development to go ahead.

So I think it's foolhardy to not—I don't know if the government missed it, but I doubt it, because I know you're having to work with many ministries that have vested interests, working with the developers, working with the municipalities and especially working with the Minister of Transportation. We all know Ministries of Transportation love to build highways if they have the money.

I would say again that I don't think we're going to be seeing any money forthcoming for any of these highways for the time being, although I asked the parliamentary assistant last time and I did ask that somebody from the Ministry of Transportation be here to answer my question around timing of new highways. Is there somebody here? Is this an appropriate time for that person to come forward?

The Chair: Could you state your name, please?

Mr Bruce McCuaig: Bruce McCuaig, Ministry of Transportation.

Ms Churley: Thank you very much for coming, Mr McCuaig. Because this is a big concern of mine, I just wanted to get some clarification, to your knowledge, on the timetables for some of the highways in the greenbelt area, in terms of proceeding with those highways. Do you have that information?

Mr McCuaig: I can respond to questions about specific corridors to the best of my ability, yes.

Ms Churley: OK. Let me find my list here; there are quite a few of them. What about the eastward extension of Highway 407 to Highway 35/115?

Mr McCuaig: The 407 east completion is currently in the environmental assessment process. It has been pursued in the context of the region of Durham official plan, which establishes the principle of development in terms of growth management in that area. It's in the process, right now, of public consultation on what's called the terms of reference for the environmental assessment.

The government has committed to do a full environmental assessment. That would mean all alternatives to

the project will be considered through that process, including transit, rail, other roads and highways, and other alternatives to the initiative. In the course of the environmental assessment, we will of course look at the social, economic and environmental impacts of different alternatives and try to evaluate the best possible alternative through the process.

Ms Churley: Thank you for that. That's very interesting, because the previous government changed the EA process so it could be scoped not to include these things. So you're telling me that in this case the EA process is not being scoped and that you are looking at alternatives to the undertaking and at social impacts.

Mr McCuaig: The minister and the government have committed to undertake a full environmental assessment.

Ms Churley: Good.

The Chair: Thank you.

Ms Churley: I have more.

The Chair: To MTO?

Ms Churley: Yes. That's just one highway.

Very quickly, do you have any idea how long that process might be?

Mr McCuaig: Depending on the issues that emerge through the environmental assessment process, typically it's about a one-year process for the terms of reference and anywhere from a three-year-plus process for the actual environmental assessment. Subject to the approvals and land acquisition, design and construction take place, and that really is a function of the size of the project and the availability of funds to make the investment.

Ms Churley: Do you know if any intervenor funding has been, or will be, provided for citizens' groups?

Mr McCuaig: I'm not aware of that.

Ms Churley: Maybe I can take that up with the AG's office.

The extension of Highway 404 around the east and south sides of Lake Simcoe.

Mr McCuaig: That project has received approval under the provincial Environmental Assessment Act, and it's currently going through a preliminary design stage. Again, that was pursued in the context of the approved development contained in the region of York official plan.

Ms Churley: Have funds been released to do that highway?

Mr McCuaig: No, we're still in what we would consider to be a planning stage. So again, the funds for land acquisition and construction are still decisions to be taken.

Ms Churley: OK. The northward and eastward extension of Highway 427 to Barrie.

Mr McCuaig: On that particular initiative, there has been past work done on what's called a needs assessment to establish the need and justification for the project. Again, it's contained within the official plans of the regions of York and Peel, so we're moving in concert with the local official plans. The next step in that process would be to continue the development of environmental assessment terms of reference, and we would anticipate

that the timing for that could be in the fall. Again, it's wrapped up with the government's plans for a growth management strategy for the Golden Horseshoe area. So the timing for this project will also emerge from decisions the government could take around the growth strategy.

1620

Ms Churley: So within what time frame do you think this one could be built?

Mr McCuaig: This would be a longer-term initiative. Again, a formal environmental assessment has not been initiated, so it's further out in the time spectrum.

Ms Churley: OK. The construction of the new mid-peninsula highway from Burlington to the US border in the Niagara region?

Mr McCuaig: The minister and the government are committed to doing a full environmental assessment, so we're in the process right now of preparing the documents for that environmental assessment. We've been working with the regional municipalities and the communities in the area. We would anticipate that in the fall we will be going out to the public for consultation on that initiative.

Ms Churley: So is there a commitment as well for this EA to look at alternatives to the undertaking, alternatives to the site and social impacts, all of those? The same thing—a full environmental assessment?

Mr McCuaig: Correct.

Ms Churley: Great. The creation of a new east-west GTA transportation corridor?

Mr McCuaig: That project is, again, an even further longer-term strategy. Very little work has been initiated on that process. The first step will be to do some needs assessment work that would consider the transportation problems in the area and decide how to pursue that in the context of a growth management strategy for the area.

Ms Churley: The last one I wanted to ask you about is the extension of Highway 410 northward, I understand, at least to Highway 89.

Mr McCuaig: There is a project right now for a small extension of Highway 410 to connect with Highway 10, far south of Highway 89. We have no plans to do any further extensions at this point in time. I'm not sure I have the exact location of the extension, but it is nowhere near Highway 89.

Ms Churley: Just one final question. I don't know if you're in the position—

Mr McCuaig: If I could just—it's actually in north Brampton, so it's in the urban area.

Ms Churley: OK, thank you. I don't know if you're in a position to answer this, because it's more about the environmental assessment process. Would the environmental assessment process look at things like the impact of when you build a highway? It creates development. The development comes, and the impact of that is more urban sprawl, more smog, more traffic jams and all those things. Would those be the kinds of things that could be brought forward to be looked at in a full environmental assessment?

Mr McCuaig: A full environmental assessment first starts with a definition of what the needs and the problems are in the area. That's based on local, regional and provincial planning documents and the expected growth in the area. We identify and then evaluate all alternatives too, based upon their relative impacts and the socio-economic and environmental factors.

Ms Churley: So it's possible these things could be put on the table to be considered?

Mr McCuaig: Yes.

Ms Churley: OK, that's very helpful. Thank you very much for helping me get that on the record.

Mr McCuaig: You're welcome.

Ms Churley: That's all I have. I would urge people to support it, especially the government members, if they're truly committed to establishing a comprehensive green-belt area. I think this is an extremely important amendment.

Mr Jerry J. Ouellette (Oshawa): Thanks very much for your presentation. To your knowledge, how long have the 407 discussions in process taken place inside the Ministry of Transportation?

Mr McCuaig: On the 407 east completion project? That project first started and entered the planning phase in the late—

Mr Ouellette: No, I mean the initial discussions in the movement forward of it. I know of Minister Newman in the Davis years, who had discussions with me regarding that issue, so it goes back a lot longer than the planning stage.

Mr McCuaig: The official planning work began in the mid to late 1980s.

Mr Ouellette: Are you familiar with the motion that's been brought forward before the committee regarding the expansion of highways?

Mr McCuaig: No, I'm not. Sorry.

Mr Ouellette: Then you wouldn't know what the potential impact is going to be on the delays of any potential growth?

Mr McCuaig: Sorry.

Mr Ouellette: OK. Thank you.

Mr Hudak: Thank you, Mr McCuaig, for being here today. On the mid-peninsula corridor, you had mentioned that the government now is beginning the process of a full environmental assessment and you mentioned that the next steps would occur in the fall. Specifically, what steps will be occurring in the fall of 2004?

Mr McCuaig: Under the legislation, we're required to consult with stakeholders and the public on the environmental assessment terms of reference, so that will be the next step in the process, to have a series of public information centres and other channels to get input into the proposal.

Mr Hudak: When could we fairly expect that the terms of reference would come forward for public comment?

Mr McCuaig: We would anticipate that near the end of the summer or early fall is the time that it would be released.

Mr Hudak: There already was a needs assessment completed on the mid-peninsula corridor several years ago, right?

Mr McCuaig: In about 2001, there was a needs assessment document for the mid-peninsula area.

Mr Hudak: What's the status of that?

Mr McCuaig: It will be included and considered within the context of the environmental assessment process, so the information is not lost. It will be one of the inputs. We will have to refresh and update some of the information and do some additional work.

Mr Hudak: So it will be a reference document and it will be used to build the terms of reference for this fall's exercise?

Mr McCuaig: It will be a reference document. It will be a major part of the environmental assessment that will be undertaken as we go forward. So again, the work is not lost. It will not be duplicated or redone.

Mr Hudak: But the conclusion was that there was a demonstrated need for a mid-peninsula corridor as part of that needs assessment?

Mr McCuaig: The outcome of that work was technical work, which indicated that there was a need for additional transportation capacity in that area, yes.

Mr Hudak: Didn't it specifically say that there is a need for a new highway, or did it just say transportation infrastructure in general?

Mr McCuaig: The outcome of the needs assessment was actually a development strategy that talked about a range of transportation issues, one of which was the proposed mid-peninsula corridor.

Mr Hudak: So it would not be accurate for me to say that the government believed there's a demonstrated—let me phrase it a bit more clearly. Is it an accurate statement to say that the government believes there is a demonstrated need for a mid-peninsula corridor at this point in time?

Mr McCuaig: I don't think I can respond on behalf of the government in terms of what it believes in that area. I believe that the government and the minister are committed to pursuing a full environmental assessment for that particular initiative.

Mr Hudak: Had that ever been concluded? My memory is faulty here. I thought the ministry had indicated that there was a demonstrated need for the mid-peninsula corridor shortly after the 2001—

Mr McCuaig: The needs assessment did come up with a recommended transportation strategy that, among a wide variety of initiatives, recommended that we proceed with a mid-peninsula corridor.

Mr Hudak: Just further, as part of Ms Churley's motion: If Ms Churley's motion does not pass and you continue at your pace, the consultations then take place through the fall on the terms of reference, and then you'll submit the terms of reference to the Minister of the Environment at about what time?

Mr McCuaig: Typically, we would be doing a consultation process that would last a minimum of about three months. But again, I don't have any specific knowl-

edge of the amendment so I can't comment on its impact on the timing of the initiative.

Mr Hudak: OK, thanks.

The Chair: Any more questions or comments? If none, I will proceed with the vote.

Ms Churley: Recorded vote.

The Chair: A recorded vote. It's motion number 4, an amendment by the NDP.

Ayes

Churley.

Nays

Arthurs, Delaney, Hudak, Ouellette, Parsons, Rinaldi, Van Bommel.

The Chair: Thank you. Those in favour of the amendment?

Ms Churley: My amendment failed.

Mr Hudak: It was a good argument.

The Chair: The amendment was defeated.

Ms Churley: Yes. Thank you for confirming that.

The Chair: Sorry about that.

Motion number 5 on section 3. It's a government motion.

Mr Bob Delaney (Mississauga West): I move that section 3 of the bill be amended by adding the following subsection:

“No retroactivity

“(2) Despite subsection (1), in respect of any land covered by the Niagara Escarpment plan approved under the Niagara Escarpment Planning and Development Act,

“(a) subsections 4(3), 5(3), 6(4) and 6(8) do not apply to that land; and

“(b) the reference to ‘December 16, 2003’ in each of subsections 6(1) and (5) shall be deemed to be a reference to the day this act receives royal assent.”

1630

The Chair: Questions or comments?

Ms Churley: Can I just have a brief explanation? This is not retroactive for the Niagara Escarpment. I'm going to oppose it because it is not retroactive, but could you explain why you're doing this?

Mrs Van Bommel: It was because it was not part of the first reading, and we feel that in all fairness we can't go back and include them at this point. We want to have that included, but we don't feel comfortable with doing it in a retroactive way. So in all fairness, we want to start with the passing of second reading.

Ms Churley: Could I just make a comment on that? Just so people understand, what this means is that the Niagara Escarpment area is going to receive about half the protection from development compared to other parts of the study area. I hear what you're saying. You're trying to rectify a problem which has been pointed out to us, but it doesn't go far enough, because while the Niagara Escarpment is now slated to become part of the

study area, it is not subject to the same restrictions on development extended to the other areas in the study area and the retroactive clause suspending decisions and applications for development in matters before the OMB or at a consolidated hearing to December 16, 2003. It doesn't apply to matters pertaining to the Niagara Escarpment. Just so people are aware, the bill will suspend decisions on applications for urban development in the NEA on the day the legislation receives royal assent.

What we have here is the other areas receiving close to a year's protection from development while the escarpment receives half that. I think this half measure doesn't cut it. As you know, there's a reason why we needed to include it in the bill.

You haven't said it, but I presume you're concerned about lawsuits. I think that's a chance you have to take with this. I just want to point out that while I've been arguing, because of leapfrog development, that Simcoe and other areas should be included in this, the answer to me was, "Well, just because they're not included doesn't mean that later, after the other process is being developed, some of that land won't be frozen." In the same way, I could suggest there might be lawsuits there as well. The question is, where do you draw the line? I believe in terms of protecting the Niagara Escarpment, giving them the same protection is really critical. I think you're just doing the opposite of what you need to be doing here.

Have you been told specifically why? You say you don't think it's fair, but a lot of people are saying that what you've done in designating certain lands for the greenbelt is not fair. But is it more than being not fair? Is there a stronger explanation as to why you haven't given it that retroactivity?

Mrs Van Bommel: I think simply because we did not give notice with the first reading to this area.

Ms Churley: But you're saying, I think, that it was an error, an oversight. It's not their fault and now they're suffering the consequences of that. Whether it was an oversight or, at the time, whatever happened, it's just really important that they be given that full protection. Any other comments on that?

Mrs Van Bommel: Not really, no.

Ms Churley: OK.

Mr Ouellette: Does this motion essentially supersede the Niagara Escarpment act? Is that what you're saying with this, or are those areas subject to the Niagara Escarpment act? For those who know the Niagara Escarpment act, it's far more onerous than the legislation put here. My concern is that this legislation we're going to put in place will allow a lot of loopholes in the Niagara Escarpment. I'd rather see the Niagara Escarpment act invoked in that area than this legislation. Committees and everything else—having been the minister responsible for that area, I can assure you that the NEA is far more onerous than anything taking place here.

Ms Churley: I know I'm not being asked, but yes, it's—do you want to answer?

Mrs Van Bommel: No, you go right ahead. Otherwise, I'll ask the staff anyway.

Ms Churley: You might want to answer that. It's not my responsibility.

The Chair: Will the staff answer that one?

Ms Churley: If not, I can do it, but—

Ms Barbara Konyi: Mr Ouellette, what's proposed in the motions is to allow a change—and it's motion number 18 that we haven't got to yet. It changes schedule 2 of the act to include certain lands within the Niagara Escarpment plan area to be subject to the moratorium. So it would be those areas that would be subject to urban-type uses.

Mr Ouellette: So what you're saying, then, is that the legislation in the Municipal Act is going to supersede the legislation found in the Ministry of Natural Resources in regard to the Niagara Escarpment?

Ms Konyi: No.

Mr Ouellette: What is going to be the function of the commission that reviews every single application and every building permit that comes up?

Ms Konyi: The Niagara Escarpment Commission reviews the areas under development control. The entirety of the Niagara Escarpment plan area is not under development control. There are certain land use designations that regular Planning Act processes continue. It's the more rural portions of the escarpment and the Niagara Escarpment protection areas that are subject to the development control areas. We're not touching those areas through the moratorium.

Ms Churley: Can I point out something, if you don't mind, that might be helpful? We received on March 24, 2004, a very succinct explanation from Ontario Nature. I believe that's who it's from. They point out the problem, and so did the commissioner and some of the others involved. I'm just going to read this directly, because it explains it:

"The act provides for an open-ended amendment process. Using this process, applications may be made to expand designation in the NEP, allowing urban growth as part of the urban, minor urban and recreation areas. These—and we all know this—amendments are generally very contentious and can strike at the heart of the NEP's purpose," which is set out in section 2 of the NEPDA, "to provide for the maintenance," and then they explain the purpose. What they're saying here is that in order to prevent the piecemeal erosion and chipping away of the escarpment ecosystem, the NEP, as a key greenbelt anchor, should be afforded the same protection under the urban development as it is in the Oak Ridges moraine plan.

Here's the nub of the problem: The Oak Ridges moraine, which your government, the Conservative government, brought in, gave it more protection than, believe it or not, the Niagara Escarpment act at this point. So under the Oak Ridges Moraine Protection Act, there are to be no urban boundary expansions considered until the ORMPPA is reviewed, which only occurs every 10 years.

The difference is that you can't have all these under the Niagara Escarpment act. You can have these

piecemeal. They're coming all the time. Castle Glen is one that I've been bringing up as a particular one, but there are others, and what they're saying is they want this to be included and therefore to have the same protection as the Oak Ridges moraine act. Although it's a strong act, it's not as strong in terms of the protection under the Oak Ridges moraine.

Mr Ouellette: I certainly think this organization may be of that perspective, but knowing the Niagara Escarpment Commission, the individuals on there and the hard work they do, I think there's going to be conflict as a result of this for any of the reviews they do in the appeal process, that they are subject to in any developments or anything that takes place in those areas. I can see that this is going to cause the commission as well as the act—there are going to be conflicts between the two that I don't think are going to be resolved with this motion.

The Chair: Is that satisfactory?

1640

Mr Hudak: This is just a quick question to the parliamentary assistant or to staff. Did this come from a particular delegation to the committee, or a letter, or is this just something that the ministry discovered and thought it would be best to amend? If I understand the origin, it helps me with my decision and with my colleague's points.

Ms Konyi: The origin of these proposed motions?

Mr Hudak: I was wondering if it was part of the oversight that the ministry has done in working with other ministries or did a particular deputation bring this point forward?

Ms Konyi: It was a combination, Mr Hudak, including within the provincial government. We worked with the Ministry of Natural Resources. There are others that made deputations, as Ms Churley noted, that reinforced the same need to propose these sorts of changes. The Oak Ridges moraine conservation plan—Ms Churley is correct—cannot be amended until a 10-year review. Any individual can make an application to amend the Niagara Escarpment plan. Those sorts of things led to the desire to put these motions forward.

The Chair: Is that satisfactory? Any more questions or comments? If not, those in favour of the government amendment? Against? The amendment is carried.

Those in favour of section 3, as amended? Against? The amendment is carried. Section 3, as amended, is carried.

Motion 6, a government motion.

Mr Delaney: I move that clause 4(1)(c) of the bill be struck out and the following substituted:

“(c) approve a plan of subdivision under section 51 of the Planning Act.”

The Chair: Could we get a brief explanation of this, please?

Mrs Van Bommel: This is a technical—

The Chair: Just technical.

Ms Churley: But I need to understand what it means. I don't want to spend a lot of time on this, but what I see

in these particular amendments—you say “it's technical,” but there are some more loopholes being created. They may be small and certainly there are some cases where there need to be some. Am I on the right track here? Is this what's going on with this?

Ms Konyi: No. I'm not sure. I shouldn't say whether you are on the right or wrong track.

Ms Churley: Maybe the best thing to do is for you to explain it.

Ms Konyi: Can I explain it to you?

Ms Churley: Yes.

Ms Konyi: This truly is a technical amendment. If I refer you back to the bill itself, the wording in the bill basically talked to the restrictions on the powers of municipalities. In this case it was some of the things that they could do now. When we talked about some of the matters that wouldn't affect long-term greenbelt protection but were far along in the approvals process, this is one instance where that was the case. The wording in the first reading bill said that you could approve a draft plan or approve a final plan of subdivision under section 51 of the Planning Act, so this was one that we, as staff, put forward as just a cleaner way of saying it. Instead of saying both “a draft plan” and “a final plan,” we just said you could deal with a plan of subdivision.

Ms Churley: Yes, I was confused about that. You're right. In the original bill, under 4(1)(c) municipalities were not permitted to approve draft and final plans for subdivisions.

Ms Konyi: This is one of the ones I spoke about at previous meetings where the minister had asked the Greenbelt Task Force to give some advice on those situations where you could provide relief. This was one of the types of scenarios.

Ms Churley: I see. I just want to be clear on this. The amended version—OK, I think I understand.

The Chair: Other questions or comments? If none, those in favour of the motion? Against? None against. The motion is carried.

The next motion is number 7, section 4. It's a government motion.

Mr Delaney: I move that section 4 of the bill be amended by adding the following subsection:

“Exceptions

“(1.1) Subsection (1) does not prevent a municipality from,

“(a) removing a holding symbol under section 36 of the Planning Act;

“(b) passing a bylaw under section 34 of the Planning Act in order to satisfy a condition of an approval granted under section 51 or a consent granted under section 53 of the Planning Act before December 16, 2003;

“(c) approving the extension of a temporary use under subsection 39(3) of the Planning Act; or

“(d) approving a final plan of subdivision under subsection 51(58) of the Planning Act.”

The Chair: Questions or comments?

Ms Churley: If somebody could explain.

The Chair: A brief explanation, please.

Ms Churley: I think this is the small loophole one, isn't it?

Ms Konyi: I'll ask the lawyer to explain this one.

The Chair: Can anybody give us a brief explanation on this?

Ms Suzanne Graves: Yes, Ms Churley, this motion is—

The Chair: Could you state your name, please?

Ms Graves: Suzanne Graves. I'm from the Ministry of Municipal Affairs and Housing.

As Ms Konyi mentioned, this motion is one of the motions proposed to respond to the recommendations of the Greenbelt Task Force to allow things that are very far along in the process to proceed. You'll see the reference to approving a final plan of subdivision under subsection 51(58). So if something is very far along and almost at the point that it is approved, the Greenbelt Task Force advice was that it was appropriate to let it through.

Ms Churley: That was my impression of it, but it just sounds like it's freeing up things in the small stuff. Is there any way that it could go beyond that in the wording? As the lawyer looking at this, in terms of—

Ms Graves: In terms of the wording of the final plan of subdivision?

Ms Churley: Yes.

Ms Graves: I would think not, because if you remember the motion previously, motion number 6, it refers to "approve a plan of subdivision." So that's one of the prohibitions. The only exemption to that would be approving a final plan of subdivision under 51(58).

Ms Churley: I see. Thanks.

Ms Graves: The only other matter is the extension of a temporary use. That's a use that's already permitted and that would simply be an extension of the temporary use under (1.1)(c).

Ms Churley: What would that be?

Ms Graves: That might be, for example, for a fall fair or something that's already authorized as a temporary use under the act.

Ms Churley: So we are talking about things like home renovations, minor construction projects, holding symbols.

Ms Graves: Moving a holding symbol, yes.

Ms Churley: That's a barns and buggy sheds amendment? Is that fair to say? All those smaller things that got caught in this.

Ms Graves: I couldn't say for certain everything that would be permitted by this, but these are basically for things that are either already approved and they're extended for temporary approval or things that are very far along in the process.

Ms Churley: Would it also, though, catch the concerns expressed about some of the smaller things that may not be in the process? I said barns and buggy sheds. Would it catch some of those?

Ms Graves: Minor variances are not caught by the act as it stands now.

Ms Churley: All right. So would you consider building a new barn a minor variance? Would that catch this or not?

Ms Graves: It would depend on what type of planning approval was required. It would depend on the circumstances, what the existing zoning is. I couldn't say for sure.

Ms Churley: Thanks.

The Chair: Mr Hudak?

Mr Hudak: I'm fine, Chair.

The Chair: Any more questions or comments? If none, those in favour of motion number 7? Against? It is carried.

Shall section 4, as amended, carry?

1650

Mr Hudak: Recorded vote.

Ayes

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

Nays

Hudak, Ouellette.

The Chair: The motion is carried, as amended.

Clerk of the Committee (Ms Tonia Grannum): The section is carried.

The Chair: Did I say motion? I have to start it again.

Shall section 4, as amended, carry? Carried.

Clause 5(1)(d) is a government motion, motion number 8. Oh, we have 7.1; I'm sorry. We don't have it on the list.

Mr Hudak: No problem.

The Chair: It's a PC motion. Now that we have taken a vote, I need unanimous consent to go back to section 4. All in favour, so we can go back to section 4? I'm sorry; we didn't have it on the list there.

Mr Hudak: No problem. Great.

The Chair: It is section 4.4.

Mr Hudak: Thank you, Chair, and thank you, members, for giving unanimous consent.

I move that section 4 of the bill be amended by adding the following subsection:

"4.4 Notwithstanding anything to the contrary in this act, this act does not apply to prevent a municipality that has commenced a study prior to December 16, 2003, which study contemplates an alteration to all or part of the boundary of an existing urban settlement area, or the establishment of a new urban settlement area, from completing and implementing the results of such study.

The Chair: A brief explanation, Mr Hudak.

Mr Hudak: In the spirit of previous amendments for municipal relief projects that are already well down the line, we heard from a number of municipalities that have said they have done considerable work on projects, Richmond Hill specifically; I think Hamilton had also sent in a letter of a similar nature. Another deputation by Ira Kagan of Kagen Shastri mentioned three projects that had been far along in the process, specifically Bawden-Wood, Mizrahi and Richmond Greenhouses.

Since these projects are well down the line and they've gone through processes—I don't think these processes are prejudiced in any way—I think this respects the roles of municipalities and we should listen to their advice. I hope members will support my amendment.

The Chair: Further questions or comments?

Mr Wayne Arthurs (Pickering-Ajax-Uxbridge): I'm going to move an amendment to that amendment by deleting the word "implementing" and inserting the words, "seeking planning approvals consistent with."

If I could, the word "implementing" implies a certain end result as a given. The amendment to the amendment would identify that municipalities and municipal partners who have initiated growth management studies by the municipality can seek planning approvals consistent with the results of the studies once the studies are complete.

The Chair: Any other questions or comments on the amendment to the amendment?

Mr Hudak: I'll bow to my colleague's experience in municipal politics. It seems like a sensible amendment to my amendment and I would be supportive of such.

The Chair: Other questions or comments on the amendment to the amendment? If not, we will vote on the amendment to the amendment first.

Mr Hudak: Recorded vote.

Ayes

Arthurs, Hudak, Ouellette.

Nays

Churley, Dhillon, Parsons, Rinaldi, Van Bommel.

The Chair: The amendment to the amendment is defeated.

We will now move to PC motion 7.1.

Mr Hudak: I'd just thank my colleague from Pickering. We had three votes on that one. We're on the move. I appreciate his advice to improve the amendment. Since that failed, I still move my original amendment and thank him for his advice.

The Chair: Any other questions or comments? Those in favour?

Mr Hudak: Recorded vote.

Ayes

Hudak, Ouellette.

Nays

Arthurs, Churley, Dhillon, Parsons, Rinaldi, Van Bommel.

The Chair: The amendment is defeated. This is motion 7.1.

Now I will move on. Shall section 4, as amended, carry?

Ms Churley: Recorded, please.

The Chair: Recorded vote.

Ayes

Arthurs, Dhillon, Parsons, Rinaldi, Van Bommel.

Nays

Churley, Hudak, Ouellette.

The Chair: Section 4, as amended, is carried.

Now we'll move on to section 5. It's motion 8, clause 5(1)(d), a government motion.

Mr Lou Rinaldi (Northumberland): I move that clause 5(1)(d) of the bill be amended by adding "to permit urban uses" at the end.

The Chair: Can we get some explanation for this motion? Is there anybody on the government side who could explain the purpose of the amendment?

Mrs Van Bommel: This is another housekeeping amendment that will make sure that zoning orders are treated the same as any other application.

Ms Churley: I'm sorry. I didn't hear you.

Mrs Van Bommel: This is a housekeeping amendment to make sure that zoning order applications are treated the same as any other application.

The Chair: Any other questions or comments? If none, those in favour of the motion? Against?

Shall section 5, as amended, carry?

Interjection.

The Chair: A recorded vote.

Ayes

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

Nays

Churley, Hudak, Ouellette.

The Chair: Motion 9: It's a government motion, section 5.1.

Mr Ernie Parsons (Prince Edward-Hastings): I move that the bill be amended by adding the following section:

"Restriction re: applications or requests to amend the Niagara Escarpment plan

"5.1(1) No person shall make an application or request to amend the Niagara Escarpment plan under section 6.1 of the Niagara Escarpment Planning and Development Act if the application or request relates to land that is within the land use designation of escarpment natural area, escarpment protection area or escarpment rural area of the Niagara Escarpment plan and the application or request seeks to,

“(a) redesignate the land to the land use designation of minor urban centre, urban area or escarpment recreation area of the Niagara Escarpment plan; or

“(b) make any other amendment to permit urban uses.

“Effect of contravention

“(2) Any application or request purported to be made that contravenes subsection (1) is of no effect.”

The Chair: Any additional explanation?

Mrs Van Bommel: This again is in response to concerns that were expressed to the standing committee on behalf of the Niagara Escarpment.

Ms Churley: I understand that these are all connected, and I have 6.1. There is another amendment that you have, and I have one as well that’s all connected to this. The problem, as I see it, with this one is the same as the previous one. I wanted to ask a question, though, a technical question. Coming up in 6.1, I have an amendment that deals with the Niagara Escarpment, and then there’s a government one coming right after this. Section 6.1 is referred to in this particular amendment. If this one passes, would it rule my 6.1 out of order? I think it’s 6.1. Let me check. Yes.

Clerk of the Committee: Your page 11.

Ms Churley: Yes, and then the government has a 6.1 as well, following mine, on 11 and 12. I just need to have clarification. I don’t think it would, but it’s not my strength, trying to figure out the wording of these amendments from time to time. I think it’s 11 and 12.

The Chair: Yes.

Ms Churley: Page 11 is my amendment, 6.1, with three parts. Page 12 is the government’s amendment, 6.1.

The Chair: Yes. But right now we’re dealing with section 5.1.

Ms Churley: I know, but maybe you didn’t hear me. What I’m asking is, because this amendment talks about section 6.1 under—no, because that’s 6.1 of the Niagara Escarpment Planning and Development Act. A different 6.1? I’m confused. I just want this cleared up.

1700

Ms Lucinda Mifsud: You’re both talking about the same section, but yours does different things, so it might not fit perfectly with your amendment. Right now, of course, it would fit the government amendment.

Ms Churley: All I want to know is, further on, mine won’t be ruled out of order if this passes—because the government members are voting for everything of theirs.

Interjection.

Ms Churley: I was trying to think of a polite way to say it because I like these people, but they’ve been told how to vote. They’re voting party line.

The Chair: Yours won’t be out of order.

Ms Churley: OK. That’s all I need to know. Fine.

Mr Arthurs: Is this something new that just started?

Ms Churley: You guys were going to be different, remember?

Coming back to this one, my problem is the same, as I said, as the previous one: The Niagara Escarpment area receives half the protection, compared to the others.

That’s a problem. I don’t need to go into detail about it again, but that’s my problem with it.

The Chair: Any other questions or comments?

If none, those in favour of motion 9, section 5.1? Against? The motion is carried.

The next one is 9.1, a PC motion. I would have to call this one out of order, because all you had to do was vote against the other one.

Mr Hudak: I just wanted to make a statement.

The Chair: You could vote against the whole section.

Mr Hudak: Certainly, with two hands.

We haven’t voted on section 5 yet. Do you need section 5?

The Chair: Section 6. It’s government motion 10.

Ms Churley: Oh, you’re ruled out of order. That’s right.

The Chair: Yes. Yours was ruled out of order because all you had to do was vote against the section.

Mrs Van Bommel: Did we vote on section 5?

Clerk of the Committee: No. We dealt with section 5. There was a new 5.1. Now we go on to section 6.

Mrs Van Bommel: I just wanted to be sure. Thank you for the clarification.

The Chair: We don’t need to vote on that one.

Section 6: The first one is a government motion, page 10.

Mr Delaney: I move that section 6 of the bill be amended by adding the following subsection:

“Exceptions

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

“(a) the approval of a final plan of subdivision under subsection 51(58) of the Planning Act;

“(b) the application for the removal of a holding symbol under subsection 36(3) of the Planning Act;

“(c) the approval of the extension of a temporary use under subsection 39(3) of the Planning Act; or

“(d) the passing of a by-law under section 34 of the Planning Act in order to satisfy a condition of an approval granted under section 51 or a consent granted under section 53 of the Planning Act before December 16, 2003.”

The Chair: Questions or comments?

Mr Hudak: Explanation?

Mrs Van Bommel: This again goes back to the issue of applications that are in the advanced stages and they wouldn’t stayed if they ended up before the OMB. This is just again to try and to sure that we try to avoid—or reduce the number of future exemption applications.

Ms Churley: How is it different from the previous one?

Ms Konyi: This complements motion 7. Motion 7 dealt with the prohibitions on the municipalities. This one deals with the matters that are before the OMB.

Ms Churley: I see. So it has the same impact of the—

Ms Konyi: It does exactly the same thing.

The Chair: Any other questions or comments? If none, in favour of the motion? Against?

Carried.

Shall section 6, as amended, carry?

Mr Hudak: Debate on section 6?

The Chair: Sure.

Mr Hudak: Thank you, Chair. I appreciate your advice on the original motion, with respect to section 6 as a whole. I've made similar arguments on my proposed amendments to section 4 about the retroactivity. I appreciate the government has made some moves here to give some, as they call it, municipal relief to allow some projects or lessen the burden down the road, if those projects were considerably advanced.

Nonetheless, I think we've expressed time and time again in the House a concern about retroactivity in general and about changing the laws of processes that are well in place, without evidence that the proceedings were prejudiced. Therefore, we'll be voting against section 6.

The Chair: Any other questions or comments? If none—

Mr Hudak: Recorded vote.

The Chair: Shall section 6, as amended, carry?

Ayes

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

Nays

Hudak.

The Chair: The motion is carried.

Section 6.1, motion 11. It's an NDP motion.

Ms Churley: I move that the bill be amended by adding the following section:

“Restriction

“6.1(1) Despite section 6.1 of the Niagara Escarpment Planning and Development Act, no amendment to the Niagara Escarpment plan may be initiated by the minister or by the commission and no application may be made to the commission by any person, ministry or municipality requesting an amendment to the plan under that section if the effect of the amendment would be to establish or expand an urban area, minor urban area or escarpment recreation area designation.

“Limited application

“(2) Subsection (1) ceases to apply when the first review after the coming into force of this act has been completed under section 17 of the Niagara Escarpment Planning and Development Act and the report on the review has been approved and confirmed by the Lieutenant Governor in Council under subsection 17(4) of the Niagara Escarpment Planning and Development Act.

“Override of repeal provision

“(3) Despite section 15, this section is repealed on the day that the report has been approved and confirmed as described in subsection (2).”

The Chair: Could you give a further explanation?

Ms Churley: Yes, I can. This amendment is attempting to amend the Niagara Escarpment Planning and Development Act so that it provides the same level of

protection to the escarpment as the Oak Ridges Moraine Conservation Act provides the Oak Ridges moraine. What it will do is see that applications to amend the plan can only be put forth when the plan is reviewed.

The other thing the amendment does is that it will still be in effect after this bill sunsets, so it's actually excluded from the sunset clause.

Sorry about that. I was just seeing if my staff was correcting me on something here. They always know better. That's Jasmyn Singh, by the way, my assistant, who's been very helpful bringing me notes all the time.

This does what I referred to previously. The problem with this bill, when it comes to the Niagara Escarpment is, first of all, it's being completely left out. As has been related earlier, it should have the same protection that the Conservative government gave the Oak Ridges moraine, and they don't have it. What I'm attempting to do here in this amendment is give them that protection, but also to expand that protection.

I know this is a comprehensive amendment, and it goes beyond what this bill is doing in terms of a temporary freeze on the lands while the study is being done. But the reason I'm including it in this amendment is that we have situations already happening—and I've outlined them earlier. Castle Glen is a very good example, but there are others. Castle Glen, of course, is the new town that's going to be built on the Niagara Escarpment for the first time since the 1970s. It's a year-round town with three golf courses, housing.

1710

What I'm doing in this amendment is going beyond the sunset clause so it can bring in the same protections within this bill, which we're able to do within the bill; that is, expand it and have new applications be allowed only after 10 years, which is the way it's set up for the Oak Ridge moraine. The Niagara Escarpment Commission and others are asking that they have that same protection. So it's an opportunity within this bill to build in that protection.

The Chair: Any questions or comments? We'll proceed with the vote.

Ms Churley: Recorded, please.

Ayes

Churley.

Nays

Arthurs, Delaney, Dhillon, Hudak, Parsons, Rinaldi, Van Bommel.

The Chair: The motion is defeated.

Ms Churley: On a point here, just to let people know that I was somewhat prepared for this and I will be presenting a private member's bill tomorrow in the Legislature, since it didn't pass here. I hope that I will have the support. I know you were told to vote against it today by the minister, but I hope you will see fit to support—

Mr Hudak: He talked to me. The minister did talk to me. I think you're right. I think the minister is making his calls.

Ms Churley: I know I'm right because I know they would love to support this. It obviously makes sense to give them that protection, the same as the Oak Ridge moraine. Since we are not doing it within this bill, it's really important that I'll have your support on the private member's bill which I'll introduce tomorrow.

The Chair: Very good pitch, but it's out of order.

Ms Churley: I just thought I'd let people know.

The Chair: Motion 12, a government motion, section 6.1

Mr Delaney: I move that the bill be amended by adding the following section:

"Applications to amend Niagara Escarpment Plan stayed

"6.1(1) All applications or requests to amend the Niagara Escarpment plan under section 6.1 of the Niagara Escarpment Planning and Development Act and any hearing before a hearing officer under that Act or a joint board under the Consolidated Hearings Act in relation to such applications or requests shall be deemed to have been stayed on the day this section comes into force if the application or request relates to land that is within the land use designation of escarpment natural area, escarpment protection area or escarpment rural area of the Niagara Escarpment plan and the application or request seeks to,

"(a) redesignate the land to the land use designation of minor urban centre, urban area or escarpment recreation area of the Niagara Escarpment plan; or

"(b) make any other amendment to permit urban uses.

"Same

"(2) Subsection(1) applies to proposed amendments to the Niagara Escarpment plan that were initiated by the Niagara Escarpment Commission or the Minister of Natural Resources."

The Chair: Can you explain the purpose of the addition? Sorry. Apparently you jumped a section. Could you reread clause (a)?

Mr Delaney: Yes, "(a) redesignate the land to the land use designation of minor urban centre, urban area or escarpment recreation area of the Niagara Escarpment plan; or

"(b) make any other amendment to permit urban uses."

The Chair: Very good. Any additional explanation to be given?

Mrs Van Bommel: This again is in response to concerns we heard as a standing committee. We are trying to respond to—

Mr Delaney: On a point of order, Chair.

The Chair: There is one more, a second page.

Mrs Van Bommel: Yes, that's right.

Mr Delaney: "No action to be taken

"(3) The joint board or hearing officer under the Niagara Escarpment Planning and Development Act shall

not make or issue any order, decision, report or ruling in respect of the matters referred to in subsection(1).

"Effect of contravention

(4) Any order, decision, report or ruling purported to have been made or issued that contravenes subsection (3) is of no effect."

The Chair: Thank you, Mr Delaney. Further explanation?

Mrs Van Bommel: This is in response to concerns that we heard at the standing committee. Again, it deals with the issue of protection for the Niagara Escarpment, but what we want to do is make sure that this bill is truly a sunset bill, so it mirrors in many ways the issues that the NDP motion brought forward.

Ms Churley: I have an amendment to the amendment. Would now be a good time to introduce that?

The Chair: Definitely.

Ms Churley: I'll introduce it first and then I'll speak to it.

The amendment is very short. I'll read it first and explain it. It reads:

Section 6.1

I move that the government motion to add a new section 6.1 to the bill be amended by adding the following clause to subsection (1):

"(c) allow any development of land by the Castle Glen Development Corporation in the Town of the Blue Mountains."

The Chair: Thank you. Could you explain the reason for this addition?

Ms Churley: I certainly will. My amendment, of course, failed, which would have had it—previous to this, my 6.1, had it passed, would not make this amendment necessary. So there are two reasons for this.

I'll explain Castle Glen in a second. But again, just so that people are clear about what the government amendment does, it's good for all future applications to build on the escarpment but it doesn't address the immediate threats. I believe there are more immediate threats that some people might support, some more new development proposals that are coming forward, but I see them as possible, very serious threats to the Niagara Escarpment. I understand there are numerous historical or grandparented urban approvals of the escarpment that are very similar to Castle Glen that could be coming and will be coming forward.

Just so people understand why I specifically put Castle Glen in, you have been aware that the Coalition on the Niagara Escarpment wrote to Minister Gerretsen on March 19, 2004, to alert him and his ministry to the concerns about the approval of the Castle Glen project. I raised a question in the Legislature a couple of times and was told that nothing could be done about it because it had already been approved. I raised it in this committee when the minister came to talk to us about the bill, and he said he couldn't discuss it because it was before the OMB. If I may say so, with of course all due respect, he sounded remarkably like the Tory minister before, when we asked these kinds of questions.

Mr Parsons: That's terrible, Marilyn.

Ms Churley: I know it is, but true, terrible but true: the same answers about not being able to deal with it because it was before the OMB or there was just nothing he could do. Of course, I pointed out to him that there were things he could do, and there are things that you and this committee can do to stop it.

Just so you are aware of how serious this is, I'm going to remind you again that the proposed development would be a year-round urban area; it's not even a seasonal resort area. It's the first new urban area on the escarpment since the provincial development control began on the escarpment in June 1975. It runs according to the Coalition on the Niagara Escarpment, and there's a representative, Mr Rick Smith, whom I've seen here today. He's from Environmental Defence Canada, but both the Coalition on the Niagara Escarpment and Environmental Defence Canada brought these issues forward to the minister and nothing's been done since. What they point out, and what I pointed out in the House, is that this runs completely contrary to the purpose and objectives of the Niagara Escarpment Planning and Development Act and identical purpose and objectives of the Niagara Escarpment plan. They also say, since it is their view that the currently proposed Castle Glen constitutes a new urban area, that it runs contrary to development criterion 242 of the Niagara Escarpment plan. They talk about all the things that will be in this town if it's built. I mentioned earlier—we're looking at three golf courses, shops, business offices, homes, school—it will be a whole new town.

1720

It was grandfathered. It has a long history. The reason they allowed it to go ahead is because it's a historic approval. Nothing was built until now and they're going ahead with the development. It came to a head just as the previous government appointees to the Niagara commission were running out. It was brought to them and they approved it. The new Liberal government has brought in new members. I suspect, had it come before the new members, they wouldn't allow it to go ahead. But as I understand it, they don't feel they are in a position to rescind the decision of the previous commission.

There were some agreements made between the developer and the town. I understand, again, that the town finally caved in or whatever because they didn't want to end up going through the expense of long hearings. Everybody—the commission, the town and the ministry—came to an agreement to allow this to go ahead.

I understand it is before the OMB right now. It shouldn't be there at all. We should stop this in its tracks. This is an opportunity to correct this wrong.

Given that my previous amendment was not accepted, it won't stop the other concerns, other historic and grandparented developments that may pop up. I think that's a real problem, which is why I'm putting forward my amendment in the form of a private member's bill. But if you at least accepted this amendment to your amend-

ment, we could stop this one particular development from going ahead.

I believe this could turn into the Liberal government Oak Ridges moraine. This is a pretty big deal, to be the government, and no matter what excuses are used, there are things you can do to stop it. This is one way to be the government, to be known—you're trying to paint yourself green here. To not do anything that you can lawfully do to stop this is just going to belie your stated commitment to being environmentally sensitive and a green government—a very serious predicament you're in, to not do something to stop this development on the Niagara Escarpment. It's the first permanent town to be built since the 1970s, when Conservatives were in power and brought this in, and every government since has worked to improve on the Niagara Escarpment in various ways. This will be a major setback.

I'm giving the government an opportunity here to accept this amendment, and then you would do what the minister hasn't done, and that is as a committee use your clout here, as individual private members on this committee, to do the right thing: Go back and tell the minister—

Mr Parsons: We will.

Ms Churley: Seriously. You will be heroes among the Niagara Escarpment people, who really need to see this stopped. I hope you'll support this amendment.

Mr Hudak: Just a quick question.

The Chair: On the NDP amendment.

Mr Hudak: Oh, yes, exactly. Just a quick question to help guide my vote: What does the local member say about the project?

Ms Churley: Is the local member—

Mr Hudak: Jim Wilson.

Ms Churley: I think he really hasn't given me an opinion, but I think he said to me in a private conversation—I'm trying to remember.

Mr Parsons: Private.

Ms Churley: Yes. It was a private conversation, a very private conversation. I did have a private conversation with him and I should be careful, but I believe he more or less supports the development—surprise, surprise.

The Chair: Any other questions or comments? If none, we will vote on the NDP amendment on government motion number 12.

Ms Churley: Recorded, please.

Ayes

Churley.

Nays

Arthurs, Delaney, Dhillon, Hudak, Parsons, Rinaldi, Van Bommel.

The Chair: The amendment is defeated.

Now we will move on to the government motion. Those in favour of government motion number 12, section 6.1? Against? The motion is carried.

Let's move on to section 7. Any debate on section 7?

Shall section 7 carry? Against? Carried.

Section 8.

Mr Parsons: I move that subsection 8(1) of the bill be amended by adding the following clauses:

“(d) exempting any request or application under section 22, 34, 36, 37, 38, 39, 47 or 51 of the Planning Act from section 4, 5 or 6 of this act;

“(e) exempting any request or application to amend the Niagara Escarpment plan from section 5.1 or 6.1.”

The Chair: Any further explanation?

Mr Hudak: Requested.

Mrs Van Bommel: Again, this is a technical refinement, and it also brings the Niagara Escarpment into the—

The Chair: Questions or comments?

Ms Churley: You call it “technical,” but doesn't it broaden the minister's power to make exemptions?

Ms Graves: The effect of the proposed amendment, Ms Churley, is to—(e), you'll see, is a complementary amendment that relates to requests or applications to amend the Niagara Escarpment plan from section 5.1. That is a new section that's been added.

The proposed clause (d) allows the LG in C to make a regulation to exempt any specific request or application from sections 4, 5 or 6 of the act, and those are the sections of the act that impose the moratorium.

The Chair: Any other comments or questions?

Ms Churley: I jumped ahead of myself here. I'll save my other comments for the next one.

The Chair: No more comments or questions? If none, those in favour of motion number 13?

Mr Hudak: Recorded vote.

The Chair: Recorded vote of subsection 8(1).

Ayes

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

Nays

Churley, Hudak.

The Chair: It is carried.

There's a new one, 13.1. It's a PC motion.

Mr Hudak: It's a technical amendment that reads as follows:

I move that section 8 of the bill be struck out and the following substituted:

“8(1) The minister upon the request of the affected municipality shall make regulations,

“(a) changing the boundaries of the greenbelt study area set out in schedule 1;

“(b) changing the areas set out in schedule 2 to which sections 4, 5 and 6 apply;

“(c) exempting any land or any use of land, or any class of uses of land, from section 4, 5 or 6.

“Regulations by minister

“8(2) The minister upon the request of the affected municipality shall make regulations,

“(a) modifying or replacing all or any part of the definitions of ‘urban settlement area’ and of ‘urban uses’ in section 1;

“(b) prohibiting site alteration, the cutting or removal of trees or the grading of land in the greenbelt study area;

“(c) setting out transitional rules for such matters as the municipality in conjunction with the minister deems appropriate.”

The Chair: Mr Hudak, the first section, subsection 8(1), is out of order because we already dealt with that. If you want to deal with subsection 8(2), just move it as subsection 8(2).

Mr Hudak: Fair enough, then. I'm sorry I didn't get a chance to put subsection 8(1) on the floor.

Then I'll move a motion to amend subsection 8(2). It would read:

“Regulations by minister

“8(2) The minister upon the request of the affected municipality shall make regulations,

“(a) modifying or replacing all or any part of the definitions of ‘urban settlement area’ and of ‘urban uses’ in section 1;

“(b) prohibiting site alteration, the cutting or removal of trees or the grading of land in the greenbelt study area;

“(c) setting out transitional rules for such matters as the municipality in conjunction with the minister deems appropriate.”

The Chair: Can you give additional information on that?

Mr Hudak: On the technical amendment—subsection 8(1) we missed, and we have subsection 8(2). But I think the theme is pretty consistent. This would give greater power to the municipalities that are affected by this area as opposed to the Lieutenant Governor in Council or the minister.

I think as we've heard in debate in this committee as well as with the sister bill, Bill 26, the concern about the significant encroachment upon municipal jurisdiction by the government today. While we've heard a number of platitudes about rewarding municipalities and listening more closely to municipalities and giving them more power, in effect, this bill, in this area, among others, as well as Bill 26, does quite the opposite. Our feeling is, we need to enhance rural municipalities as part of this process. That underlies the motion.

1730

The Chair: Any additional questions or information? If none, we will proceed.

Mr Hudak: Recorded vote.

The Chair: Recorded vote. Those in favour of PC motion number 13.1?

Ayes

Hudak.

Nays

Arthurs, Churley, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

The Chair: The amendment is defeated.

Shall section 8, as amended, carry?

Mr Hudak: Recorded vote.

Ayes

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

Nays

Churley, Hudak.

The Chair: Section 8 is carried, as amended.

Section 9, any debate? If none, shall section 9 carry? Against? It is carried.

Shall section 10 carry? Against? It is carried.

Shall section 11 carry? Against? It is carried.

Shall section 12 carry? Against? Section 12 is carried.

Section 13, any debate? Shall section 13 carry? Against? Section 13 is carried.

Section 14: motion number 14, NDP motion. Ms Churley?

Ms Churley: I move that section 14 of the bill be amended by adding the following subsection:

“(0.1) The Oak Ridges Moraine Conservation Act, 2001 is amended by adding the following section:

“Freeze on certain activities

“4.1 (1) Despite any other provision of this act or any other act, no permission or approval shall be given or granted under the Planning Act or the Environmental Assessment Act in respect of land to which the Oak Ridges moraine conservation plan applies that would have the effect of allowing,

“(a) the creation of a new highway or expansion of an existing highway; or

“(b) the expansion of any sewer or water system beyond existing settlement areas except where required to service existing dwellings in the greenbelt study area.

“Effect of contravention

“(2) Any permission or approval that purports to be given or granted in contravention of subsection (1) on or after the day that the Greenbelt Protection Act, 2001 receives royal assent is of no effect.

“Duration of freeze

“(3) This section is repealed on December 16, 2004.”

The Chair: Any additional information to be given?

Ms Churley: I think it's self-evident. It's dealing, again, with highways and infrastructure that should be

frozen as well during this period of time. I think you would agree with that and support the amendment.

The Chair: Questions or comments?

Mr Hudak: Recorded vote.

The Chair: Those in favour of the amendment to section 14?

Ayes

Churley.

Nays

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

The Chair: The proposed amendment by the NDP is defeated.

I have a new motion which was submitted by the PCs. Mr Hudak, section 14.

Mr Hudak: We had a typo in the original motion that was sent to the committee. It's slightly changed, but importantly changed.

I move that section 14, subsection (3) of the bill be struck out.

It's similar to arguments that I've made before. It's not respecting the integrity of the process as it's already underway, and the retroactivity has become too often—consistently—part of this government's legislation.

The Chair: Can you give additional information, the reason behind this amendment?

Mr Hudak: If members require further information, I guess I could.

The Chair: Questions or comments? If no questions or comments—

Mr Hudak: Recorded vote, Chair.

Ayes

Hudak.

Nays

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

The Chair: The PC motion is defeated.

Shall section 14 carry? It is carried.

Section 15: Any debate? If none, shall section 15 carry? In favour? Against? It is carried.

Section 16: A PC motion, page 14.1.

Mr Hudak: I move that section 16 of the bill be struck out and the following substituted:

“Commencement

“16. This act shall not come into force until the minister has approved a plan to compensate municipalities for lost revenue, which they will not be able to recover because their future growth is frozen by the act.”

We heard from a number of municipalities. I think members are probably familiar with some of the arguments made. Whitchurch-Stouffville, the township of Brock and Caledon, among others, had talked about how their municipal plans and their plans for growth will be constrained by this legislation and its successor legislation. I think it's important to recognize that fact, that municipalities could be significantly impacted by constraining growth. It would be a burden on taxpayers if they want to improve their services or make future investments in infrastructure. Therefore, before this act would commence, the minister should come forward with a plan to compensate municipalities for their lost revenue.

The Chair: Questions or comments? If none—

Mr Hudak: Recorded vote.

The Chair: Recorded vote on motion number 14.1, a PC motion.

Ayes

Hudak.

Nays

Arthurs, Churley, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

The Chair: It is defeated.

Section 16: A PC motion, page 14.2.

Mr Hudak: I move that section 16 of the bill be struck out and the following substituted:

“Commencement

“To Protect Farmland, You Must Protect the Farmer

“16. This act shall not come into force until the minister has approved a comprehensive plan to ensure that farming continues to be viable and profitable in the greenbelt area.”

This may be a new area of debate for me as part of this committee. If members want further explanation, I'd be willing to do so. But I think it's an important principle that we heard consistently during the hearings and should be enshrined in this legislation.

The Chair: Any questions or comments? I see none.

Mr Hudak: Recorded vote.

The Chair: Recorded vote on motion number 14.2.

Ayes

Hudak.

Nays

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

The Chair: The motion is defeated.

Motion number 15 is a government motion.

Mr Delaney: I move that section 16 of the bill be struck out and the following substituted:

“Commencement

“16.(1) Subject to subsection (2), this act shall be deemed to have come into force on December 16, 2003.

“Same

“(2) Sections 5.1 and 6.1 come into force on the day this act receives royal assent.”

The Chair: Any explanation?

Mrs Van Bommel: This again relates to an earlier motion where we were talking about the inclusion of the Niagara Escarpment plan and the issue of fairness in terms of retroactivity.

The Chair: Questions or comments? I see none.

Those in favour of government motion number 15? Against? It is carried.

Shall section 16, as amended, carry? It is carried.

I have a PC motion, number 15.1. It's out of order because there is no section 18.

1740

Mr Hudak: Chair, if I could comment. We heard rumours that the government was going to bring in section 18, which was worse than the other sections of the bill. Pre-emptively, we were looking to strike it out.

The Chair: So it is out of order.

Mrs Van Bommel: Nice try.

Mr Hudak: We're always ready. Can we have a vote?

The Chair: Not on this one, no.

Section 17: Is there any debate?

Mr Hudak: I apologize to members, but I think the proposed motion will be very clear. They don't have one before them. I just thought of it.

I move that section 17 be struck out and be replaced by, “The short title of this act is the Greenbelt and Fruitbelt Protection Act, 2003.”

I'm basically adding, “and Fruitbelt,” after the word “Greenbelt.” So it would be “The short title of this act is the Greenbelt and Fruitbelt Protection Act.”

The Chair: Questions or comments? So it is a motion. We will probably call this motion number 16.

Those in favour of this motion brought in by Mr Hudak?

Mr Hudak: Recorded vote.

Ayes

Churley, Hudak.

Nays

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

The Chair: The PC motion is defeated.

Shall section 17 carry? Carried.

Now we'll move on to schedule 1, NDP motion 16—new 16.

Ms Churley: I move that schedule 1 the bill be amended by striking out paragraphs 7 to 12 and substituting the following:

“7. County of Brant.

“8. County of Dufferin.

“9. Haldimand county.

“10. County of Haliburton.

“11. City of Kawartha Lakes.

“12. County of Northumberland.

“13. County of Peterborough.

“14. County of Simcoe.

“15. County of Wellington.

“16. The regional municipality of Niagara.

“17. The regional municipality of Waterloo.

“18. Those lands located in the area known as Rouge Park located in the greater Toronto area.”

The Chair: The reason behind the motion?

Ms Churley: This is actually for me the nub of the bill. If the government doesn't support this, then I believe that government members are going to have a hard time explaining to the public why not, because this is the acid test of the government's commitment to curbing urban sprawl.

I've got to tell you, local ratepayers groups out there are begging for help, and this bill doesn't do it. It's been described to me as the wild west out there in some areas outside of the greenbelt area. They're calling on the government to go out there and tame the wild west. The reason I've included all of these is that, as you know, they are part of the original, the central smart growth zone under the Tory government, and they have not been included in the greenbelt.

I've talked about leapfrog development before, and I've talked about Simcoe in particular as an example of where the wild west is in action. I mention Castle Glen again. It should be a provincial park. It's beautiful, on the Niagara Escarpment. You haven't agreed to a solution to that. At least on that one I understand you can blame it on previous governments and things get complicated when it comes from historic problems. But none of these apply to the Simcoe county area or some of the other areas I've included here. It's all on this government's watch. There are no complications from previous governments to do with these.

Because this is the acid test of your commitment to the greenbelt, and the fact that this bill in its current form does not succeed in protecting against urban sprawl in some of Ontario's most environmentally sensitive areas, the committee absolutely has to stand up to the ministers and to the government and say that the scope of the study area has got to be expanded to match the central smart growth zone for it to fulfill its purpose to stop urban sprawl and to protect agricultural and environmentally sensitive areas.

Numerous deputants came forward, on both sides of the issue, interestingly enough. Some of the developers who were not very happy with some of the lands frozen and the conservation, environmental and local ratepayers groups who came forward all had problems with leapfrog development that is happening now, as we speak.

The issue is that there will be many people out there who are generally supportive of the government's move to create a greenbelt, but if this amendment isn't passed and the scope is not expanded, then you will be denounced as bringing forward a bill that's not adequate. For this bill to have any meaning, because of the leapfrog development that's happening and creating, in fact, a bigger problem—because the developers are buying up land, leaping over the frozen land, and that will mean there will be more roads built, more traffic congestion, more smog, more problems. That's what's going on now. So in some ways you will be creating a bigger problem than already exists, if these lands aren't included now. I urge you, because this bill does not do what it purports to do, unless all of these other areas are included in the study area.

The Chair: Thank you, Ms Churley. Any other questions or comments? If none, those in favour—

Ms Churley: Is it too late? Can I ask the government why—I know we have to hurry up here. Now that it's been pointed out frequently by experts that the greenbelt is not sufficient as it's now proposed, and big problems are coming about as we speak with leapfrog development, why are you not including those lands?

Mrs Van Bommel: The Ministry for Public Infrastructure Renewal is also doing a growth management initiative as we speak, and I'm satisfied they will take in those things in those areas. So I don't feel those areas are necessarily being ignored here.

Ms Churley: I know you don't feel that way, but, in fact, we have evidence they are, because they're not included in the freeze. It's happening now. The developers are buying up the land now. There are all kinds of lists of these hot spots that I mentioned. I could go into more detail, if there were more time, about some of the development that's already in the hopper on those lands that can be very detrimental to your plan to provide a greenbelt. So unfortunately—I know you feel it's going to be taken care of; it isn't. The evidence has been presented to this committee. There are all kinds of newspaper articles about it that suggest you're wrong in your feeling. You're absolutely wrong. It is happening as we speak. So if we don't include those lands, it's going to cause a great many problems down the road. It's already happening. The only way, given what's happening right now, to prevent that is to include it in the freeze right now.

The other thing I pointed out earlier is you're saying on one hand you're not including it in the greenbelt right now, but who knows what's going to happen down the road? Those developers are already out there buying up the land and planning. I think it's fair if there is some plan in the future to do something about it, to let them know in advance. As I said, they're buying up the land and the pressures are going to be there. Because my amendments were not accepted to stop certain highway and infrastructure construction, there is going to be even more pressure on the government to build there. You're creating a huge problem here.

Again, I think you're going to lose your credibility in presenting this to the public as you being a green government trying to preserve land. It just completely belies your purported commitment to a green Ontario.

1750

Mr Hudak: I think Ms Churley makes the case well in her description of the problem that exists and has been caused by Bill 27. She and I have different remedies for that. I think the approach the Smart Growth panels were taking—I think Minister Caplan's approach is probably more consistent with the process that was previously underway. I have said repeatedly that I think this committee should be a comprehensive approach to solving this problem. I think the greenbelt tool on its own is not an effective growth management tool and is lacking.

Secondly, I don't know if there is any geographic reason behind it; there's certainly not any science that links all of the areas of the greenbelt. They're not, like the escarpment or the Oak Ridges moraine, consistent in the nature of geography and plant and animal life.

To answer Ms Churley, I think it was simply a campaign commitment that was made, "Here's the area we're going to address," without looking at the bigger picture.

I'm not going to support Ms Churley's amendment, but I do want to congratulate her for putting the problem correctly; I just have a different solution for it. Maybe the government can—we've asked them that question before, so I'll leave it at that. But I appreciate the pointing out of the problem by Ms Churley.

The Chair: Other questions or comments? If none, all in favour of the NDP motion on page 16?

Ms Churley: Recorded vote.

Ayes

Churley.

Nays

Arthurs, Delaney, Dhillon, Hudak, Parsons, Rinaldi, Van Bommel.

The Chair: It is defeated.

Shall schedule 1 carry? In favour? Against? It is carried.

Schedule 2, paragraph 1, NDP motion on page 17.

Ms Churley: I move that schedule 2 of the bill be amended by striking out paragraph 1, because we want to bring the Niagara Escarpment in. It shouldn't be exempt.

The Chair: Any questions or comments? If none, those in favour of NDP motion number 17?

Ms Churley: Recorded, please.

Ayes

Churley.

Nays

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

The Chair: The motion is defeated.

Motion number 18, a government motion.

Mr Parsons: I move that schedule 2 to the bill be amended by striking out paragraph 1 and substituting the following:

"1. Land covered by the Niagara Escarpment plan approved under the Niagara Escarpment Planning and Development Act that has any land use designation other than escarpment natural area, escarpment protection area or escarpment rural area of the Niagara Escarpment plan."

The Chair: Further explanation?

Mrs Van Bommel: This again imposes a moratorium on the Planning Act, the applications and hearings, under sections 4, 5 and 6.

The Chair: Questions or comments?

Ms Churley: Just briefly. It's a net improvement, but, again, it doesn't go far enough, as I understand. It doesn't protect recreation. What exactly does it do and not do? It's my understanding that it doesn't protect recreation.

Ms Konyi: What it does is it complements the changes that were made in the act to the new sections 5.1 and 6.1 to the same changes that would be under the Niagara Escarpment plan. So it does the same thing in terms of not allowing any expansion of urban uses on to what are the rural lands in the Niagara Escarpment plan, but it does it with respect to the Planning Act applications on those same areas. It mirrors the other motions we had put forward.

Ms Churley: Which don't go far enough. OK. Thank you.

The Chair: Any other questions or comments? If none, those in favour of motion number 18? It's a government motion. Against? None. So it is carried.

Shall schedule 2, as amended, carry? Against? It is carried.

The preamble: It's a PC motion.

Mr Hudak: Since I don't recall being successful on the earlier motions as to the body of the bill, perhaps we can get at least some recognition in principle in the preamble of some of the issues that have been brought forward. The first motion deals with agriculture.

I move that the preamble to Bill 27 be amended by adding the following preambular paragraphs:

"The government of Ontario recognizes the historical contribution of the agricultural community to the culture, well-being and economy of the Golden Horseshoe area.

"The government of Ontario recognizes the importance of the economic viability and the protection of the farmland in the Golden Horseshoe area.

"The government of Ontario recognizes the importance of good planning for the economic viability of aggregate resource development."

I think it's important, in setting the tone for what the bill is about, that these amendments occur to the preamble. We certainly heard support from a number of groups like the Niagara North Federation of Agriculture; Art Smith, from the Ontario Fruit and Vegetable Grower's Association; the Aggregate Producers' Asso-

ciation of Ontario; municipal councillor Austin Kirkby from Niagara-on-the-Lake, who I think would support this change to recognize those important resources, their history and the importance of maintaining their economic viability in the greenbelt area.

The Chair: Are there questions or comments? I see none.

In favour of the PC motion?

Mr Hudak: Recorded vote.

Ayes

Hudak.

Nays

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

The Chair: It is defeated.

The preamble: PC motion 20.

Mr Hudak: My last shot. I move that the preamble to Bill 27 be amended by adding the following preambular paragraph:

“The government of Ontario recognizes the economic importance to the Golden Horseshoe area of building a mid-peninsula corridor.”

I appreciate the answers from the Ministry of Transportation staff. I’m worried that steps have been taken back on this. I think this will help shift some of the pressures from the fruit belt area to other parts of the province, specifically the southwestern part of the peninsula, Haldimand county and other areas. I think it fits with the goals of the government to relieve pressure on those areas, and hope they will add this to the preamble, at the very least.

The Chair: Any questions or comments? I see none.

Those in favour of PC motion number 20?

Mr Hudak: Recorded vote.

Ayes

Hudak.

Nays

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

The Chair: The motion is defeated.

Shall the preamble carry? Against? I see one. It is carried.

Now the title: Shall the title of the bill carry? In favour? It is carried.

Shall Bill 27, as amended, carry?

Mr Hudak: Recorded vote.

Ayes

Arthurs, Delaney, Dhillon, Parsons, Rinaldi, Van Bommel.

Nays

Churley, Hudak.

The Chair: Shall I report the bill, as amended, to the House? In favour? Against? It is carried. So I will be reporting the bill to the House.

This completes clause-by-clause. I want to thank everyone for their good co-operation. I had scheduled June 28 and June 30 for the next two clause-by-clause, but we won’t have to do it. Thanks again.

The committee adjourned at 1758.

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Mr Tim Hudak (Erie-Lincoln PC)

Mrs Maria Van Bommel (Lambton-Kent-Middlesex L)

Also taking part / Autres participants et participantes

Ms Barbara Konyi, manager, planning systems, Ministry of Municipal Affairs and Housing

Mr John MacKenzie, special assistant, planning, Ministry of Municipal Affairs and Housing

Ms Suzanne Graves, legal counsel, Ministry of Municipal Affairs and Housing

Mr Bruce McCuaig, assistant deputy minister, policy, planning and standards division, Ministry of Transportation

Clerk / Greffière

Ms Tonia Grannum

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