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Wednesday 15 December 2004

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Mercredi 15 décembre 2004

**Standing committee on
regulations and private bills**

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

Chair: Marilyn Churley
Clerk: Tonia Grannum

Présidente : Marilyn Churley
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ**

Wednesday 15 December 2004

Mercredi 15 décembre 2004

The committee met at 1101 in committee room 1.

CITY OF BRAMPTON ACT, 2004

Consideration of Bill Pr10, An Act respecting the City of Brampton.

The Chair (Ms Marilyn Churley): The standing committee on regulations and private bills is called to order.

This morning, the next order of business is Bill Pr10, An Act respecting the City of Brampton. Ms Linda Jeffrey, MPP, is sponsoring the bill, and I would ask her and the applicants to please come forward.

Good morning. We have Ms Jeffrey, as well as Clay Connor and Ms Christine Viinberg. Would the sponsor like to make a few comments?

Mrs Linda Jeffrey (Brampton Centre): I would just say good morning, Madam Chairman and committee, and introduce Clay Connor, who is legal counsel for the city of Brampton, along with Christine Viinberg. They're here to explain the details of the bill.

The Chair: Would Mr Connor or Ms Viinberg like to proceed?

Mr Clay Connor: Yes, I'll start, Madam Chair. Thank you for being here today and hearing us. In order to understand the purpose behind this application today, it's necessary for Ms Viinberg and I to take you on a journey into the esoteric world of municipal bonusing. We've divided our presentation. I'll be giving you some background and history on the bonusing legislation in Ontario—you might call it Municipal Bonusing 101—to provide you with some sort of a framework for consideration of our bill and what it is we're asking for today. Ms Viinberg will then go into the specifics of the legislation, as we've drafted it, and the safeguards we've tried to build in. We'll conclude by giving you a practical example of the situation that this bill is intended to address.

To start, we need to look at the basic prohibition found in section 106(1) of the Municipal Act, 2001. It states, "Despite any Act, a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose."

Section 106(2) goes on to set out some examples of the types of assistance that are prohibited. It states:

"Without limiting subsection (1), the municipality shall not grant assistance by:

"(a) giving or lending any property of the municipality, including money;

"(b) guaranteeing borrowing;

"(c) leasing or selling any property of the municipality below fair market value; or

"(d) giving a total or partial exemption from any levy, charge or fee."

It's the prohibition on leasing or selling municipal property below fair market value that we're concerned with here today.

For this next section of my presentation I'm indebted to the research of Brian Bucknall, who is a senior partner at the law firm of Osler, Hoskin and Harcourt; the research he did for his May 1988 paper entitled, "Of Deals and Distrust: the Perplexing Perils of Municipal Bonusing."

Mr Bucknall points out that the bonusing prohibition did not always exist in the province of Ontario. In 1871 there was an amendment to An Act Respecting the Municipal Institutions of Upper Canada that allowed municipalities to pass bylaws "for granting bonuses to any railway and to any person or persons, or company, establishing and maintaining manufacturing establishments within the bounds of such municipality, and for issuing debentures payable at such time or times, and bearing or not bearing interest, as the municipalities may think desirable for the purpose of raising money to meet such bonuses."

Bucknall notes that this power was expanded two years later into a broader scheme for aiding manufacturing establishments by giving the power to grant sums of money in respect of such branch of industry as the municipality may determine, provided that the assent of the electors was obtained before the bylaw was passed.

This scheme was abandoned in 1892. Mr Bucknall quotes C.W.R. Biggar, the author of the Municipal Manual of 1900, who wrote:

"Attempts to nourish manufacturing industries by means of the artificial stimulus of bonuses taken from the pockets of local taxpayers usually produced an unhealthy condition in the body politic and ended in disappointment and loss."

Two new bonusing schemes were introduced in the Municipal Amendment Act of 1900, which allowed mu-

municipalities to grant bonuses “in aid of any manufacturing industry” and “for the promotion of manufacturing within the limits of the municipality.” Both provisions required the consent of two thirds of all the ratepayers entitled to vote on the bylaw, and in the latter case, the written consent of owners of existing industries in the municipality had to be obtained if their products were similar to those of the proposed new industry that was going to be bonused.

These were eliminated with the Bonus Limitations Act in 1924. Mr Bucknall quotes the Premier of the day in introducing this legislation as follows: “One could not go through the province today without seeing in many of the smaller places dismantled buildings (that were) once industrial concerns which had been bonused. As soon as the artificial aid had been withdrawn, the industry vanished.”

Even the Bonus Limitations Act allowed for some form of bonusing, and this was by way of a fixed assessment for up to 10 years for the industry, subject to the usual consent of the electors and other industries. This was finally removed in 1962, and the basic prohibition that we see in the Municipal Act today was put in place at that time.

The purpose of this brief history lesson is to illustrate that the Legislature’s intention in curtailing the ability of municipalities to bonus was to prevent unseemly competition between municipalities for industry that had a deleterious effect on both the local tax base and the local economy. As you will see, the sorts of transactions we’re proposing to be able to deal with in this legislation do not fall into the category of mischief that the anti-bonusing legislation was intended to prevent.

As I wrap up my part of the presentation, I’d be remiss if I did not indicate to you that municipal bonusing is permitted in Ontario in a variety of ways, notwithstanding the basic prohibition in subsection 106(1) of the Municipal Act. Subsection 106(3) provides that “Subsection (1) does not apply to a council exercising its authority” with respect to the sale or lease of land or the making of grants for the purpose of carrying out a community improvement plan under section 28 of the Planning Act.

Section 108 of the Municipal Act provides that “Despite section 106, a municipality may provide for the establishment of a counselling service to small businesses operating or proposing to operate in the municipality.” With the approval of the Lieutenant Governor in Council, the municipality may establish such a program and, once the program is approved, the municipality may lease land to small businesses and acquire land and erect or improve buildings in order to provide leased premises for eligible small businesses. The intent of that program is that you provide subsidized rent to allow the businesses to get off the ground.

Finally, subsection 110(3) of the Municipal Act, 2001, provides that “Despite section 106, a municipality may provide financial or other assistance at less than fair market value or at no cost to any person who has entered

into an agreement to provide” municipal capital “facilities ... and such assistance may include ...

“giving, lending, leasing or selling property.”

In each of these examples, the province has looked at the exception of the bonusing prohibition at the program level. They’ve established rules and regulations that municipalities have to follow in implementing the program. The province didn’t get involved in each individual transaction; they left that up to the discretion of the municipality to apply the legislation and the rules properly.

As you will see in Ms Viinberg’s presentation, in the proposed bill that’s before you today, we have established rules that prescribe certain limits on the powers we’re asking for today.

Ms Christine Viinberg: As Clay mentioned, the city of Brampton is proposing the bill before you because the general prohibition in section 106 has limited its ability to deal with specific land transactions in the development process such that it can’t create equitable solutions in those situations, and that this limitation is unnecessary in these situations.

1110

Specific land transactions that are going to be addressed by the bill are those where the city has required land from a developer during the development process for no or nominal consideration for something like a road and then, during the development process, the plan has changed and the city no longer requires that land for the road, as an example. The city then wishes to convey that land back to the developer at an equitable price. Currently, under section 106, the city must convey that land back for fair market value, even if the city received the land for no or nominal consideration and perhaps it only held on to it for a short period of time. Although these situations are relatively infrequent in the city, relative to how much development is going on in Brampton, they do arise, and they can be quite complicated situations.

Therefore, the city of Brampton is proposing the bill before you today. The bill essentially does two things. The first thing is it provides authorization for the city to sell land at less than fair market value in these situations. Thereby, it does grant some flexibility to the city to facilitate equitable resolutions to these situations, despite section 106. But, as Clay mentioned, on the other hand, what the bill also does is impose four safeguards to ensure that the city’s decision-making process is consistent, thorough and open to the public. I’ll just go through the four safeguards that you’ll see in the proposed bill.

The first one is that the city can only use this authority if it’s dealing with land that was conveyed to it for no or nominal monetary consideration, pursuant to four of the development-related sections in the Planning Act; for example, if the city was conveyed land during the subdivision approval process. That means the city can’t just use this authority in its everyday dealings with land, which are many, as you can imagine.

The second safeguard is that the city must declare the land surplus, pursuant to the formal process under

subsection 268(3) of the Municipal Act. That process involves three important stages. First of all, the realty services department in our municipality, as well as any other relevant departments such as community services, does an analysis to determine whether that piece of property is necessary for any municipal process. Then an appraisal must be done to determine fair market value of that piece of property to create a benchmark by which to work and discover the equitable cost of the land. The third thing, very importantly, is public notice must be given regarding the sale of the land.

The third safeguard we've included in the bill is that the city can only convey the land to one of two parties. It can't just convey this land to anybody it chooses. It must be the person who conveyed the land to the city for nominal or no consideration in the first place—so it's like a re-conveyance back—or to an adjacent landowner to the piece of property we're dealing with, if that adjacent landowner was a subsequent person in title to the person who conveyed the land to the city.

The fourth safeguard we've included is that council must declare in a bylaw that the sale at fair market value for this property would be inequitable in all of the circumstances and with all of the information they have received thus far.

The city's position in this instance is that although the bill would create some flexibility in order for the city to deal with these specific transactions and create an equitable situation, there are also safeguards in the bill to ensure that the process in determining this equitable price would be open, consistent and thorough.

Clay will present to you a current situation where the city feels it would be beneficial and appropriate for this bill to apply.

Mr Connor: I'm going to try to move this map so that everybody can see it. The light in here isn't all that great, but we'll do the best we can. I find that in dealing with problems like this, I think better if I've got a concrete example to focus on, and I think even better if somebody shows me a map or a picture, so we've brought a map along today.

This is an area of land in Brampton that is subject to plans of subdivision. It's not in your riding, Mr Dhillon, it's Brampton east, but it's the Airport Road area and I'm sure you're familiar with it. The developer came in to subdivide all this land I've outlined in blue. They did it in three phases: This piece here was phase 1, this piece here was phase 2 and the looping piece here was phase 3.

When the subdivision came on for phase 1, this little block I have highlighted in pink was deeded to the city for future road. When phase 2 came along, this block down here in purple was deeded to the city for future road. Consideration was \$2 in each case. This was done because originally the developer had planned a road network up here in phase 3 that would hook in, so it made sense for this to be future road. Over the course of development, by the time the developer gets to phase 3, the plans change, the road network no longer lines up and the developer asks us if he can have these two blocks

back that he conveyed to us for \$2 apiece for building lots that would complete the subdivision.

That's where we get caught by the bonusing provision, because the developer is a commercial operation and the rules against bonusing say we have to sell the land back at fair market value. So basically you're in a situation where the developer would essentially be paying twice for these two lots. Our council thinks that's kind of unfair.

Had the developer come in initially all in one phase with a plan of subdivision for the three pieces showing these two as lots, it would have been approved and we wouldn't be here today. But because of the vagaries of the planning process and how things change from the time you start at phase 1 to phase 3, we get caught with this technical bonusing situation.

I would submit to you that this isn't the type of situation bonusing was intended to prevent, and that it's the type of situation we ought to be able to fix. That's why we're here with this bill today.

The Chair: Thank you very much, Mr Connor and Ms Viinberg. We have an interested party here. I think what we'll do is call him first and then I'll open the floor to questions to any of the applicants here today, or the sponsor. So perhaps you would like to come forward, Mr Michael Burke, city solicitor of the corporation of the city of North Bay.

Mr Michael Burke: Good morning and greetings from the mayor and council of North Bay. It was a lovely drive down on a nice bright day.

The Chair: I just want you to know that I have a little house in Restoule, not far from North Bay, so welcome. Is there a lot of snow up there?

Mr Burke: It was very fine but very chilly this morning. It was nice to come down to the warmer climes, as we came down the highway. We hope to get a warmer reception here, too.

I am here to speak on behalf of the council. The council passed a resolution to support this bill. We are in general support of this bill. We are not seeking an amendment. An earlier letter had indicated that we would be seeking an amendment because of the notice provisions. We can't do that; we're content not to do that.

Generally speaking, we believe that the bonusing prohibition is too broad and needs to be relaxed. In this specific case, this is a very necessary and appropriate general amendment that should apply. These scenarios happen regularly. The planners and the engineers come forward saying they absolutely need some land. In three scenarios I've dealt with lately, they were sure a road was going to be a collector road 86 feet wide. Later on, we did an EA and it turns out it was only ever going to be a local road because that was all the council would ever approve. We're now left with an extra 20 feet that we got from the developer that he needs to buy back and pay for twice in order to carry on with his development.

These restrictions are very narrow and would apply only in those circumstances, and it's a very fair and equitable thing to do. I can tell you that it puts the council

in a very unfair and inequitable position when they have to say to a developer, “Yes, we know we took it from our planners, and we thought, because our planners said so, that we were doing the right thing. It turns out we don’t need it any more, but if you want it, you’ve got to pay for it.” So it’s really a fundamentally unfair thing.

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We will regularly keep a road access across a line of lots into what might be another development. Twenty years later, it’s still bush and all anybody wants to do is put a house on it. The planners and the parkland people now recognize that there’s only ever going to be bush behind it, and it should be given back to the people we got it from for nothing.

Finally, I would submit that the Legislature has allowed similar restrictive exemptions in the past to general Municipal Act amendments. I can recall that for many years there was cash in lieu of parking exemptions provided to try to facilitate development in the downtown and it was done by private legislation. Eventually, those terms found themselves exactly in the Municipal Act and it became a general term, but I don’t think that’s a reason not to pass this bill. These are very well thought out restrictions, and we commend them to you.

The Chair: Thank you very much. I would ask if the parliamentary assistant has any comments to make on behalf of the government.

Mrs Maria Van Bommel (Lambton-Kent-Middlesex): I have a few questions initially, if that’s OK with the Chair.

The Chair: Sure.

Mrs Van Bommel: How long since this first happened? When did the developer first convey this property to the municipality?

Mr Connor: The phase 1 plan was registered on September 24, 2000, so the conveyance would have been within a week or two of that date.

Mrs Van Bommel: In other words, the municipality has forgone tax revenues from those two particular properties since then?

Mr Connor: That’s correct. When they become municipally owned, they’re exempt from taxation.

Mrs Van Bommel: My understanding is that this kind of thing could have been put in the original contract. You could have had a clause in there that basically said that if the municipality felt the property was surplus, or it no longer had need of the property, they could convey that back to the individual they got it from in the first place without having to worry about section 106. Why wasn’t that done?

Mr Connor: With all due respect, hindsight is 20/20. There are situations that we do anticipate. For example, if you have a dead-end road in a subdivision and you take a temporary turning circle, you know that at some point in time you will be giving it back, so you provide for that in the subdivision agreement.

Brampton is a busy place. For the past few years, we have been growing at a rate of 23,000 people a year. The latest population projections we got just this fall indicate

that the population of Brampton that we anticipated hitting in 2031, we’re going to hit in 2016. So we’re putting through a lot of subdivisions and we’re under a lot of pressure from the development community to put these things through. In doing the subdivision agreements, it’s difficult, in the face of these pressures, to stop and wordsmith any eventuality that may or may not occur. You basically deal with what you’ve got in front of you and anticipate what is logical at the time, and if a problem comes up down the road, you figure you’ll deal with it down the road, but life must go on.

Theoretically, yes, you might have thought of it. But practically speaking, I don’t think it’s that reasonable.

Mrs Van Bommel: OK. Could I make some comments at this point?

The Chair: Sure.

Mrs Van Bommel: I have some real concerns about this proposal, because I feel it gives you, as a municipality, very broad powers, very general powers. I’m quite sure the current municipality and municipal council would want to be very careful about it. It gives you powers to convey back land for less than market value, which, first of all, is bonusing under section 106.

My concern is that it sets your municipality apart from other municipalities in this province, because other municipalities don’t enjoy that kind of privilege. And if we were to convey that to you, I know there are others waiting in the wings to have exactly the same kind of powers to do that.

The Municipal Act—and I quite understand your concerns about what this does in terms of comments about 106 and the bonusing issue being too broad, and it needs to be relaxed. But the Municipal Act is currently under review and I would think it would be more appropriate to have that brought forward at the time of the review and have that type of power conveyed to all municipalities in this province, rather than each one, one at a time. Because like I say, it has the ability to also create an unfair competition from municipality to municipality, where one municipality has the power to do this kind of thing and it isn’t considered bonusing under 106, yet a neighbouring municipality of yours wouldn’t have the same power, or they would have to come to the Legislature just as you have, to have those kinds of powers for them as well. Like I say, I would rather see this brought forward during the review of the Municipal Act and that, if it were to be given, it would be given to all municipalities equally. I think consistency across the province on this issue is very important.

The Chair: I don’t know if you want to respond to that right away, but I think it would make more sense to see if there are other questions or comments from committee members. I would ask if there are.

Mr Gerry Martiniuk (Cambridge): I’m trying to read clause (2)(b); it’s rather convoluted. I take it that there you are talking about the successor of the original owner of the whole land.

Mr Connor: Yes.

The Chair: Any other questions to anybody—the applicant, the parliamentary assistant, interested party?

Mr Gilles Bisson (Timmins-James Bay): I'd like to see the answer to that question.

The Chair: Sure. Would you like to respond?

Mr Connor: I'm just jotting down a few notes to make sure I hit all the points. First of all, the notion that it's a private bill and it only applies to Brampton: I've been in this business for about 25 years. I can recall coming down and sitting in this very room back in the mid-1980s seeking private legislation to have the authority to pass bylaws to regulate the placing or dumping of fill in municipalities. We weren't the first one to ask for it; we were maybe third or fourth in line. After about 10 municipalities went the private bill route, it made its way into the Municipal Act. That's sort of been the standard way municipal affairs has dealt with these things over the years when somebody comes to them with a new idea: "We suggest you go the private bill route. Let's see it as a pilot project. If it works, if there are no problems, then maybe it makes some sense to put it into the act and make it a general application." Fill is the one example that I know of.

In terms of having something that no other municipality has and it might give us a competitive advantage, as far as I know, we're the only municipality that has the right to sell air rights above a public highway.

Mr Bisson: Air rights?

Mr Connor: Air rights above a public highway. It was a private bill that went through this committee and went through this Legislature. We haven't used it. The development scheme for which we got that legislation—by the time they took a look at the building code, the cost of building the building over there made it prohibitive, but potentially we'd get—

Interjection.

Mr Connor: Well, we were asked, "What happens if you get to the jet-cars, like the Jetsons?" and my response was, "If you get to that day, you've got bigger problems than this to deal with."

Something like that, I suggest, would give us far more of a competitive advantage than this thing will and, frankly, if this spurs other municipalities to come forward and it ultimately winds up being in the Municipal Act, good. But I would like to see this particular bill go through, because we have homeowners sitting here, here, here and here, wanting to know what's going to happen to the land beside them, and they've been waiting almost a year for an answer.

The Chair: Thank you. Sorry about that. I was remiss in not asking for a response to Mr Martiniuk's question on that section.

Mr Martiniuk: No, I've had my question.

The Chair: And you got the answer. All right. Mr Bisson.

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Mr Bisson: I wanted to hear what your response was going to be to the parliamentary assistant, because I've sat on this committee as well and I've seen, over the years, acts passed by this committee and eventually passed into law that give them rights other communities

don't have. I concur with your point that often this is one of the ways municipal affairs tests something out. Rather than do one big provincial policy and say, "This is the cookie-cutter approach to everybody," you confer on the municipality the ability to do something, and, "If it doesn't work, you're going to pay for it." To the parliamentary assistant, I would just say that I'd be in favour of saying, "Why not?"

The Chair: Mr Burke, do you want to comment?

Mr Burke: As one of the municipalities that would not have the advantage, let me say that we would still say, "Good for Brampton; good for them for bringing it forward." I would submit that in these particular circumstances and these kinds of restrictions, there is no competitive advantage. This is dealing with the fine-tuning of subdivisions. It's dealing with the fine-tuning of widths of roads and giving back very small pieces of access rights. This is not what bonusing was intended to prevent; I think this is one of the problems that bonusing creates. This is not a case where competitive advantage would be obtained by Brampton over North Bay. They've got a competitive advantage in southern Ontario. We'll take some other stuff for northern Ontario.

The Chair: Mr Martiniuk, you had another question?

Mr Martiniuk: I'd like to address this. There are two principles involved: first, of course, the prohibition of bonusing, and I think we all agree with that and saw the harm it did in the past. However, in the modern-day world, with shifting boundaries and roadways of subdivisions, this type of problem does arise on many occasions. Hopefully the Municipal Act, once reviewed and passed—it's like waiting for Godot, unfortunately. Once that occurrence takes place some time in the near or far future, that's not going to help the city with this problem.

When the road pattern was changed, there would have been other dedications of land, of necessity, and these are obviously surplus. It was a mistake, in fact, at the time, and I can see no harm in returning lands to the original owner or their successor, as clause 1(2)(b) states.

The Chair: The parliamentary assistant and then Mr Bisson.

Mrs Van Bommel: I was going to say, first, that about the airspace thing I can't really speak for what the committee has done in the past; that's quite news to me.

I still have concerns about this, though, because of the very fact that North Bay is here and I know they would like to have something very similar. You're quite right: Very often, private member's bills have brought certain issues to the attention of varying ministries—

Mr Bisson: Private bills.

Mrs Van Bommel: Private bills; pardon me. Thank you. Because of that and the very fact that you have brought this forward and the very fact that we have North Bay here, I think has certainly brought this to the attention of the Ministry of Municipal Affairs, the whole issue around the need to relax some of the restrictions around bonusing. But at this point I still think that, in general, I am very concerned about the powers it gives to

one municipality and the fact that we will have others that will come forward with similar.

If the Municipal Act wasn't under review, we would deal with this differently, but because it has been brought to our attention through this, I still oppose the general nature of your bill, but I think we could accommodate the particular need you're talking about there, doing a very site-specific amendment to this bill so that we can help you deal with that particular situation right now, and then, through the review of the Municipal Act, deal with the whole issue of bonusing so that we are equitable to all municipalities in this province.

Mr Bisson: That's kind of useful. My original question was, is there anybody we're aware of in this committee who is opposed to this, other than the parliamentary assistant? Are there interested parties around the neighbourhood? Is there anybody here who has a problem with this? Just to the clerk, have we received any—

Clerk of the Committee (Ms Tonia Grannum): No other interested parties.

Mr Bisson: Your suggestion is interesting. What you're suggesting is that we amend the legislation so they can deal with this specific example and the response from the municipality?

Mr Connor: We have no instructions from our council to agree to a site-specific amendment to this bill, and I would just go back to the other exceptions to bonusing, which were always done on a program basis and not on an individual transaction basis.

I can do no better than quote Minister Gerretsen in his speech to AMO, when he said, "Our government sets a high premium on local democracy, on local decision-making, on local government. We don't believe you need the province looking over your shoulder at every juncture."

Mr Bisson: Hear, hear.

Mr Connor: What it basically comes down to is, and I'll be blunt, either the ministry trusts the council of the city of Brampton to use this legislation wisely or they don't.

Mr Khalil Ramal (London-Fanshawe): I just want to comment about the proposal to cancel the bonusing law, which permits the city of Brampton to sell and buy and give whatever land they feel is good for them and good for the city of Brampton. Technically and logically, I would agree on the principle, but what the parliamentary assistant has said and what has been mentioned doesn't mean we have to just give an open advantage to one city over many municipalities in this province.

Mr Bisson: Are you the local representative?

The Chair: Order, please, Mr Bisson.

Mr Bisson: I'm just curious.

Mr Ramal: I think what the parliamentary assistant mentioned—

Interjection.

Mr Ramal: London-Fanshawe.

The Chair: Go ahead. Sorry for the interruption from my colleague.

Mr Ramal: No problem. He always does it anyway, so I got used to him.

Mr Bisson: The new ridings in southern Ontario all look the same to me.

The Chair: I call the meeting to order, please. Go ahead, Mr Ramal.

Mr Ramal: I want to be fair. In the whole province, if you're going to eliminate such a section and permit one city, we have to make sure all the cities across the province are being treated equally. Then I agree with the parliamentary assistant that we can work on and amend this issue in order to permit the city of Brampton to deal with the specific sites, and not give them permission open-handedly to do whatever, especially now, with the Municipal Act under review by our government and Mr Gerretsen. I think it's fair to wait and see, and then we can deal with the specific issues right now.

Mr Bisson: I just warn this committee. I've been on this committee for some time and I've heard that speech many times. It doesn't come into the Municipal Act, because there is no pressure to put it there. So it's like, nudge, nudge, wink, wink, "Trust me."

I think it comes down to what Mr Connor said, that either we trust municipalities to do their jobs or we don't. I don't see this as being something that would really put other communities in an adverse position. If another community thinks they need such a statute conferred upon them, let them come before our committee; and as was said earlier, if three or four communities come here asking the change, that will create pressure to make the changes to the Municipal Act.

I'm sorry; I know you're an honest person and you say it in all sincerity, but I've been down this road too many times before and know that those kinds of comments don't end up being legislation. I would move that we actually vote for this and give them the power they need.

The Chair: Are we ready to vote?

Mr Ramal: Just one comment: Mr Connor brought the map and he wants some kind of adjustment to the act to deal with certain sites. I think it would be unfair—especially the parliamentary assistant—for the minister to deal with these issues, as it is a question and concern why we don't deal with it as a separate issue and then—

Interjection: A proposal.

Mr Ramal: A proposal. Yes.

The Chair: Just let me be clear on what you're asking. You're suggesting that an amendment be put forward to deal specifically with this site?

Mr Ramal: Yes.

The Chair: Excuse me a moment. We're going to discuss this.

I understand from the clerk that, as we proceed, the parliamentary assistant has some amendments to make.

Mr Bisson: Chair, to be helpful, I was just doing a sidebar with the municipality and they're saying no. Maybe you can speak to it yourself.

Mr Connor: Our instructions were to proceed with the bill as drafted. We have no instructions to agree to any site-specific amendments, and if we're not successful, we're not successful.

The Chair: I understand you don't have the authority, but I also believe the committee can make amendments

and vote on them. Just so everybody understands. We hear what you're saying Mr Connor, but the committee can vote it down, but they can put forward amendments.

Mr Bisson: I was just trying to be helpful, Chair.

The Chair: I really appreciate it. He's always very helpful.

Why don't we begin the process here? Just give us a moment here while we sort this out.

Mrs Van Bommel: I will have two amendments, one to the preamble and one to section 1 of the bill. In section 1 of the bill—

The Chair: Excuse me just one moment. We're starting the process now, and I'll just go through the sections, and then you can—

Mrs Van Bommel: I just wanted to make one particular comment. I need legal descriptions of the two properties to incorporate into the second amendment. I would need that from the municipality, and if the municipality is not willing or wanting to—

The Chair: Or able to.

Mrs Van Bommel: —give us that information, we can't proceed anyway. I guess we need to have a willing partner in this in order to make this work.

The Chair: It might be useful, if you agree at all, to take a couple of minutes to recess so you can chat about

this and see whether you want to proceed with this or not. Is that agreeable?

Mr Connor: Sounds like a good idea.

The Chair: I'll ask for a five-minute recess then.

The committee recessed from 1143 to 1145.

The Chair: Thank you again for your assistance, Mr Bisson. I'm calling the meeting back to order. I believe the parties have had an opportunity to discuss this matter. Mr Connor?

Mr Connor: I had a chance to speak to the parliamentary assistant. We would like to have this matter deferred. It would give us an opportunity to obtain legal descriptions for both properties that are the specific problems and would also give us a chance to go back to our council, perhaps give them the flavour of the committee's deliberations and get some more current and specific instructions.

Mr Bisson: I just want the record to show that, as a New Democrat, I support you getting this power.

The Chair: OK. Does the committee agree that we proceed in this way? Is that agreed? Agreed. That's it. The meeting is adjourned. Thank you all very much.

The committee adjourned at 1146.

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