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**Official Report
of Debates
(Hansard)**

Monday 2 May 2005

**Journal
des débats
(Hansard)**

Lundi 2 mai 2005

**Standing committee on
general government**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 2 May 2005

Lundi 2 mai 2005

The committee met at 1616 in room 151.

PLACES TO GROW ACT, 2005
LOI DE 2005 SUR
LES ZONES DE CROISSANCE

Consideration of Bill 136, An Act respecting the establishment of growth plan areas and growth plans / Projet de loi 136, Loi sur l'établissement de zones de croissance planifiée et de plans de croissance.

The Chair (Mrs. Linda Jeffrey): The standing committee on general government is called to order. We're considering Bill 136, An Act respecting the establishment of growth plan areas and growth plans. We meet today for the purpose of clause-by-clause consideration of the bill.

We will now commence clause-by-clause consideration of the bill. Are there any comments or questions on section 1 of the bill?

Interruption.

Ms. Marilyn Churley (Toronto–Danforth): There's something wrong with the sound.

The Chair: I'm going to call a recess until we get the sound system in order.

The committee recessed from 1617 to 1624.

The Chair: We're back from recess. Thank you to our tech team.

Mr. John O'Toole (Durham): On a point of information, Chair: I just want to make sure that all the motions or amendments moved by each caucus have been received. I just talked to our policy people, and they made me aware that there are several other rather innocuous amendments—I'm sure that the government, which forms the majority on this committee, will defeat every single one of our well-considered amendments. I just want them to be considered in order; otherwise, I'll have to get on procedurally here and cite them all.

The Chair: I can't comment. I haven't seen any of them yet. I'm told they were delivered at 3:30 this afternoon. Until I see them, I can't rule on them.

Interjection.

The Chair: No, there are more since that package.

The Clerk of the Committee (Ms. Tonia Grannum): The committee has the first set of amendments, which are numbered starting with 3a, and then I understand that at 3:30 another set came in, where we're only replacing the first two motions, 4.1 and 4.2.

The Chair: Is that all you're talking about, Mr. O'Toole?

The Clerk of the Committee: I have the new 4.1 and 4.2 ready to hand out when you need them.

Interjection.

The Clerk of the Committee: They're in the package.

Mr. O'Toole: Thank you very much for that. I appreciate it.

The Chair: Can we move on now with section 1?

Ms. Churley: Let's try again. I move that section 1 of the bill be amended by adding the following clause:

“(e) to ensure that provincially initiated or provincially funded undertakings and municipal infrastructure projects undertaken in accordance with priorities established in growth plans”.

I'll speak to this amendment. We heard various deputations before the committee from a variety of perspectives on this—for instance, the Ontario Professional Planners Institute, Environmental Defence Canada, the Greater Toronto Homebuilders' Association—and all of them, although they didn't agree on a lot of issues, certainly did on this one and emphasized the importance of ensuring the coordination of growth plans and infrastructure funding. As we all know—and I pointed this out on the greenbelt as well—if you build it, they will come. Where there is infrastructure nearby, there is pressure for growth, regardless of whether or not the growth is desirable. A very good example that we heard from a developer's lawyer and a developer himself is that the Duffins-Rouge Agricultural Preserve should be built on because of its proximity to existing infrastructure.

This amendment simply makes it a purpose of the bill that provincial and municipal infrastructure projects be undertaken in accordance with priorities established in the growth plan.

The Chair: Any further discussion?

Mr. Lou Rinaldi (Northumberland): I believe that what Ms. Churley has brought forward in this amendment is already covered in clauses (b) and (d). It makes no sense to me to elaborate any further; I think that's covered off already.

Ms. Churley: It isn't covered off already—I wouldn't be bringing forward this important amendment to have it in the purpose section, to be very clear about this. As we saw from the committee, the pressures are going to be there if the purpose doesn't really clarify the priorities of the growth plan. I would say that if you believe it to be

already there, then it wouldn't be any problem to support this to reinforce what you believe to be already there. It really is the underpinning of the bill before us, so let's just reinforce what you believe to be there, which I believe is not strong enough.

The Chair: Any further discussion? Seeing none—

Ms. Churley: A recorded vote, please.

Ayes

Churley, O'Toole.

Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: The vote is lost.

Shall section 1 carry? All those in favour? All those opposed? That's carried.

Section 2: Mr. Rinaldi.

Mr. Rinaldi: I move that the definition of "minister" in section 2 of the bill be struck out and the following substituted:

"'Minister' means the Minister of Public Infrastructure Renewal or such other member of the executive council to whom the administration of this act is assigned under the Executive Council Act; ('ministre')".

The Chair: Any discussion?

Mr. O'Toole: I'm awed, as I go through Bill 136, at the extraordinary powers the minister has. I'm wondering if the parliamentary assistant or anyone else has a way of—the context of democratic renewal or the debate on respect for municipalities has somehow been lost here. The minister and the cabinet have all the authority now. I'm concerned about that. Brighton, for instance, will have virtually no input.

Mr. Rinaldi: I'd like to inform Mr. O'Toole that the municipality of Brighton is fully in favour of this bill. To answer Mr. O'Toole's query, I think this is really to clarify that if the minister is not available, and because it is a brand new ministry, this function could be reassigned to other members of cabinet for that duty. I don't think Mr. O'Toole's questions really address what we're talking about here.

1630

Ms. Churley: There is not much information here, but the way I see it is that it creates a possibility for shifting the responsibility in the act from the Minister of Public Infrastructure Renewal to another cabinet minister. I suppose you could say that the government is seeing a time, down the road, when this could all be folded into municipal affairs, for example. I think the problem with this is that infrastructure renewal and urban planning need their own ministry. I believe they need to be carried out under the control of a separate agency that actually has the resources and the mandate to do the long-term planning. Despite the fact that the minister keeps promising us a 10-year infrastructure program, we haven't seen one yet. They're already anticipating the collapse of the Ministry

of Public Infrastructure Renewal, and it hasn't even delivered this big 10-year infrastructure renewal plan. My question would be, has this got to do with that?

Mr. Rinaldi: No. This is similar to what's in the Greenbelt Protection Act, the Food Safety and Quality Act and the Ontarians with Disabilities Act, 2001. It's the same wording. It's really more for clarification.

The Chair: Any further discussion?

Seeing none, all those in favour of the amendment? All those opposed? That's carried.

Shall section 2, as amended, carry? All those in favour? All those opposed? That's carried.

Section 3: Ms. Churley.

Ms. Churley: I move that section 3 of the bill be amended by adding the following subsection:

"Prerequisites

"(2) In order to be eligible for designation under clause (1)(a), an area must be ecologically and functionally coherent, having regard to such factors as watershed boundaries, municipal boundaries and the geographical jurisdiction of planning authorities."

The bill before us, Bill 136, provides no guidance to the Lieutenant Governor in Council to designate areas to be covered by the growth plan, which I believe is a problem. A principal benefit of establishing growth plans is the ability to plan over larger geographical areas spanning various individual municipal boundaries. The amendment I'm putting forward speaks to the need for the growth plan to give priority to maintaining ecological integrity across the whole growth plan area. Section 3 of the bill is silent on the geographic delineation of growth plans and whether growth plans across southern Ontario should go along with each, be contiguous with each other. Where possible, the boundaries of individual growth plans should follow watersheds. That's exactly what this particular amendment does, and I'm hoping that members of the government can support this to preserve the integrity of the bill.

The Chair: Any discussion?

Mr. Rinaldi: I think Ms. Churley is referring more to the growth plan as it's developed and implemented. This is just enabling legislation. There is wording in the legislation already to deal with ecological and other criteria. We're really talking about enabling legislation here; we're not talking about a plan.

Ms. Churley: What?

Mr. O'Toole: I'm intrigued at the response of the parliamentary assistant. This is an all-encompassing ability to make regulations to designate areas of growth or areas of restricted growth. It's the centralization of power that's typical of what's going on in Ottawa. We saw in the previous government amendment an attempt to obfuscate the obvious by not really saying who, specifically, in cabinet is going to make these decisions or stand behind them.

I'm supportive of Ms. Churley's amendment, and I'm really hopeful that some members here will see the onerousness of the current area of section 3. What we're trying to do here is respect some of the watershed

boundaries—natural municipal boundaries—and allow some form of local autonomy to exist. I urge you, and members who maybe aren't as well read on this issue, to perhaps support Ms. Churley—fundamentally, as Mr. Rinaldi said, it's kind of an empowerment thing; it's not a planning thing—as a sign of general goodwill and democratic renewal.

Ms. Churley: And a sign that I've read the bill and know that this is lacking in the bill, and it would greatly improve it. I'm hoping you'll support it.

Mr. O'Toole: A recorded vote.

Ms. Churley: Of course, a recorded vote.

The Chair: Further discussion? Seeing none, a recorded vote has been requested.

Ayes

Churley, O'Toole.

Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost.

Shall section 3 carry? All those in favour? All those opposed? Carried.

Section 4 has a new—am I right?

Interjection.

The Chair: I'm confused because I have so many amendments in front of me.

Shall section 4 carry? All those in favour?

Mr. O'Toole: Hang on a minute here. Are we dealing with the complete section 4? Because I'm adding a sub-point.

The Chair: You're adding a 4.1?

Mr. O'Toole: How can we deal with—

The Chair: Mr. O'Toole, I think I have it under control. Trust me, I will get to your amendments. Let me deal with them in order. I'm on 4, and then I'll do 4.1, which is what you're talking about.

Shall section 4 carry? All in favour? All opposed? Carried.

Section 4.1: You have a 3a, and you have a new 3a.

Mr. O'Toole: I move that the bill be amended by adding the following section after section 4:

“Infrastructure plan

“4.1 (1) The government of Ontario shall establish an infrastructure plan that shows that the government is serious about investing in the needed infrastructure such as roads, bridges, transit and sewer and water projects.

“Scope

“(2) The infrastructure plan must be a 10-year plan and must indicate how the infrastructure-related investments will be funded.

“Deadline

“(3) The infrastructure plan must be established within six months after this act receives royal assent.”

I guess the point we're making here—I think Ms. Churley mentioned it earlier in her comments—is some

certainty around these vagaries over a 10-year plan. It's sort of like skipping over the election in 2007 before we get into any known constants. That's what's troubling here. During the election, we know there were 231 promises by the now government, basically—I don't know if it's not parliamentary; would “lie” be out of order? I can't use that. I would say I was disappointed that they weren't straightforward with the people of Ontario by saying what they do.

I think you'll probably support this, because all it really does is say that you'll tell people the facts, as opposed to the fiction. We urge you to support this, because it just says that you will define the capital within six months after royal assent for the 10-year plan, and where the revenue's coming from. I look forward to your support. It's that simple.

Mr. Rinaldi: I urge the member to read that piece of legislation, because what he's been bringing forward will be dealt with within the context of the plan and covered off in what the growth plan may contain.

Mr. O'Toole: “May” is the troubling word. This “may” becomes some of the vacillating that I'm familiar with on the part of the current government. This is very clear: “the infrastructure plan ‘must’ be established...” “May,” “must,” “shall,” “may be”—these words become very functional terms that have legal consequences.

The Chair: Further discussion? Seeing none, shall section 4.1, the new 3a, carry?

Mr. O'Toole: Recorded vote.

Ayes

Churley, O'Toole.

Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost. Mr. O'Toole, you have a new 3b.

Mr. O'Toole: Yes, I guess it is, because we just voted on 4. It's 3b.

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

“Transportation plan

“4.2(1) The government of Ontario shall establish a transportation plan that reduces gridlock through investments in roads and transportation networks and that commits to making investments in municipal roads and transit.

“Scope

“(2) The transportation plan must be a 10-year plan and must indicate how the transportation-related investments will be funded.

“Deadline

“(3) The transportation plan must be established within six months after this act receives royal assent.”

1640

If I can speak to that, this really is the second part of this. They're both related to the straightforward commit-

ments in budget or in estimates, the actual dollars that will be committed over the 10-year plan as opposed to what I'd call a certain amount of obfuscating or skating—just plain, ordinary avoidance—of the real plan. That's what this is about. It's just trying to put in legislative form what the plan is.

It's my understanding, in listening here for the last 18 months, that there really isn't a plan. There's a bunch of continuous announcements to confuse the people of Ontario, but at the end of the day—and we see it in the current round of infrastructure funding in my riding. For instance, there are a couple of municipalities holding their breath for funding of roads, bridges and source water issues. No one knows. It's all made in a secret cabinet meeting and we find out after a big, flashy announcement, like the Liberal announcement on housing for the federal election just this past weekend. That's not the proper way in these whole democratic renewal times that we're in. Openness, transparency, accountability: None of it's here.

This just urges you to come forward, to be straight with the people of Ontario for a change, and support this. I'll be asking for a recorded vote to see where you really stand on telling the people the truth.

Ms. Churley: I voted for the previous one. I have some concerns about some of the wording in this. Although I support and have indicated many times that this bill needed a transportation-related plan, what I'm concerned about within the wording of this is there's nothing—I know that it doesn't specifically say “highways” but “investments in roads and transportation networks,” which indicates highways. I believe the wording suggests that those kinds of investments will actually reduce gridlock, and it won't. I'm interested in a transportation plan that involves rail and far more public transportation.

I'm just worried about the implications and how this might look on the record, should I support it the way it is written. So although I support the general thrust of what the member is trying to get at, I'm just concerned about the implications of the wording, because we all know by now that large highways actually increase gridlock. If you build them, as I said, they will come.

Mr. Rinaldi: Once again, the proposed amendment will be dealt with within the context of the growth plan. The bill already speaks to what the growth plan may contain.

Mr. O'Toole: Well, it's good to hear Mr. Rinaldi, the parliamentary assistant, reading the notes that he's been provided. He's been kept in the dark. He doesn't really know the plan, either. But I won't question him. He's doing a dutiful job. PAs do get extra money for that, and it's worth noting. But I think if you look at—

The Chair: Mr. O'Toole, could you just talk about the amendment, please?

Mr. O'Toole: Of course I am.

The Chair: Thank you.

Mr. O'Toole: In fact, with your indulgence, Chair, I know the dilemma you're in in Brampton. I understand that. It's difficult to stand up and be straightforward.

The Chair: Mr. O'Toole, please speak to just the amendment.

Mr. O'Toole: I think Ms. Churley mentions a very good point. This does address primarily the municipal planning instrument 136. However, in that context she makes a very good point. There is an overlap, and perhaps I would be receptive to a friendly amendment, if that's in order, to insert wording that addresses the integration of provincial planning, whether it's GO Transit or other rail forms of transit, to augment the functionality of our provincial road system. Because if you add another lane on the roads, you'll have another lane of cars and more people will move to Cobourg because of the greenbelt. They'll be jumping over the GTA, and Northumberland and Peterborough would need a six-lane Highway 135/115 to Peterborough. So there's a very good argument here that it has to be an integrated plan. There isn't really a plan here, unless Mr. Rinaldi knows.

There's one other point I want to put on the record. I have Bill 137, which is a public transit tax credit. It's related to this whole issue here that we're talking about. I'd urge you to urge Greg Sorbara to put that in his budget. It's a tax credit for people using public transit—

The Chair: Mr. O'Toole, can you please just speak to the amendment that's on the table? I understand, but we have a lot of material to cover.

Mr. O'Toole: Very good. OK. I appreciate the time that's been allocated, because it'll probably be defeated. That's what is so disappointing about this process. It's like they vote against every good idea. They think they're the only ones who have any good ideas.

The Chair: Any further discussion?

Mr. O'Toole: Recorded vote.

The Chair: A recorded vote has been requested for section 4.2, which is the new 3b in your package.

Ayes

O'Toole.

Nays

Dhillon, Duguid, Matthews, Rinaldi.

The Chair: That vote is lost.

Section 5, Ms. Churley.

Ms. Churley: I move that section 5 of the bill be amended by striking out “The minister may appoint” at the beginning and substituting “The minister shall appoint”.

The planning process and development of growth plans, of course, is very complex and there needs to be a permanent advisory council to ensure proper preparation but most importantly, the full implementation of growth plans. The nature of this advisory council is dealt with in my next amendment, but I think it's really critical given what we heard just in the short couple of days of public hearings, the complexities of making sure that this

unfolds properly. So I hope you'll support me in that amendment.

Mr. Rinaldi: Section 5 is an upfront section with broad discretion, which will allow the minister the option to seek advice from any person or bodies—for example, an advisory committee—at any time in the growth plan process or afterwards or any other matter related to the growth plan. It's inappropriate to require this, since it's on an as-needed basis. It's not linked to any particular step in the process of preparing and implementing the growth plan. Section 7, about preparing the growth plan, will already require consultation on the proposed growth plan.

Ms. Churley: The member just pointed out the inadequacies of that section of the act, which is why I have the amendment, because my amendment is very clear that there “shall” be, not just “may appoint.” Once again, I come back to the issue around a previous clause and amendment—and Mr. O'Toole mentioned it—and that is that there's an awful lot of power within a minister's office and the cabinet table. I just can't accept that it's not written in stone that there be an advisory council, not the minister “may” and down the road if he needs, blah, blah, blah. We need to have in something this complex the knowledge and the comfort of knowing that there is an advisory group with real expertise to advise the minister, particularly when we know that when it comes to developers—we had some of the developers and their lawyers down here. There are dinners that happen. We know what happens around development. There are huge amounts of money involved. There are complexities that we can't even imagine unless we're in that field. I would think that this would be of some comfort to the minister and the government, whatever government of the day, to know that there is this advisory group, not willy-nilly appointing, whenever he or she thinks that they could make use of such a committee. I don't quite understand why that wouldn't be considered. Can you read me a note that you have that would indicate what the problem is with that?

Mr. Rinaldi: I think I've answered the question, Ms. Churley. I'm not sure what part you didn't understand. I mean that it will be dealt with in that—

The Chair: Can I stop the debate going back and forth, please? I do have a speakers' list.

Mr. O'Toole, you're next.

Mr. O'Toole: I just want to compliment Ms. Churley. It is a good point, but here's a very good example. I'm talking, through the Chair of course, to the parliamentary assistant. If we look at the television now, we see Tim Hudak, the member from Erie—Lincoln, the critic on this file. I have the greatest respect. The work he's done on this file is legendary—well, imaginary.

But anyway, today he is in the House on Bill 92. You see the treachery here? They've taken this very important planning bill, which puts all the power in the minister's office, and somehow got him in the House speaking on the memorandum-of-understanding legislation, Bill 92, which means he can't be in two places at once. I think

it's been a deliberate scheme to get Mr. Hudak out of here.

The Chair: Mr. O'Toole, are you speaking to the motion?

Mr. O'Toole: No, I'm just making the point that you're appointing persons, and she's trying to strengthen it by saying “shall.” Here's the point: You said in the memorandum of understanding, which is being debated, that you'd have a better relationship with municipalities and more consultation. Let's put it in here. Let's put the action statement “shall,” as opposed to that soft, weaselly “may.”

1650

Bill 135, the greenbelt bill: We know, as Ms. Churley has said, that there were meetings that were quite expensive; they were \$10,000. I see it in Bill 92, I see it in Bill 135, I see it in Bill 136, and I remain concerned. Let's have it in the open here. I'm going to support “the Minister shall appoint,” and I'm even going to propose a small amendment.

Roger Anderson is the chair of the Association of Municipalities of Ontario. Why wouldn't there be a broader consideration through AMO to—

Interruption.

Mr. O'Toole: Pardon me; I apologize. I didn't know my phone was on. I normally don't get connected like that.

I think I've made my point.

The Chair: I'll pass it back to the mover.

Mr. O'Toole: Are you friendly to an amendment on this?

Ms. Churley: I don't know. An amendment saying what?

Mr. O'Toole: Saying that AMO must be part of any appointment.

Ms. Churley: No. It makes sense that they would be, but if I were to do that, I would want a list of all kinds of others that I believe should be in that group. I think that's too complex for us to figure out here.

I want to make a point back to the parliamentary assistant. He doesn't understand what I don't understand. It's very clear: The difference between “may” and “shall” is what we're arguing about here. I want it to say “shall” so that it has to be done. The bill says the minister can if he or she chooses. It's very clear. I'd like a recorded vote.

The Chair: Further discussion? A recorded vote has been requested.

Ayes

Churley, O'Toole.

Nays

Duguid, Dhillon, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost.
Subsection 5(2): Ms. Churley.

Ms. Churley: I move that section 5 of the bill be amended by adding the following subsection:

“Expertise of appointees

“(2) Each advisory committee must be composed of persons with appropriate areas of expertise, such as expertise in agriculture, conservation, environmental protection, urban planning, natural resource management and development.”

This is where I attempt, without naming any particular group—obviously AMO would be considered in this. When it comes to the complexities of planning, these are the kinds of expertise we need to see sitting around the table, because they, of course, have the relevant expertise to ensure that divergent and sometimes, as we see, conflicting land uses could be represented and ultimately reflected in the preparation and implementation of the growth plans. I believe some of those are going to be very complex and controversial, and these are the kinds of expertise that would get the best decisions, I would say not just to the benefit of the people of Ontario, but of benefit to the minister and the government as well.

The Chair: Any discussion?

Mr. Rinaldi: The above motion under section 5 would allow the minister the option to seek advice from any person or body at any time in the growth plan process or afterwards on any matter related to the growth plan. It would be inappropriate to spell out the nature of the advisory committee, since it could be needed to address different issues at different times in different parts of the province. The areas of expertise listed in this motion are limited and do not include facilitation, consensus-building—as we talked of before—economic development, infrastructure, financing and other areas of expertise that could be needed by individual appointment to provide advice to the minister on the growth plan.

Mr. O’Toole: I would first put on the record that I request a copy of the parliamentary assistant’s briefing notes. I think it would be handy and save us a lot of reading. That’s serious. I would like that. That’s a request for those notes so that perhaps much of this debate could be avoided if we had the information we’re seeking here.

I will be supporting this, because it comes down to a competent reading of section 5, the soft nature of this “may” and “shall,” and really stressing the onerous authority the minister is taking upon himself or herself. We haven’t yet seen the final shoe drop, which is the changes to the Ontario Municipal Board. If I could see the whole plan, maybe I wouldn’t be so uneasy, but it’s centralized planning, much like happened in the earlier stages in, I’ll say Eastern Europe and leave it at that.

It’s a bit challenging, because on the growth plan you’re going to put more people in less space, which means everybody is going to live in a condo. That’s what it means. The goal here on intensification is less space and more people living on top of each other. That’s really what’s happening around us in Toronto. If you don’t see that—this gives the minister so much power.

It’s a property rights issue. I haven’t even talked about that.

Thank you for your patience. I’ll be supporting this amendment.

Ms. Churley: I simply want to add that if you read my amendment, you will see that it says “such as expertise” and then I go on to list some. It doesn’t limit which experts could be put on this advisory panel. Clearly there could be others added. It’s to make the case that these are some of the important voices and experts that would be needed around that table. That’s why I very specifically wrote the amendment so that it says “such as.” You could add others right now, for instance, to expand it, but because it’s not limiting, that’s not a problem.

I would like a recorded vote.

The Chair: Further discussion? Seeing none, a recorded vote has been requested.

Ayes

Churley, O’Toole.

Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost.

Shall section 5 carry? All those in favour? All those opposed? That’s carried.

Ms. Churley.

Ms. Churley: Section 6 of the bill: I move that section 6 of the bill be amended by striking out “growth plan may contain” in the portion before clause (a) and substituting “growth plan shall contain”.

I would say a properly constructed growth plan should consider all the items listed here. The emphasis will, of course, vary in accordance with individual growth plans in respective communities, which I believe you were getting at earlier, but each item reflects an important aspect of developing sustainable communities, and therefore should be considered in all growth plans. For example, items such as affordable housing are far too important not to be mandatory components of the growth plan. I think that gives you a good example of why I’m putting forward this amendment.

Mr. Rinaldi: A list of elements that could be found in a growth plan indicates the types of issues that might need to be addressed. A growth plan should not be required to contain all the elements, and some may not be needed in some parts of the province.

Ms. Churley: We need affordable housing everywhere.

Mr. Rinaldi: We had an announcement today, Marilyn.

Ms. Churley: Oh, yes, another announcement. Sorry, Madam Chair.

The Chair: Further discussion? Seeing none—

Ms. Churley: Recorded, please.

Ayes

Churley, O'Toole.

Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: That's lost. Mr. Rinaldi, you have the next motion, I believe.

Mr. Rinaldi: I move that section 6 of the bill be amended by striking out "proposed" in the portion before clause (a).

This is really a technical change. It does not change the meaning or the intent of the current provision, but it would be more consistent with a similar provision in the way other land-use-planning-related legislation is drafted. For example, section 3 of the Ontario Planning and Development Act, 1994, speaks to what may be included in a plan under the act as opposed to what may be included in a proposed plan.

The Chair: Any discussion? All those in favour? All those opposed? That's carried.

Mr Rinaldi.

Mr. Rinaldi: Clause 6(c) of the bill: I move that clause 6(c) of the bill be struck out and the following substituted:

"(c) growth strategies for all or part of the growth plan area."

The current wording states that these growth strategies for sub-areas will be prepared by municipalities. This change will allow for greater flexibility, accommodate the variety of needs of municipalities across the province and would be a less onerous approach for municipalities. Municipalities will still have the opportunity to be involved in the process. They will be notified of reports of growth strategies and provided with an opportunity to make written submissions under clause 7(1)(b) or subsection 10(3) of this bill.

1700

The Chair: Any discussion?

Mr. O'Toole: Again, I'm surprised. You're a former mayor of Brighton, I think it is, and lower-tier municipalities are finished, basically. The area would have a master plan and the local plan would be subsumed under the county or regional upper tier. Mrs. Jeffrey may want to look at this because of the recent changes to the Peel region act. Whatever they say is the rule prevails. That's basically what I hear: One size fits all. It's an integrated plan.

Can you assure me—this is a question that I want either you or researchers to answer—that with the implementation of this bill, lower-tier municipalities and their planning departments will, to the most extent, be eliminated? Otherwise, you're going to have all these studies going on locally, and you're saying in the legislation that there's an area plan, which is a second word for regional plan. They're going to be doing the same thing: developing the plan. They're going to have all these land division committees, and all these other processes that happen locally are going to be rather redundant.

There is one more thing: You've got to be honest with the lower-tier municipalities and their committees of adjustment and all these kinds of things. You argue with a stroke of a pen, saying they all have to subsume under a regional plan. Technically, that regional plan will have to conform with the guidance as laid out here on intensification, density, all these rezoning things, to the province's plan by the minister. So the minister's running the whole show, and you can tell Brighton that the job's done. That's basically what you're saying here today.

I'm very disappointed. I won't be supporting this for sure, because the wording is almost—it's the central planning theory. It goes right back to things like Christaller's central place theory in planning, which is an important part of planning. I'm not a planner, but I would say that the central place here is the cabinet office. It's disappointing.

The Chair: Further discussion? Seeing none, all those in favour?

Mr. O'Toole: Recorded vote.

Ayes

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

Nays

O'Toole.

The Chair: That vote is carried.

Mr. Rinaldi: I move that subclause 6(d)(ii) of the bill be struck out and the following substituted:

"(ii) land supply for residential, employment and other uses,"

The reason for this amendment is to provide clarification regarding the meaning of "land supply." It reflects the type of uses addressed in the provincial policy statements.

The Chair: Any discussion?

Mr. O'Toole: The people who read the initial draft of the bill now see that it's going to control all planning from the minister's office, not just land supply, which is kind of what's available for the next 10 years of immigration and the rest of the issues. We have to accommodate a growth plan. Now you're saying that for every single use, whether it's employment uses or other uses, you're in charge.

The Chair: Any further discussion?

All those in favour? All those opposed? That's carried.

Ms. Churley: I move that clause 6(d) of the bill be amended by adding the following subclause after subclause 6(d)(v):

"(v.1) the protection of key natural heritage features and key hydrologic features, the maintenance of the ecological and hydrologic functions of these features and the maintenance and improvement of connectivity between these features,"

This was mentioned earlier. The greenbelt plan is seeking to protect key natural heritage and hydrologic

features within the greenbelt. There are many areas that fall under the auspices of growth plans outside the greenbelt which have key natural heritage and hydrologic features and need to be protected and enhanced through improving their connectivity. What this amendment does is recognize the need to formally identify and protect those features in developing growth plans.

Some of you may have sat on the committee when I made amendments to the greenbelt, and certainly there were areas that I believed to be included that weren't put in which will need these protections, and lands beyond that which I believe would be key to be protected under this act.

Mr. Rinaldi: The intent of this motion is sort of detailed and it's already captured under clause 6(d)(v), which says, "A growth plan may contain" policies about "the protection of sensitive and significant lands, including agricultural lands, and water resources...."

The Chair: Further discussion?

Ms. Churley: Recorded vote.

Ayes

Churley.

Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: That is lost.

Ms. Churley, you have the next one.

Ms. Churley: I move that clause 6(d) of the bill be amended by adding the following subclause after subclause 6(d)(vi):

"(vi.1) energy conservation, energy efficiency and renewable resources,"

The same arguments apply—I'm sorry, are we on 11 or 12 here?

The Chair: It's 11.

Ms. Churley: I'm getting a bit confused here.

The Chair: You read the right motion.

Ms. Churley: That's fine. It's self-explanatory.

Mr. O'Toole: I'd just like to be on the record here.

This again is quite controversial in that I first agree that there needs to be a body of theory developed, especially with the Ministry of Energy, which is my portfolio to criticize or comment on. I think there are some opportunities here on central planning with respect to distributive energy systems as part of the national grid system. There need to be some really concrete working groups to deal with—rather than just more and more transmission lines and systems, we need to look at distributive energy systems perhaps feeding off a national grid plan.

I'll be supporting this. I, our party and our leader, John Tory, would be supportive of all of the above elements brought forward by the NDP. This is the very language of his comfort zone: energy conservation, energy efficiency and renewable resources.

We had a committee. It was called the alternative fuels committee, which had a pretty daunting report.

Ms. Churley: Yes, we both sat on that.

Mr. O'Toole: We both sat on that. It would be new to all of you, because you're new here, and you'll only be here for a short time. I would recommend reading it, because you're implementing most of it. Renewable portfolio standards, demand side management, energy sustainability, all these things are—Mr. Rinaldi, it doesn't change the intent of the bill. It just clarifies your non-renewable resource section. As an appeasement to my anxiety over here about your voting unanimously, almost like sheep, against every motion, this one here you could support and you would have my respect for at least this one clause of the bill. I'm looking forward to your support, for the right reasons and motives, to do the right thing. A recorded vote too.

Mr. Rinaldi: It's hard for my ears—John Tory and the NDP. Anyway—

Interjections.

The Chair: Can I stop the back and forth?

Mr. Rinaldi: The government has submitted a motion already to include energy conservation, which will be coming up. There's really no need to address the others. We are consistent with the nature of the rest of the list. If we need to address any others, under the government motion where it already says "other categories," they could be included. But we are going to be including energy conservation.

Ms. Churley: Well, I said it was self-explanatory, but I presume it isn't, so let me go into why I have this amendment. The government has an amendment that adds energy conservation; that's right. The government is preaching what you call a culture of conservation in section 1 of the bill, but should this culture not include conserving energy through energy-efficient planning or conservation of renewable resources such as water?

1710

We've got a Minister of Energy and the Premier talking extensively about the importance of energy efficiency and renewable sources of energy such as wind power as key to community sustainability and Ontario's future energy needs. Wouldn't you think that would have to be, given the announcements that are being made, reflected categorically in the bill? Why wouldn't it be, given all the announcements that we're hearing, without a whole lot of resources and policy support to back them up? Don't you think this could be one of the cornerstones of this bill? I'm just kind of amazed that you wouldn't want to add that.

The Chair: Further discussion?

Interjection.

The Chair: A recorded vote has been requested.

Ayes

Churley, O'Toole.

Nays

Dillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost.

Mr. Rinaldi: I move that clause 6(d) of the bill be amended by adding the following subclause after subclause (vi):

“(vi.1) the conservation of energy,”

This will reflect the government’s commitment to energy conservation and the need to ensure energy conservation concerns are reflected in long-term growth planning. I think I mentioned that before.

Mr. O’Toole: This just shows the lack of appreciation for the role of opposition. Ms. Churley has just brought in a much better amendment than the government amendment to improve a faulty clause in the bill. You voted it down unanimously on a recorded vote, and now you bring in something that’s weaker. It really makes one lose their commitment to this committee process when you relentlessly defeat every single reasonable amendment that we put forward to improve the bill.

At the end of the day, your government—and this is going to be the legislation; we understand that. But please give the opposition some respect for the work that we put into this.

Ms. Churley: Could I just say I’m glad that energy conservation is there. That’s an important addition. But energy conservation, of course, as I outlined earlier, is just a piece of what we need to be doing. If you understand the difference, and I’m sure we all do, between conservation and efficiency—and of course renewable resources; we’re talking about wind, solar, all of the other things I mentioned before. Conserving energy, as we know, is just trying to take a shorter shower and using less power in general. Energy efficiency has an awful lot to do with development and retrofitting buildings and changing building codes so all new buildings are energy-efficient. All those kinds of things are absolutely key in terms of dealing with our energy crisis.

We have an announcement by the Minister of Energy today, even though studies show that Ontarians don’t want nuclear power, saying there’s going to be public consultation around it. We’re marching down that road, spending billions of dollars, perhaps, on what we now know to be a failed and environmentally dangerous road to go down.

This is an opportunity within this bill to make it known and to put emphasis on the three cornerstones of the things we need to be doing. Germany and France and other European countries are phasing out nuclear and all fossil fuels and putting those billions of dollars instead into conservation, efficiency and renewable resources. That’s what we need to do, to have the three of them, kind of like a three-legged stool. If you take one or two of those away, you know what’s going to happen: It’ll topple. So I would urge those of you who agree with me that we need all three of them to add those to your—after voting mine down, to throw them back in, energy efficiency and renewable resources. Why wouldn’t you?

The Chair: Further discussion? Seeing none, all those in favour? All those opposed? It’s carried.

Our next motion is Mr. O’Toole. Committee, this is your 12a.

Mr O’Toole: I’d also like to formally recognize that Tim Hudak, the critic for this, is back. He’s finished his labour on Bill 92—

The Chair: Mr. Hudak, we won’t tell you what Mr. O’Toole said while you were gone.

Mr. O’Toole: —so I’ll be subordinated into a more silent role. It’s unfortunate, but I have other pressing duties.

Ms. Churley: That’s really unfortunate.

Interjections.

Ms. Churley: I’m not so sure that’s true. I’ve sat with Mr. Hudak on committee before.

Mr. O’Toole: I would say that this amendment—I should read it for the record.

I move that clause 6(e) of the bill be struck out.

The first question that pops into your tiny little mind, I’m sure, is, “Why?” Why would I want to eliminate it?

This is what I call the Henry VIII clause. It’s called the god clause; it’s called—

Mr. Tim Hudak (Erie-Lincoln): The Zeus clause.

Mr. O’Toole: The Zeus clause. I’m getting help from Mr. Hudak already.

But here’s the deal: This is the omnipotent power of the minister, in all its glory, over “such other policies, goals or matters that the minister considers advisable.” Can you imagine this omnipotent, sort of godlike thing? I would urge you not to ever give this to any minister. Perchance we could be government the next time, or even yourselves. Don’t give yourselves that much power. Vote against this. I urge you, in the name of democracy, to eliminate this Henry VIII clause. It’s dangerous and scary.

Mr. Rinaldi: This is required for varying circumstances within different growth plans across Ontario.

The Chair: Further discussion?

Mr. Hudak: Recorded vote.

Ayes

Hudak, O’Toole.

Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost.

Ms. Churley, yours is the next one: page 13.

Ms. Churley: I move that section 6 of the bill be amended by adding the following subsection:

“Intensification target

“(2) Each growth plan must require an intensification rate of 60 per cent by 2015 within areas of settlement, unless it is exempted by regulation.”

This was an issue we heard a lot about, as you know, on committee. As I and others said then, the present intensification rate of 40% by 2015 in the greater Golden Horseshoe proposed growth plan is too low if the government’s stated objective of stopping sprawl and concentrating development around existing infrastructure is to be attained.

It's not just me saying that, because I'm not an expert. I'm only an expert based on what I've read about how to do this. But several expert witnesses informed the committee that a higher intensification rate is both necessary and achievable: Pembina, Environmental Defence. Paul Bedford—I don't know if you're familiar with him—sent a deputation to the committee. He's a leading planner who used to be with the city of Toronto and who is very highly regarded. He gave a deputation and expressed his concern about the intensification target being too low. He knows quite a bit about intensification planning, because he's someone who has a lot of experience in bringing mixed intensification projects such as King Street West to Toronto.

This is what he stated in his submission: "My concern is that the plan allows 60% of all annual residential development to continue to occur on greenfields that are located within the established urban boundaries of GTA municipalities.... If 60% of all new residential development in each municipality continues to occur outside the built-up area, the prevailing pattern of low-density, car-dependent development will continue." He goes on to say, "I believe it is important to increase the minimum intensification target to at least 50% if a positive impact is to be realized."

That's what my amendment is trying to do. I would say again that given the government's stated concerns regarding the implications of sprawl and smog for the health of Ontarians, just last week spending \$110,000 on a study regarding the health impacts of coal-fired electricity generation, I hope the government will take this opportunity to pass this amendment to ensure that growth plans do stop urban sprawl. To this end, according to the experts, we need that high rate of intensification to achieve those goals.

1720

Mr. Rinaldi: I think it would be inappropriate to specify the policy content of a growth plan in legislation. Growth plans could be done for a range of areas in the province, and intensification targets may change from area to area, and over time. The growth plans themselves, as we move forward, will include the appropriate targets for those areas.

Ms. Churley: Briefly, I would say the problem with that argument is, according to the experts, it's critical within the Golden Horseshoe area, and it's almost like it's now or never, that if we don't begin right now with really high intensification targets, as Mr. Bedford says, a lot of these greenfields will be eaten up. That's the point I'm trying to make. I know it can be seen as difficult, but as other experts have pointed out, there are many other jurisdictions, like the greater Vancouver region, Australia and the United Kingdom, that have adopted residential intensification targets at 60% to 70%. I just want to reiterate that the problem with not having it high within this bill is that it will be too late a few years down the road; this greenfield land will already be developed and we will have missed a great opportunity.

I'd like a recorded vote.

Mr. Hudak: I thank my colleague Ms. Churley. Before we get to the vote, I appreciate your bringing this forward, and this is consistent with what some individuals have said, and others have made the case, I think rightly so. I'm not even sure where the 40% came from. I'm not convinced that good science has been brought forward to say that 40% is better than 60% or 30%. There seems to be a lack of science there. I think they probably just gave the 80% example and said, "We'll get halfway there." That was one of the arguments that I recall.

The other thing I want to bring forward is that we heard over and over again that intensification efforts won't work unless the proper support plans are there for municipalities and for the construction sector, whether that's tax incentives or direct support for municipalities. Given that, I fear my earlier amendments, which would have solved this, were lost. I know Mr. O'Toole was very convincing, but I'm a little pessimistic. Did my earlier amendments pass or fail?

The Chair: You were right; they weren't successful.

Mr. Hudak: I'm disappointed to hear that.

The Chair: Had you been here, I'm sure they would have.

Mr. Hudak: I was trying to see through the TV here but was unable to do that.

The Chair: He spoke about you fondly, though, I have to tell you.

Mr. Hudak: Because we have not seen tools brought forward, I think that the 40% figure would be difficult to achieve, unless we actually see support from the ministry and from the government. I'm skeptical, and therefore, with all due respect to the motion my colleague has brought forward, I don't think they'll bring tools to help municipalities get to 40%, let alone 60%. I think their tool box is empty.

The Chair: Further discussion?

A recorded vote has been requested.

Ayes

Churley

Nays

Duguid, Hudak, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost.

Shall section 6, as amended, carry?

All those in favour? All those opposed? That's carried.

The Chair: Ms. Churley, you have the next four motions in section 7.

Ms. Churley: I move that section 7 of the bill be amended by adding the following subsection after subsection 7(3):

"Same

"(3.1) If the minister appoints more than one hearing officer under subsection (3), the minister shall ensure that the hearing officers include persons who are representative of public interest and community groups."

Madam Chair, the reason I brought that amendment forward is to absolutely ensure that if hearing officers are appointed by the minister, there will be a balance of perspectives. I'm sure we all, from any party, would want to make sure that community interests are represented in proposed growth plans or modifications to proposed growth plans, and I believe the wording within the bill now does not guarantee that.

Mr. Rinaldi: It would be inappropriate to spell out the requirements for qualifications of our hearing officer, since he or she may need to address different issues at different times in different parts of the province. So I don't think it would be appropriate to nail that down right now.

Mr. Hudak: That's the same thing we saw in the greenbelt legislation, where "hearing officer" is poorly defined. We talked about this in the greenbelt that it could be Lou Rinaldi, who I think has a lot of talents, but I don't know if I would think it is appropriate for the minister to appoint him as a hearing officer. At least this would be a step in the right direction and there would be some qualifications, rather than the partisan appointments that the minister may choose to do if there are not some qualifications brought in under the bill.

The Chair: Further discussion?

Ms. Churley: Recorded vote.

Ayes

Churley, Hudak.

Nays

Duguid, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost.

Ms. Churley, page 15.

Ms. Churley: You can see I really care, with all these amendments. Are you going to pass one?

I move that section 7 of the bill be amended by adding the following subsection after subsection 7(3):

"Award of costs

"(3.2) Before a hearing begins, the hearing officer may award reasonable remuneration and expenses, as determined by the Lieutenant Governor in Council, to persons participating in the hearing."

This one, of course, is self-explanatory. It speaks to the fact that the planning process is immensely complex and expensive, which, to this point in time, has served to limit the public's involvement across the province. This is one of those where it allows—it doesn't compel, but it allows—the Lieutenant Governor in Council to determine what would be reasonable expenses for public participants taking part in the hearing—things such as expert witnesses, peer review of technical documents, prior to the commencement of a hearing. That way, because it is so complex, it will help open it up to the public and make the hearings much more vigorous in keeping with the public interest.

It comes down to the problem that there used to be, for instance—I'll give you an example, and this is certainly

not replacing that. I don't know if you'll recall this, but there used to be intervener funding that was funded under the Attorney General's office—not funding out of the public purse, in that case, but for environmental assessments, for community groups to apply and get awarded. Again, it would be determined by the Environmental Assessment Advisory Committee—I believe that's what it was called at the time—which groups and how much money they would get. It would be awarded from the proponent, which would always be very large and have millions of dollars to spend on their own studies and lawyers.

Having been personally involved in one of those as a community activist and citizen, and having gotten, in that case, some money from Toronto city council, not the province, at the time, it just made all the difference in the world to have that money. We didn't spend it on ourselves; it was to hire some experts and a lawyer to help us through some of the more difficult technical aspects of the project.

Again, I would say that this is really important because of the complexities of development issues and the deep pockets that developers and their lawyers usually have when it comes to planning issues.

Mr. Rinaldi: It would not be appropriate to require participant funding as part of the bill.

The Chair: Any further discussion?

Ms. Churley: Recorded vote.

Ayes

Churley.

Nays

Duguid, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost.

Ms. Churley: I move that subsection 7(4) of the bill be amended by striking out "the minister may" in the portion before clause (a) and substituting "the minister shall".

Again, for the sake of transparency and accountability and the rigour of proposed growth plans, the public should be notified of any modification—must be, in fact, notified of any modification—to proposed growth plans and be allowed the opportunity to provide input in writing to the minister.

1730

Mr. Rinaldi: The current wording looks at options, since edits and changes may be minor in nature and non-controversial. Making it mandatory will unnecessarily draw out the process.

Ms. Churley: What?

Mr. Rinaldi: The reason the section is here is to provide direction in those cases where the minister could consider, if necessary, to give notice.

The Chair: Ms. Churley, do you want a recorded vote on this one?

Ms. Churley: Yes, please.

Ayes

Churley.

Nays

Duguid, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost.

The last motion in this section, 7(4.1).

Ms. Churley: I move that section 7 of the bill be amended by adding the following subsection after subsection 7(4):

“Same

“(4.1) Modifications proposed under subsection (4) must be posted on the environmental registry established under section 5 of the Environmental Bill of Rights, 2003 for at least 60 days before the modifications are eligible to be approved.”

This follows from my previous motion that lost, but it’s the same notion. The motion actually forces the minister to post any modifications to a proposed growth plan on the EBR for a 60-day comment period. Again, I believe that, because of the implications these growth plans can have and will have on our communities, the public must have—not “might,” but must have—this opportunity.

Mr. Rinaldi: If this bill is passed, it’s the government’s intention to explore whether the Places to Grow legislation should be made a prescribed act under the EBR. If the proposed acts were to be prescribed, the government will follow all appropriate EBR requirements.

Ms. Churley: I’m sorry, I had a little trouble hearing you. You were saying that if the bill is passed, the minister will make sure that these growth plans are posted on the EBR?

Mr. Rinaldi: If the bill is passed, it’s the government’s intention to explore whether the Places to Grow legislation will be made a prescribed act under the EBR.

Ms. Churley: Do you have any idea why, at this point, the government is just looking into exploring, as opposed to thinking that this is the proper thing to do in this bill?

Mr. Rinaldi: I think we need to leave those options open because this is just enabling legislation. Growth plans will vary from different parts of the province.

Ms. Churley: Yes, they will vary, which is one of the reasons why it would be a good idea for communities to know, when this bill is passed, to be guaranteed that all these different growth plans for their area will be posted, so they will have the ability to read how it’s going to impact on their community and have a chance to respond.

I’d like a recorded vote.

The Chair: Any further discussion? A recorded vote has been requested.

Ayes

Churley.

Nays

Dhillon, Duguid, Matthews, Rinaldi.

The Chair: That vote is lost.

Shall section 7 carry? All in favour? All those opposed? That’s carried.

Shall section 8 carry? All those in favour? All those opposed? That’s carried.

Shall section 9 carry? All those in favour? All those opposed? That’s carried.

Ms. Churley: I move that section 10 of the bill be amended by adding the following subsection after subsection 10(3):

“Same

“(3.1) An amendment proposed under subsection (2) must be posted on the environmental registry established under section 5 of the Environmental Bill of Rights, 2003 for at least 60 days before the amendment is eligible to be approved.”

Again, this is to ensure public accountability and transparency of the process so that any amendment the minister proposes to a growth plan, like the growth plan itself, would be posted on the EBR, for the same reasons I expressed earlier: so the community can be aware of any changes that might be taking place and have the ability to comment on that before a final decision is made.

Mr. Rinaldi: I have basically the same explanation. We will explore the possibilities.

The Chair: Any further discussion?

Ms. Churley: I guess I’ll let it go at that, but I’d like a recorded vote.

The Chair: A recorded vote has been requested.

Ayes

Churley.

Nays

Dhillon, Duguid, Matthews, Rinaldi.

The Chair: That vote is lost.

Mr. Rinaldi: I move that subsection 10(7) of the bill be struck out and the following substituted:

“Limitation

“(7) Subsection 5 does not apply to a proposed amendment that provides for growth strategies mentioned in clause 6(c) if the growth plan that would be amended does not contain such growth strategies for the affected area.”

This is really a companion amendment to the government motion on clause 6(c).

The Chair: Any discussion? All those in favour? All those opposed? That’s carried.

Mr. Rinaldi: I move that subsection 10(9) of the bill be amended by striking out the portion before clause (a) and substituting the following:

“Distribution of decisions

“(9) The minister shall send a copy of any decision made by the Lieutenant Governor in Council that is authorized under subsection (4) or any decision made by

the minister under clause 5(b) with respect to an amendment to a growth plan to”,

This is really a technical change. It does not change any of the meanings or intents of the provisions.

The Chair: Any discussion?

Ms. Churley: This is a really important amendment, because it relates to my two failed amendments from before. It involves dissemination of decisions, and it doesn't reflect my earlier attempts, which got voted down, to make the overall process more publicly accountable and transparent. Really, I should have an amendment to this one. I know it'll be voted down so I won't bother, because I only have one vote here.

This is the kind of decision-making that needs to have some kind of accountability and transparency. Thus, part of this motion should also say that it will be posted on the EBR for 60 days. I'm not making that amendment because, given what happened with my previous amendments, I quite rightly am assuming it would be voted down. But really, this is the same problem. There's nothing in these motions and the bill as is—this is not fair to the public.

The Chair: Further discussion? Seeing none—

Ms. Churley: Recorded, please.

The Chair: A recorded vote has been requested. All those in favour?

Ayes

Churley, Hudak, Matthews—

Interjections.

The Chair: Sorry. All those in favour of the motion?

Ms. Churley: Oh, that was a government motion. What am I doing?

The Chair: Yes. I thought I'd clarify that. Those in favour?

Ayes

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

Nays

Churley.

The Chair: That is carried.

Shall section 10, as amended, carry? All those in favour? All those opposed? That's carried.

Shall section 11 carry? All those in favour? All those opposed? That's carried.

Ms. Churley.

Ms. Churley: It's just that I have so many amendments that I thought we must be voting on one of mine again.

I move that subsection 12(2) of the bill be struck out and the following substituted:

“Deadline

“(2) The official plan must conform with the growth plan within two years after the growth plan is approved.”

The government has introduced a motion to bring municipal plans into conformity with growth plans by the third anniversary of the date the growth plan comes into effect—right? Three years from the date the growth plan comes into effect is still too long, and expert witnesses tell us it's too long. It could actually be stretched out to four years. There could be extensive changes in official plans and major infrastructure projects initiated by municipalities prior to conformity being required.

The Oak Ridges Moraine Conservation Act—Mr. Hudak will appreciate this. Remember, your government made sure that the Oak Ridges Moraine Conservation Act gave affected municipalities 18 months—only 18 months—to come into conformity with that plan. So I would say that in this case there should be at least a maximum two-year conformity provision. That's why this amendment is before us.

1740

The Chair: Further debate?

Mr. Rinaldi: Ms. Churley is quite right; the motion is for three years. We believe two years is just too short a time, considering the complexities. We're talking about a growth plan here. We're not talking about the Oak Ridges moraine with specific boundaries, and it does change.

The Chair: Further discussion? Do you want a recorded vote?

Ms. Churley: Yes, please.

The Chair: A recorded vote has been requested.

Ayes

Churley, Hudak.

Nays

Dillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost. Mr. Rinaldi?

Mr. Rinaldi: I move that subsection 12(2) of the bill be struck out and the following substituted:

“Deadline for amendments

“(2) The council or municipal planning authority shall make any amendments required by subsection (1) before the third anniversary of the date on which the growth plan comes into effect.

“Same

“(3) Despite subsection (2), if the minister directs the council or municipal planning authority to make the amendments required by subsection (1) on or before a different date, the council or municipal planning authority shall do so.”

We talked about this already in the earlier statement.

The Chair: Any discussion? Seeing none, all those in favour? All those opposed? That's carried.

Shall section 12, as amended, carry? All those in favour? All those opposed? That's carried.

The next motion is yours, Mr. Hudak.

Mr. Hudak: Do you want me to read that into the record to make it official?

The Chair: Yes, please.

Mr. Hudak: I move that clause 13(1)(a) of the bill be amended by striking out “advise the municipality or municipal planning authority of the particulars” and substituting “consult with the municipality or municipality about the particulars”.

As we have said during debate in the House and here at the committee, we are greatly concerned about the authority that the minister takes upon himself. While this bill is not as egregious as other pieces of legislation like Bills 135 or 26, it is part of a pattern. We just finished debating—in fact, I regret I couldn’t be here earlier—Bill 92, which talks about consulting with municipalities. But we see here the opposite approach taken under Bill 136. So I think if the government members want to be consistent with Bill 92, they will support my amendment.

Mr. Rinaldi: This motion really relates to advising municipalities about non-conformity. This is covered off already in the proposed bill.

Mr. Hudak: Then what’s the harm?

The Chair: Any further discussion? Seeing none—

Mr. Hudak: Recorded vote, Chair.

Ayes

Hudak.

Nays

Dillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost.

Mr. Rinaldi?

Mr. Rinaldi: I move that subsection 13(1) of the bill be amended by striking out “subsection 12(2)” in the portion before clause (a) and substituting “subsection 12(3).”

This is required as a result of the motion on 12(2).

The Chair: Any discussion? Seeing none, all those in favour? All those opposed? That’s carried.

Mr. Hudak: Despite the fact that we’ve just had an amendment on subsection 13(1), I move that subsections 13(2) and (3) of the bill be struck out.

The Chair: Any discussion?

Mr. Hudak: Certainly. I’m pleased to bring this particular amendment forward. I think it’s important, again, for some of the reasons I brought forward in my last amendment, and that is the considerable authority that the minister is taking upon himself or herself down the road with respect to municipalities’ official plans. The government on one hand says they’re trying to establish a new working relationship with municipalities, that they’re going to consult more closely, work with them hand-in-hand, but we see in legislation over and over again action that belies that motive. There are some pieces of legislation, like Bills 26, 27 and 135, among others, that take considerable power into the minister’s office or in cabinet. Bill 92, on the other hand, pushes in the opposite direction, but it seems in the government’s mind not to be

worth the paper it is written upon, because routinely municipalities’ advice or decisions are ignored by this government. Therefore, this government has not earned the trust to have the considerable powers of subsections 13(2) and (3), and therefore, appropriately, they should be taken out of this bill.

Mr. Rinaldi: Those sections really speak to ensuring formally with the growth plan and they’re required to ensure implementation of the growth plan.

The Chair: Further discussion?

Mr. Hudak: Recorded vote.

Ayes

Hudak.

Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost.

Shall section 13, as amended, carry?

Mr. Hudak: Recorded vote.

Ayes

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

Nays

Churley, Hudak.

The Chair: Section 13 is carried.

Mr. Rinaldi.

Mr. Rinaldi: I move that subsection 14(1) of the bill be amended by inserting “or made by such other persons or bodies as may be prescribed” after “including the Ontario Municipal Board”,

This is a technical change. The section already allows for prescribing other legislation in the future. This amendment will capture additional decision-makers that PIR may encounter in the future through regulation.

The Chair: Any discussion? Seeing none, shall the amendment carry?

All those in favour? All those opposed? That’s carried.

Ms. Churley, the next motion.

Ms. Churley: I move that subsection 14(5) of the bill be amended by adding the following clause after clause 14(5)(a):

“(a.1) the greenbelt plan established under section 3 of the Greenbelt Act, 2005 and any amendment to the plan;”

I understand that the government has also made this amendment, but as the greenbelt act and plan had yet to become law when 136 was drafted, this amendment would ensure that when there’s conflict between a growth plan and the greenbelt plan, the plan which provides more protection to the natural environment or human health prevails.

I guess what I’d like to say about the government’s amendment, and perhaps it was just an oversight, is that it really should be amended to be “the natural environ-

ment and human health.” Right now, what it says is the “natural environment or human health.” I don’t know if I can amend this from the floor, or if you’d be amenable to that. I guess we’re dealing with mine, but when we deal with yours, there’s a problem within that amendment.

The Chair: Mr. Rinaldi, do you want to speak to the amendment that is on the floor?

Mr. Rinaldi: Yes, Madam Chair. This is the subject of a more extensive amendment that’s coming forward through the government motion.

The Chair: Thank you. Any further discussion?

All those in favour? All those opposed? That’s lost.

Mr. Rinaldi.

Mr. Rinaldi: I move that clause 14(5)(b) of the bill be struck out and the following substituted:

“(b) the greenbelt plan established under section 3 of the Greenbelt Act, 2005 and any amendment to the plan;

“(b.1) the Niagara Escarpment plan established under section 3 of the Niagara Escarpment Planning and Development Act and any amendment to the plan;

“(b.2) the Oak Ridges moraine conservation plan established under section 3 of the Oak Ridges Moraine Conservation Act, 2001 and any amendment to the plan;”

The Chair: Any discussion?

Mr. Rinaldi: Yes, if I may speak. It was always the government’s intention to ensure that the Places to Grow legislation will be recognized and reflected under the greenbelt plan. However, this language could not be included in Bill 136 at the time of drafting, as Bill 135 had not come into force.

The Chair: Any discussion? Seeing none, all those in favour? All those opposed? That’s carried.

Shall section 14, as amended, carry? All those for? All those opposed? That’s carried.

Section 14.1.

Ms. Churley: I move that the bill be amended by adding the following section after section 14:

“Actions to conform to plan

“14.1 Despite any other act, no municipality, municipal planning authority, planning board or other local board shall, within the areas to which a growth plan applies,

“(a) undertake any public work, improvement of a structural nature or other undertaking that conflicts with the growth plan; or

“(b) pass a bylaw for any purpose that conflicts with the growth plan.”

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This amendment is here because, given the focus of Bill 136 on infrastructure planning, it contains absolutely no provision requiring that these things I mentioned, like municipal works and structural improvements and other municipal undertakings, conform with the growth plans established under the act, yet the government’s Greenbelt Act does include such provisions.

It was subsection 7(3) that stated that “no municipality or municipal planning authority shall, within the areas to which the greenbelt applies,

“(a) undertake any public work, improvement of a structural nature or other undertaking that conflicts with the greenbelt plan.”

Given the significant implications that municipal infrastructure developments would have on the growth plans—I could go on like I did under the greenbelt discussions about the big pipe in the Barrie area being a good example of that—the act should clearly state that they have to conform to the growth plans. It was good enough for the greenbelt. Why wouldn’t it be good enough for this plan?

Mr. Rinaldi: The bill, as currently drafted, already will require decision-makers under the Planning Act, the Condominium Act, to conform to a growth plan. In addition, other types of decisions under the other acts will be required to conform by way of cabinet regulations.

The Chair: Further discussion?

Ms. Churley: Recorded, please.

Ayes

Churley.

Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: The vote is lost.

Ms Churley, your 14.2.

Ms. Churley: I move that the bill be amended by adding the following section after section 14:

“Crown undertakings to conform to plan

“14.2 An undertaking within the meaning of section 1 of the Environmental Assessment Act that is initiated or financed by the crown must conform with any applicable growth plan.”

Again, provincially initiated or financed undertakings may also have significant implications for the effectiveness of the growth plans under the act. As stated earlier, one of the primary purposes of Bill 136 is to give direction to provincial infrastructure investments. If we don’t follow through with this amendment, we cannot be assured that provincially initiated or financed undertakings at least conform with the growth plans. They have been left out. It’s extremely significant. Why would everybody else have to be in but not the government itself?

Mr. Rinaldi: This is not appropriate. The government initiates and finances undertakings for purposes other than implementing a growth plan. Having to conform could restrict the ability to meet other objectives in the future.

The Chair: Any further discussion?

Ms. Churley: I brought this up earlier. The government, surely everybody, would agree—I know Mr. Hudak and others support all these highways and various other infrastructure, his beloved Niagara—

Mr. Hudak: Mid-peninsula corridor.

Ms. Churley: The mid-peninsula and all of those, but—

Mr. Rinaldi: No respect.

Ms. Churley: None whatsoever.

I call it the Niagara highway; no, none, on that. Nonetheless, whether you support these highways or not, the fact is that everybody else, municipalities, has been told they have to conform, but you can actually go in there in the growth areas and do whatever you want: build a highway or any other infrastructure, whereas the municipalities or anybody else can't do that. What's wrong with this picture? You would agree, wouldn't you?

The Chair: Any further discussion? Do you want a recorded vote on this, Ms. Churley?

Ms. Churley: A recorded vote, please.

Ayes

Churley.

Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: That is lost.

Shall section 15 carry? All those in favour? All those opposed? That's carried.

Mr. Rinaldi: I move that the bill be amended by adding the following section after section 15:

"Delegation by minister

"15.1 The minister may delegate in writing any of his or her powers or duties under this act come to one or more crown employees within the meaning of the Public Service Act."

Madam Chair, if I may, this is really a technical change. Other ministries have this power via their general acts, but PIR has no general act. Inclusion will make it explicit that the minister has this authority.

The Chair: Any further discussion?

All those in favour? All those opposed? That's carried.

Shall section 16 carry? All those in favour? All those opposed? That's carried.

Mr. Rinaldi.

Mr. Rinaldi: I move that clause 17(1)(a) of the bill be amended by inserting "persons, bodies" after "prescribing".

If I may, this is another technical change. It's a companion change to government motion 14(1). Motion 14(1) will capture additional decision-makers that PIR may encounter in the future through regulations.

The Chair: Any discussion?

Mr. Hudak: These things go by quickly. We did vote against—at least I did vote against—section 16, which, I remind members of the committee, takes away the Statutory Powers Procedure Act fundamental rights from individuals. Unfortunately, we've seen this reflected in other legislation, including the Greenbelt Act. I know that has skirted past. In the interests of time I won't belabour that point, but I do think it's worth noting that

16, which passed despite my vote against, does take substantial powers away from individuals and other people who would be interested in this legislation.

I appreciate the parliamentary assistant's advice on 17(1)(a), but I wanted to register a concern about 16 before it, which colours 17(1)(a) badly.

The Chair: Any further discussion?

Seeing none, all those in favour of the motion? All those opposed? That's carried.

Shall section 17, as amended, carry? All those in favour? All those opposed? That's carried.

Mr. Rinaldi.

Mr. Rinaldi: I move that clause 18(1)(c) of the bill be struck out and the following substituted:

"(c) prescribing anything that is referred to in this act as being prescribed, other than those matters with respect to which the Lieutenant Governor in Council is authorized by section 3 or subsection 17(1) to make regulations;"

This once again is a technical change. This does not change the intent, but clarifies the limits of the minister's regulation-making authority.

The Chair: Any discussion?

Mr. Hudak: We should know, and I think members of committee do, that this is very serious. Like section 16, sections 17 and 18 give considerable power to the minister and to cabinet via regulation to make decisions without ample public consultation. It's an abrogation of rights that we're seeing as a pattern in this piece of legislation. I voted against section 17, and I will similarly voice my concern against section 18, and hope some of my colleagues across the floor will do so as well.

The Chair: Any further discussion?

All those in favour of the amendment?

Mr. Hudak: Recorded vote.

Ayes

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

Nays

Churley, Hudak.

The Chair: That vote is carried.

Shall section 18, as amended, carry? All those in favour? All those opposed? That's carried.

Shall section 19 carry? All those in favour? All those opposed? That's carried.

Ms. Churley.

Ms. Churley: Do I get the last word?

The Chair: There's more.

Ms. Churley: One more. We're doing section 20, right?

I move that section 20 of the bill be struck out and the following substituted:

"Commencement

"20. This act shall be deemed to have come into force on the day on which it received first reading (October 28, 2004)."

This act creates numerous transition issues. Developers are, as we well know, scrambling at present to get their developments into the approvals pipeline in advance of the draft growth plan for the greater Golden Horseshoe, before it's finalized—and who can blame them? That's their job; that's what they do. So there needs to be a clear date after which Bill 136 will apply, wouldn't you agree?

The Chair: Any discussion?

Mr. Rinaldi: This is really not necessary. The real issue should be when a growth plan comes into effect, which will be the day that it is approved. There's no relation to the day when the act will come into force.

Ms. Churley: You know that's not true.

The Chair: Any further discussion? Seeing none—do you want a recorded vote on this one, Ms. Churley, as well?

Ms. Churley: I guess so.

Ayes

Churley.

Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: That vote is lost.

Shall section 20 carry? All those in favour? All those opposed? That's carried.

Mr. Hudak: I move that section 21 of the bill be amended by striking out "Places to Grow Act, 2005" and substituting "Almost Smart Growth Act, 2005."

The Chair: Any discussion?

Mr. Hudak: This is a tribute to Mike Harris, Chris Hodgson and those who worked on Smart Growth. Many of the same staff now working at the Ministry of Public Infrastructure Renewal worked on those initiatives. We thank them for all of those efforts as well. I think the minister has cherry-picked some of our ideas; we're pleased to see those ideas moving forward. We do have concerns as well, as I've voiced, with some of the other directions that have been taken.

I want to register an ongoing concern: We had hoped that we would see a more comprehensive approach to the issues—the ministers working hand in hand, instead of the various ministries going off in various directions. But we lose sight of that once in a while in politics; we hear it too often in the House. I think we should recognize the work of our predecessors in this place, and that's why I hope my colleagues will join me in that support by changing the short title of the act.

The Chair: Any more discussion? Mr. Rinaldi, you can't resist, I can tell.

Mr. Rinaldi: I can't resist. The minister did acknowledge all the work the previous government has done, and groups, and we're finally making it happen.

The Chair: Did you want a recorded vote on this, Mr. Hudak?

Mr. Hudak: Of course.

Ayes

Churley, Hudak.

Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

The Chair: Unfortunately, it's lost.

Shall section 21 carry? All those in favour? All those opposed? That's carried.

Shall the preamble carry? All in favour? All opposed? That's carried.

Shall the title of the bill carry? All those in favour? All those opposed? Carried

Shall Bill 136, as amended, carry? All in favour? All opposed? That's carried.

Shall I report the bill, as amended, to the House? All in favour? All opposed? That's carried.

This concludes the committee's consideration of Bill 136. I'd like to thank all the colleagues on the committee for their work on the bill. The committee also thanks the committee staff, the ministry staff and the members of the public who contributed to the committee's work, particularly the research staff.

The committee now stands adjourned until 10 a.m. on May 4.

Committee, we found out today that the budget has changed the order of our next bill. Would committee have time to quickly determine some new dates, or shall we do a subcommittee at another time?

Ms. Churley: What's the next bill?

The Chair: Bill 155. We're doing Bill 3 first, but Bill 155 had predetermined dates that will now have to be changed because of the budget.

Mr. Hudak: I'm sitting on this as the municipal affairs critic. I don't normally sit on this committee, so if it's possible, maybe the regular subcommittee could get together.

The Chair: So our choice is at the regular committee on the 4th. We will discuss it then. Thank you. We're adjourned.

The committee adjourned at 1803.

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