



ISSN 1710-9442

**Legislative Assembly
of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

Thursday 5 May 2005

**Journal
des débats
(Hansard)**

Jeudi 5 mai 2005

**Standing committee on
justice policy**

Law Enforcement and Forfeited
Property Management Statute
Law Amendment Act, 2005

**Comité permanent
de la justice**

Loi de 2005 modifiant des lois
en ce qui concerne l'exécution
de la loi et l'administration
des biens confisqués

Chair: Shafiq Qadri
Clerk: Katch Koch

Président : Shafiq Qadri
Greffier : Katch Koch

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Thursday 5 May 2005

Jeudi 5 mai 2005

The committee met at 1001 in room 228.

**LAW ENFORCEMENT AND FORFEITED
PROPERTY MANAGEMENT STATUTE
LAW AMENDMENT ACT, 2005**

**LOI DE 2005 MODIFIANT DES LOIS
EN CE QUI CONCERNE L'EXÉCUTION
DE LA LOI ET L'ADMINISTRATION
DES BIENS CONFISQUÉS**

Consideration of Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities / Projet de loi 128, Loi modifiant diverses lois en ce qui concerne les pouvoirs d'exécution, les pénalités et l'administration des biens confisqués ou pouvant être confisqués au profit de la Couronne du chef de l'Ontario par suite d'activités de crime organisé et de culture de marijuana ainsi que d'autres activités illégales.

LEACOCK COMMUNITY ASSOCIATION

The Chair (Mr. Shafiq Qadri): Good morning, ladies and gentlemen. I call the meeting to order. This is the standing committee on justice policy. We're here for public hearings on Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities.

We have a number of presenters. Already seated, we have Murray Hedges, vice-president, and Bob Cook, member at large of Leacock Community Association. Gentlemen, I remind you that you have 15 minutes in which to present. Any time remaining afterward will be divided evenly among the parties. Please begin.

Mr. Murray Hedges: My name is Murray Hedges and I'm the vice-president of the Leacock Community Association. I've attended 10 grow-op meetings. I've met with councillors, MPs, MPPs—Gerry Phillips in particular—police inspectors, and Monte Kwinter at one meeting.

We represent a small community within ward 40. We consist of approximately 12 streets and we have 11 grow

houses. We're working on another grow house to make it an even one-for-one.

Mr. Peter Kormos (Niagara Centre): You have 11 grow houses?

Mr. Hedges: Eleven grow houses on 12 streets; not evenly spread, by the way.

The Leacock Community Association is pleased to have the opportunity to bring to this committee a written submission of our concerns. We speak on behalf of our own community association, the concerns expressed by other communities and the frustration voiced at meetings by those officially involved in trying to control illegal grow-ops.

We support the initiatives of Bill 128 but feel that it doesn't go far enough to have much effect on the spread of grow-ops. We would also like to express our disappointment that there's been no opportunity for community input to the Green Tide group or the Bill 128 committee prior to this time.

The rebirth of community organizations: The proliferation of illegal grow-ops and the apparent inability at all levels of governments to stem this outbreak of crime that has spread unchecked across our country are a major concern to many communities. Community organizations such as ours that have laid dormant for many years have come to life. Street meetings, community meetings and town hall meetings, with standing room only, demonstrate the seriousness with which the public is taking this issue. Large inter-community networks are being organized.

A study of Toronto grow-ops showed that Scarborough 41 and 42 police divisions account for almost 50% of the city's total.

Our fears and concerns: Criminal elements freely operate in our communities. Our hard-core fears include the destruction of homes by fire, the pollution and poisoning of our air, the potential for electrical shock from illegal hydro hook-ups, and criminal activities such as home invasions and the placement of booby traps. Some of what might be considered softer effects, but still important to our communities, are the tax dollars required to close down these operations with apparent little cost recovery, the loss of hydro revenues, the decline in property values and the exodus of good citizens discouraged by the impunity with which these grow-ops flourish.

Protection for the community: Bill 128 needs to be strengthened to be effective. We must be protected from

the growth of this illegal industry. At meetings it has been pointed out time and time again that there seems to be far more concern for the bad guys than the good, law-abiding citizens. We need and deserve action for our protection. We need legislation where penalties on conviction are a real deterrent. If the punishment for a crime is worth the risk, then we have a problem. Destroying our communities must be made costly to those involved.

Recommendations: (1) That all property—buildings, equipment, vehicles and bank accounts—of those convicted of grow-op operations be seized and the proceeds placed in a dedicated account for the exclusive use of further grow-op closures. This money should be spent locally to provide an incentive for further action; (2) That a substantial amount of provincial funding be provided immediately for illegal grow-op identification and removal; (3) That substantial minimum jail times be established and applied, with no early paroles, and severe financial penalties be imposed; (4) That government forces and other agencies involved be expanded to a magnitude sufficient to deal with the grow-op problem, especially in areas where grow-ops are most plentiful; (5) The procedures surrounding the issuance of search warrants on suspected grow-ops need to be reviewed to ensure they provide for speedy and efficient action; (6) Those knowingly aiding grow-ops or withholding information about grow-ops are part of the problem. Appropriate penalties need to be considered; (7) That all buildings used as grow-ops should have that information permanently registered on land title. Why hide this fact?

Conclusions: We need our elected officials at all levels of government, such as our mayor, our Premier and our Prime Minister, to speak out and get actively involved in this fight. If not controlled now, this North American epidemic will haunt us forever. There has been a great deal of money and effort put into educating the public on how to spot and report grow-ops by some proactive politicians and various interested agencies. Good for them. The response has been rewarding. We are at the point now where more detection and awareness education without the support of the courts is only smoke and mirrors. Please, do not let the system fail us. Thank you.

The Chair: Have you concluded? I'm sorry, will your confederate also be presenting?

Mr. Hedges: No, that's it

The Chair: Thank you very much for your presentation. We'll now have ample time to be distributed evenly, and we'll start with you, Mr. Klees.

Mr. Frank Klees (Oak Ridges): Thank you very much for your presentation. I assume you've been following the debate on this bill in the Legislature. You've probably seen Hansard.

Mr. Hedges: Bits and pieces, yes.

Mr. Klees: As you've observed members of the Legislature speak to this bill, what is your conclusion in terms of the seriousness with which the government is addressing this and members of the Legislature are dealing with this?

Mr. Hedges: I guess my gut feeling is that I think those people should have been at these 10 meetings; that

they would have a better feeling for exactly what's going on in the communities. The first two or three meetings I went to I got a certain feeling, but then, as time went on, I started to see more and more and I thought, this isn't isolated, this is pretty general, and the feelings are very strong.

The government has a job to do. You have things to deal with that I'm not addressing in here, which are the mechanics. I can only talk from a community point of view and the gut feeling of the public in general. To relate that to what goes on in government circles is not easy for me to do. I'm not a legal mind, nor do I have that opportunity.

1010

Mr. Klees: The reason I ask that question is that one of the questions we've been asking the minister—I have commended the minister for coming forward with a framework of legislation here; at least the government is recognizing there is a problem. What is missing is an apparent commitment of resources. It's one thing to create legislation; it's another thing to demonstrate that the government is serious about this by committing the financial resources, and also, on the other hand, the penalties and consequences for not complying with the law.

We've been doing our best to impress on this government the need to match their talk with some walk, in terms of financial resources. I think that's what I'm hearing you say.

Mr. Hedges: I understand your position, and I appreciate it. But again, we've got to deal with the people in power. They're the ones we're approaching now. We've asked for resources and money. I think that's there.

Mr. Klees: We've been wrestling with the issue. On the one hand, we have governments saying that marijuana use is OK. For example, if you check the Hansard record of debate here, there are some members who have gone out of their way to even give recipes for how you can incorporate marijuana in desserts, if you will; I won't go into any more detail. It's difficult, on one hand, to be serious about punishing people and taking seriously this issue of marijuana grow-ops when, at the same time, we have legislators making light of using marijuana.

Mr. Hedges: We feel they are two entirely different issues. The use of marijuana is one issue. The issue we're dealing with is the criminal elements in our community. That's our point here today.

Mr. Klees: So your organization has no problem with the decriminalization of marijuana?

Mr. Hedges: I wouldn't say that, but that is not the issue today.

The Chair: Thank you, Mr. Klees. We'll move to the NDP.

Mr. Kormos: Thank you, gentlemen. Your comments were, in my view, astute. Are these grow-ops ones that have been busted yet?

Mr. Hedges: Yes.

Mr. Kormos: How commonplace was the knowledge about these grow-ops before they got busted?

Mr. Hedges: Not as common as it is today, by a long shot.

Mr. Kormos: OK. The sense I'm getting—it's hard to keep a secret. I don't care whether it's big-city Ontario or down where I come from, Welland.

Mr. Hedges: My son worked at CHOW.

Mr. Kormos: All right. Very good. It becomes pretty obvious in short order: We're told that when the snow is melting off the roof because of the heat, when other people's roofs are covered with snow; again, the no matter of no garbage, the house obviously not being used for residential purposes. Also, there's the mere fact that even criminals talk; it's the irresistible impulse to talk.

Yet this is one of the problems: Bruce Miller from the Police Association of Ontario was here yesterday, effectively saying that the police have got the tools, if you will, to identify these places. They can use that thermal imaging on airplanes—

Mr. Hedges: And they have mobile stuff as well.

Mr. Kormos: —but they haven't got enough police officers.

I used to practise criminal law, which is a pretty good background for getting into politics especially for criminals, and especially nowadays.

Mrs. Liz Sandals (Guelph-Wellington): Can we quote you on that?

Mr. Kormos: By all means. As a matter of fact, there are some Liberals who may need a criminal lawyer in short order, after Gomery is finished with them.

Interjection.

Mr. Kormos: Don't speak too soon, Ms. Sandals; the inquiry isn't over.

Bruce Miller, whom I have regard for, says the problem is huge and—this is my experience—it's incredibly labour-intensive to investigate one of these places, then to raid it and then to prosecute it, because you don't want to just raid it, you want to put together a strong case. It's clear that communities, neighbours are prepared to—I think all of us get calls, when people identify a drug-trafficking house, for instance, and we relay that information on; I trust everybody does. But it's frustrating, because months go by and those people are still calling us, saying, "Nothing has happened yet. I called you with licence plate numbers. I called you with identities."

Mr. Hedges: That's exactly what we're doing.

Mr. Kormos: So tell me what happens.

Mr. Hedges: It can go on for a year. We've had it go on for even a year where people have been reporting. We've known of one, I think, for how long?

Mr. Charles Cook: A year.

Mr. Hedges: A year, and nothing has been done yet. The resources are not there. That's why we talk about financing and support for these groups.

Mr. Kormos: What do the police tell you? You call them or somebody calls them—

Mr. Hedges: Well, at the meetings they have spokesmen, and it's always the same story: They don't have the manpower.

Mr. Kormos: That's a problem.

The Chair: We'll now move to the government side.

Mrs. Sandals: Tell me where Leacock is.

Mr. Hedges: Our particular little area is bound by Sheppard on the south, Huntingwood Drive on the north, Birchmount on the east and Warden on the west.

Mrs. Sandals: So you're out there somewhere.

Mr. Hedges: Yes, we're out there in Scarborough-Agincourt.

Mrs. Sandals: OK. My Toronto geography east of Yonge Street is really bad, so I need help here.

Mr. Hedges: That's OK; I come from a farm too.

Mrs. Sandals: Just a couple of comments quickly. I'm sure you understand, because you've been at a lot of these meetings, that when we get into minimum penalties and those issues, that's federal responsibility.

Mr. Hedges: Yes, understood.

Mrs. Sandals: In fact, Minister Kwinter is on record as saying that we need some attention to having real penalties as a deterrent. Municipalities are responsible for policing, but just to share with you, we are pursuing an initiative to share the cost of policing for 1,000 new officers. One of the areas that's targeted in there is, in fact, policing for grow-ops. So hopefully we will be able to address your resource piece.

Let me go to something we actually may be more directly involved in in terms of this particular bill. Your recommendation 7 is: "That all buildings used as grow-ops have that information permanently registered on land title." I'm sure your intent there is that the next owner not come along and unknowingly purchase a problem.

Mr. Hedges: We know that real estate, for instance, are out telling people untruths, and we've had at least half a dozen cases of that. That's part of it. The other thing is that we've discovered that the only effective way to get rid of these viruses and moulds and whatnot is to encase the house and blast it with dry ice. That's the only effective way. We don't know what's going to happen to these houses in the long term. There could be mould and stuff in the crevices that they don't pick out at this point. So, down the road, who knows?

Mrs. Sandals: I think what's in the bill—and I would invite your comments on this—is that where a grow-op has been dismantled, we would require that the municipal building inspectors go in, look at the safety issues and issue orders so that building can be rehabilitated. So rather than leave it standing there with issues, in fact we make sure that building gets rehabilitated.

I understand from your comments that you're not happy about having all these somewhat derelict buildings on your—

The Chair: We'll have to leave it there, Ms. Sandals. I'd like to thank you, Mr. Hedges and Mr. Cook, on behalf of the Leacock Community Association.

CITY OF TORONTO

The Chair: I would now invite our next presenter, Mr. Michael Del Grande, councillor for the city of

Toronto. Mr. Del Grande, I remind you that you have 15 minutes in which to present to us. Please begin.

Mr. Michael Del Grande: Thank you very much, Mr. Chair and members of the committee. If the police are at the ground level with respect to this problem, I'm at the street level: first-hand knowledge, first-hand experience.

I never had to carry my marijuana binder for properties that have been busted. I've got about 60 here that are under suspicion. I've provided for the committee, in order to speed up the time, some of the tools that I feel the city of Toronto needs.

1020

Certainly with Bill 128 talking about the proceeds going to the province doesn't help the city very much when we talk about resourcing. They should be going back to the city police forces to undertake the activity. There is no established marijuana grow squad per se that's dedicated totally to marijuana grow-ops, because they're also involved in sexual assaults and gun calls. So there isn't a specific unit that does that.

Part of the other issue is that the intelligence isn't really going anywhere to determine the organized crime ring that's involved. A lot of farmers have been caught. We don't know who sponsored them. We can't connect the dots, from my vantage point. The police only let me know when there is a bust and how many plants, and I put out a release in the immediate neighbourhood to let people know. I sign the property. I stretch the tools we have in an ongoing battle.

What's frustrating for me is that when you get honest people saying, "You know what? The police aren't responding fast enough. At a thousand dollars a plant, maybe I'll put 10 or 20 on the window sill, because it's easy money," we have failed. When we have good people talking about joining the crime rather than preventing the crime, we have failed. The problem is, it's out of control. I have 170 streets. I've had 45 busts to date, which comprises about 26% of my streets, and they're basically just the tip of the iceberg.

There was some commentary about identifying etc. People are afraid, and justifiably so. I received death threats against my family, that there were contract hits against my children. I've used the comparison: Are we really that much different than Colombia, where we're talking about big money and the honest politicians are threatened and the not-so-honest politicians are bought? We think that's beyond us, but that's not very far. This is a very significant society problem. We have failed. I always like to say politicians are measured by the words and the speeches they make, but leaders are measured by their actions. We need a lot more leaders and we need a lot more leadership in this area.

I personally believe the crux of the matter is with the landlords. I think that's where a lot of focus needs to be done. Landlords do have the right under the Landlord and Tenant Act to go and inspect their properties. They just shouldn't be taking 12 cheques and saying, "Thank you very much." The bad guys know they shouldn't have any properties in their name. The home should be rented; the

vehicles they use are leased. So when there is forfeiture, it's not their property that's being forfeited. That's a very significant situation.

To have 1,000 police officers at 50 cents to the dollar doesn't really say much to me, because I don't think anybody's taking up that offer. Toronto doesn't have the money to do that. I would rather see you put 500 police officers, at \$1, dedicated to the labour-intensive work that's required by police forces in this area. At least that way we're doing something, but just to talk about 50-cent police officers, as far as I know, with our budgets etc. in the city of Toronto, just doesn't cut it.

I'll end it there and I'll be open for questions, which I think would be more productive.

The Chair: Thank you, Mr. Del Grande. We have about 10 minutes to distribute evenly, and we'll start with the NDP side.

Mr. Kormos: Thank you, sir. I'm interested in your reference, under ideas and recommendations, "Protect our officers' safety by not forcing municipalities to perform the inspections," because this started to come to the surface yesterday. We had folks here from Metro Toronto or the city of Toronto bylaws department, among others—lawyers—who made a very good presentation, a very thorough one, but who also, when I talked to them afterwards, indicated that they weren't part of the development of the bill, which was frustrating.

Mr. Del Grande: Correct.

Mr. Kormos: I think they could have provided insights in the first instance.

I'm looking at what will become subsection 1(1.1) of the Building Code Act, and that's "An inspector shall" perform a warrantless search of a property when "the chief building official has been notified by a police force," presumably not even the police force of that municipality necessarily, "that the building contains a marijuana grow-operation."

We've got professional firefighters making a presentation today. We had police telling us yesterday that they're concerned about not having the gloves, the boots, the coveralls, to go into a high-mould, high-toxic place, yet a building inspector "shall ... when notified by a police force"; in other words, without a warrant—and that's not the crux of it—but "shall." The police can go without a warrant, so they're using the building inspector like a canary in the mine. I'm concerned that that's mandatory rather than discretionary, because it seems to me the building inspector doesn't have the power to say, "Whoa, sorry guys, you bust that place first." I think that's what the intent probably is, but that's not what the statute says.

Mr. Del Grande: Stupidly enough, I've been in some of these grow-ops. I've been to one that had a major fire. That concerns a lot of people, because the amount of fire risk is much greater in these homes. The place does have a smell, a stringent odour to it etc. The mould is there. I had a report given to me by an outfit that did some preliminary work for the York police force about the types of toxic mould that are in there and it's not good

stuff. By the way, when this stuff is vented, it vents to the neighbours as well. So, you know, we talk about kids having asthma etc. I've been in situations where the houses have been painted over. A lot of new immigrants who come in, they pile them in here with young kids etc. There's an obligation to look after these people.

To me, when you see the police going in with their spacesuits, and now you want our guys to go in—is it really necessary for our guys to go in? The point is, the police have said that that's what it is, and they know. Do we have to say each time, "Well, our inspector needs to go in"? Can't we work co-operatively with other resources? If the police say, "This is a grow-op. There are 500 plants in here," we know what the consequences of that are. Why does the inspector have to go in? We should accept the police report at face value. It's a grow-op and it has these particular features. It has mould, it has electrical problems, it has this, it has that, etc. It's after the fact but, again, we need spacesuits for our guys as well.

The Chair: We'll now move to the government side.

Mrs. Sandals: Thank you, Mr. Del Grande. I want to follow up on the comments you just made, because I'm a bit mystified. If the outcome of all this is issuing an order which has to do with, I'm presuming, quite specific repairs that need to be made to a building, why would we think the police were qualified to make orders about requirements and repairs to electrical systems, how to repair structure, health requirements around ensuring that mould is no longer an issue? I'm wondering why the police, we would assume, would be qualified to make those judgments. I would have thought they would want the particular building officials inspecting the building and making those judgments.

Mr. Del Grande: Perhaps I wasn't clear enough. When one of these homes is busted, comparable to the other 45 that have been busted to date in my ward, we know there are marijuana plants. We know the structural changes they've made. They've broken into the concrete wall to get to the hydro. We know that walls have been built etc. We know the effect of the toxic mould that's in there. We know these things. What I'm saying is that we should take the position that when the police have said, "We've busted a home that has 500 plants," we know all the symptoms of that home, and all the homes they go after. We know that. We don't need to rediscover that. So what I'm saying is, if the police have said that they've busted a home with 500 plants, we know what the typical type of operation is. We know they've made structural changes; we know they've done all these things.

1030

If you want a building inspector to go in—I've used the tools and I've stretched the tools. I've taken the position and I've told our MLS people to put up a notice saying that there's an order on this building and that we expect an engineering and an environmental engineering study before we believe that this building is safe. We've put the onus on the homeowner. That's what we've done.

Now, because of the problems with this and that, we've changed the order so that there can be something

registered on title, so that when a lawyer checks this property when somebody wants to buy it, they're going to be tipped off that they should look at what this order's about and what's going on here. That's the only thing that we've done; that's the only thing that I know that's been proactive.

I want to assure people that when they buy a house in ward 39, they're buying a property that they're alerted to. If the homeowner does those things and has all those studies—it's not cheap—which means they have to clean up that stuff, then the building inspector goes in to verify that the order has been completed.

Mr. Klees: With regard to the number of reports where there's a suspicion that there may be a grow-op, how long does it typically take from the time that is reported until that house or property is visited, to your knowledge?

Mr. Del Grande: Anywhere from three months to a year. We had one where the residents were really upset. We had a fire at 75 Rainier. It was reported in November. I went to talk to the people who were concerned about it. It was a house next door. It didn't have all the typical signs one would have, but it had some of the signs. We had 15 fire trucks respond to that house with all kinds of other resources, police etc. That happened, I think, at the end of January or the beginning of February. The fire occurred, but everybody started complaining, "We phoned the police in November. We're into February. Why didn't the police do anything about it?"

I try to explain to people that it's a question of resources. It's not that the police don't want to go; it's just that you join the pecking order. It's very time-consuming to get the warrant, to do the surveillance, to do all these types of things. It is manpower-intensive.

The sad problem is that for the bad guys, at the end of the day, it's a write-off. They don't go to jail; they don't pay any fines. No wonder this thing has mushroomed. There are no deterrents here.

Mr. Klees: Councillor, the government's response to that is that they've made an announcement about 1,000 police officers to be shared 50-50 between the municipality and the government. That promise has been out there for months. Why isn't something happening? Why aren't those 1,000 police officers on the street?

Mr. Del Grande: The city of Toronto, first of all, can't afford it, so it's off the table.

Mr. Klees: So in other words, this promise that this government is making is absolutely empty; is that right? Because you can't afford to match the 50-50.

Mr. Del Grande: That's the problem for the city of Toronto.

Mr. Klees: So if the government were serious about this, in this coming budget, which is just a few days away, would it make sense for this government—if in fact they've gone to the trouble of introducing legislation and they see this as a serious concern—to carve out some of that money and say, "Look, we're going to put special squads into police forces across this province. We'll fund 100% of that, and we'll work in co-operation with municipalities"? Does that make sense?

Mr. Del Grande: I would even be happy if we got 500 OPP officers who would provide assistance to the city of Toronto to help dismantle these, and to help connect the dots. Part of the problem is that we're not connecting the dots. We're busting these houses with nobody in there, so there are no arrests being made.

Mr. Klees: Speaking of busting, under this legislation, as Mr. Kormos pointed out, the first person into a grow-op operation will be an inspector. How responsible is that?

Mr. Del Grande: As I've pointed out, this is a new phenomenon. I've watched some of the debates when I've flicked on the channel, and what bothers me is that everybody says, "It's a good first step." You know what? I'm not interested in good first steps; I'm interested in solid steps. Is this—

The Chair: We'll have to leave it there. I thank you, Mr. Del Grande, for your presentation.

FIRE FIGHTERS ASSOCIATION OF ONTARIO

The Chair: I would now invite our next presenter, Mr. Rodney McEachern, health and safety representative of the Fire Fighters Association of Ontario. Please be seated, Mr. McEachern, and please begin. You have 15 minutes.

Mr. Rodney McEachern: Thank you, ladies and gentlemen. First, I must apologize. I hope this will be on point, but I'm just a country boy who didn't get out of the way of the train last Saturday when I was told to come down here.

Good morning. First, I'd like to thank the committee for allowing our association to address it on this very important and timely bill. I represent the Fire Fighters Association of Ontario. We represent the voice of the volunteer/paid-duty firefighters in this province. My name is Rodney McEachern. I am one of two health and safety reps for our association. Also, I'm an active firefighter with the township of Severn's fire and rescue, with 20 years of service.

After reading the bill, we at the FFAO wholly support the direction it is attempting to go in, but we do have several concerns which we'd like to address at this time.

First, we wonder why this bill is restricting itself to marijuana grow-ops and not all illegal drug operations. As we know, of the illegal drug operations out in our community today, grow-ops are probably the least hazardous, whereas the other types have much greater potential for immediate and ongoing hazardous conditions for all involved.

The next point we are concerned about is in the area of the distribution of proceeds from these operations. What we notice first is that the only emergency service specially mentioned for consideration are the police. While we realize that they have a large part in these types of operations, at either planned or accidentally discovered scenes, fire also does, especially those found accidentally during fire and medical calls. Depending on the types of

materials at the scene, a small department's whole budget could be depleted in one call.

The second part of this is that our association would like to see a system set up that would allow fire departments and other agencies to be able to access the funds in advance for monies for training, specialized equipment, education of personnel and public awareness campaigns. This, we believe, is essential, especially to the volunteer/paid-duty fire services. Many small departments have very limited budgets. As you know, these types of operations can be found in any area of the province.

As you may or may not know, volunteer/paid fire services comprise approximately 70% of all the fire-fighters in the province of Ontario, and we defend approximately 85% of all the municipalities. In addition, unlike small police forces, which, if overwhelmed by an operation, can call in the OPP, fire does not have this provincial backup. In fact, a 50- to 70-man volunteer department may be the largest department in a several-hundred-kilometres area. Hopefully, you can appreciate why advance monies would be a godsend to these departments.

Lastly, we notice that in the mention of setting up groups and/or committees to oversee certain aspects of the bill, the only emergency services mentioned are the police. We believe that fire should also be included in at least some of these groups, as we would be bringing a different perspective to the table, especially the volunteer/paid-duty service, for, as mentioned above, we cover a large portion of this province and these operations can be found in any type of community.

Again, let me thank you for this opportunity to address this committee and assure you that we believe this is a positive step in combating this growing concern in our great province. Thank you.

The Chair: Thank you, Mr. McEachern. We'll have about 10 to 12 minutes to distribute; we'll start with the government side.

Mr. Mario G. Racco (Thornhill): Thank you, Mr. McEachern. You are happy, as I understand it, with this bill. You see merits in this bill.

Mr. McEachern: I see that there are merits to it, but as mentioned, we believe it should go further to address some of the concerns from people before.

I have been told personally in my position as a health and safety representative that an insurance company, as a matter of fact, will tear a house down instead of rebuilding it after it has 30% to 40% damage done to it. To me, with the toxicity from the moulds and the chemicals and that, I can't see why the bill is fooling around with the principle of revamping the house. Just go in and destroy it and rebuild it. It would be safer to everybody in the long run.

1040

Mr. Khalil Ramal (London-Fanshawe): Damaging the house or destroying the house—you don't think it's an extreme measure?

Mr. McEachern: No, I don't. You yourselves, through the Ministry of Labour, are revamping all your

protocols for toxic substances. It has been proven. A courthouse in Newmarket and many schools throughout the province have had portables and rooms shut down because of moulds. Here we have houses where, never mind the moulds, God knows what kind of chemicals these people use to produce what they are producing. The next person who moves in there with a baby—

Mr. Ramal: But we don't knock down the portables. As a matter of fact, we inspect them and we fix them. If you can fix—

Mr. McEachern: As the gentleman before us stated, maybe the people aren't qualified, especially in smaller areas like I represent. My belief is that it's safer and easier and right to the point: If it's a grow-op, if it's a drug house, you go in, tear it down and rebuild it.

The Chair: Please, Mr. Racco.

Mr. Racco: I appreciate what you're saying and I see merit in some cases. But you wouldn't suggest we do that in all cases. There are cases where the damage might be insignificant. There is damage, but it's insignificant. It might be wiser and more economical just to repair rather than destroy the residence. Wouldn't you see merit in being flexible and making a judgment on the case?

Mr. McEachern: That's a distinct possibility, but we also know from practical experience that moulds can hide in very funny places. If the inspection agency, the private company brought in, is top-notch, I would say yes. It may work that way. But we all know that Utopia is a little town on the other side of Barrie and it doesn't exist anywhere else. There are people out there who aren't top-notch.

Mr. Racco: Chair, I would suggest to the gentleman that there are standards in the industry and we would have to make sure that those standards are abided by. But I understand what you're saying. Thank you.

The Chair: Are there any further questions from the government side? No. Then we'll move to the Tory side.

Mr. Klees: Mr. McEachern, you're familiar with the act, obviously, and you're familiar with the section that requires that "An inspector shall enter upon land and into a building at any reasonable time without a warrant for the purpose of inspecting the building." With your background in health and safety, you've seen a number of these places. I'd like to ask you whether this requirement for an inspector to enter a building is a reasonable requirement.

Mr. McEachern: It may be a reasonable requirement, but to do it by himself or herself I would say at the very least is probably a violation of 25(h) of the health and safety code that the employer should take every reasonable precaution. I myself wouldn't, unless I had probably the biggest OPP officer in the Orillia area with me. I've attended several seminars and courses on plants, labs and grow-ops, and they point out that they are booby-trapped. They also point out that the booby traps are not, to the best of their knowledge right now, meant for the police; they are meant for their competitors. But those booby traps don't know whether you're a competitor or law enforcement or an emergency responder.

Mr. Klees: What would your advice be with regard to this section to, first of all, ensure the safety of the so-called inspectors? Also, because we know there are different levels of knowledge with regard to health and safety requirements across this province—municipalities are at various levels of sophistication. Depending on where you are in the province, to be handed this legislation, it may well be that John Smith is a building inspector and all he's ever inspected are semis or single-family homes along the way and has no idea about this, and now he's put into this predicament. What is your advice with regard to this section of the act?

Mr. McEachern: My advice would be that, first, we must have full disclosure from the police. I realize why they do it, and I would say that not say every firefighter, full-time or volunteer, needs to know, but the chief should know that if they get a call to—I'll use my own address—3251 Turnbull, he can say, "Be very careful; that is a suspected crime scene." That does two things: It warns the firefighters to be careful, and it also helps us to ensure that the crime scene is kept in the best condition it can be for the police. After the police have gone in and cleared it of all booby traps, then fine. If they wish, they can have an inspector go in and inspect it. If the person does not have the expertise, then the government should have a 1-800 number that he or she could phone to get the expertise they need, much like fire departments do when we phone the fire marshal's office. That would be my suggestion.

Mr. Klees: So at the very least, a protocol should be put in place so that there's no question about how these issues are going to be dealt with.

Mr. McEachern: Definitely. All municipalities and everybody else should be told that they are supposed to have a policy and procedures book that should be there and can be found.

The Chair: Now to Mr. Kormos.

Mr. Kormos: I'm going to disagree with folks, perhaps a whole lot of folks, who suggest that somehow this bill makes it easier to shut down grow-ops. I go through the bill and, OK, they amend the Crown Attorneys Act to put somebody in charge of forfeited property; they amend the Fire Protection and Prevention Act to double the fines; they tinker again with forfeited property. But people who break the law don't care about doubling fines. If serious penalties were a deterrent, people wouldn't be committing murder, but we know that people commit murder every day.

Where I come from, we assume that the greatest deterrent is the likelihood of being busted. In other words, that's why we speed—well, we do—because we know we've got a pretty good chance of not getting caught. Where I come from, people tend to be deterred more by the likelihood of getting busted. What we're learning from folks is that simply because of the logistics, the numbers, the proliferation of these grow-ops and the scarcity of police resources, these guys can function, heck, for months knowing full well that the police are so busy doing other things that they aren't going to get

busted. So I disagree with the proposition that this bill does anything to enhance shutting down grow-ops.

Everybody seems to know where these places are. Unlike Mr. Del Grande, I've never been in one. The closest I've ever been to a marijuana grow-op was a Bob Dylan-Grateful Dead concert at Rich Stadium around 20 years ago. That was outdoors.

Mr. McEachern: I must agree with you, sir. I guess the simplest way to cure this problem would be for the government to legalize all drugs. Right now, we are in an area that the United States and Canada went through when they had prohibition on alcohol. Once they said you couldn't do it, everybody and their grandmother started bootlegging. If it were legal and the government were collecting taxes on it, there probably would not be as many, if any, illegal houses, because then you could go to the corner store and buy it with your cigarettes.

Mr. Kormos: You're not going to be able to do that for very much longer, either.

Mr. McEachern: That's true, yes.

Whether that will ever happen, I don't know. The only other thing I can say is that the fines and deterrents in this bill—and I must agree, I don't believe in first steps, but it is a first step. To make them worthwhile, they have to be stronger. To get back to what I said before, if you said, "We're going to tear the house down if you rent it to somebody who puts an illegal operation in it," maybe some of these landlords would think twice about just taking the couple of thousand dollars in advance and saying, "Have fun." I'm quite sure that if the landlord who owns the old Molson brewery in Barrie had thought the place would have been torn down, he might have inspected it a little more often than it was before they found "That bud was for you."

Mr. Kormos: Thank you kindly, sir.

The Chair: Thank you to you, Mr. McEachern, for your deputation.

1050

RON ENNS

The Chair: I would now invite to the floor Mr. Ron Enns, who comes to us in his individual capacity. Please come forward. I remind you that you have 10 minutes in which to make your deputation.

Mr. Robert W. Runciman (Leeds-Grenville): On a point of order, Mr. Chair: Just a small matter. When you're referring to the members here, I would appreciate it if you would refer to us as the official opposition, not Tories, unless you're going to refer to the folks over there as Grits. I would appreciate being referred to as the official opposition.

The Chair: I will abide by that, Mr. Runciman.

Mr. Kormos: Mr. Chair, you can refer to me as a New Democrat any day.

The Chair: Mr. Enns, please begin.

Mr. Ron Enns: I have a story to tell here. I hope it's in line with what you people are talking about.

I cannot help but believe that Bill 128 will be abused on an alarming scale. I've come to this conclusion because of what has happened to myself and my wife over the last 10 to 12 years.

We live in an incredibly beautiful river valley, known as the Maitland, approximately 15 minutes northeast of Goderich. Our farm has a commanding view of the countryside, and people who visit talk about our luscious gardens, century-old farm buildings, trout pond, abundant forests, and both the mainland and island, which are all part of a one-hundred-plus-acre organic farm. It is the envy of many, including, unfortunately, OPP officers.

Backtrack now to around 1993-94, when I used to buy eggs outside of Goderich from an old farmer named Horace Crawford. After some time, I got to know him and he wanted to know where I lived. When I told him, he said he had heard about the property from an OPP officer and was told it was only going to be a matter of time before he took possession of the property, because the person who owned the property would be losing it. I was shocked. I had been in trouble a couple of years earlier, before I bought the farm, with marijuana, but had no idea the police had intentions of possessing it.

For the next few years, I experienced a tremendous amount of harassment. OPP or officer-owned planes would constantly fly over the farm at dangerously low altitudes, diving toward the buildings, with the animals and their babies inside, swooping down on my wife and I when working in the fields, or just keeping us under surveillance.

It got so bad that I formally launched a complaint to the federal aviation commission, which included the plane identification number. The complaint was forwarded and the annoying behaviour nearly came to a stop.

Some time after this, a nearby resident, David Hedley, told me that the officer flying one of those planes in question had said, "It's only a matter of time before I get him."

The following August, in 1997, on the 19th, I had to ask three officers to please leave my property—they were trespassing in my bean field—after I got home on a Friday afternoon. They left reluctantly.

I still had no idea to what lengths they would go to possess our farm.

The following August, on the 21st, in 1998, a helicopter landed in the river on the back of our farm, and at the same time I saw three vans going up the neighbours' fence line. I asked my wife to stay in the house and keep the dog with her. I went out on my bicycle to see what was going on and found 14 police officers, some of whom were heavily armed, walking through our property, carrying marijuana. When I confronted them, they said it was found on my property and it was mine.

The situation got tense when I pulled the truth out of the commanding officer, who indicated it was not found on our property like I was originally told. It got even worse when one of the officers tried to pick a fight with me by being extremely rude and vulgar. A neighbour, Scott Rogers, witnessed this and said he would not have believed it if he had not seen and heard it for himself.

At this point, I contacted a lawyer in London, Fletcher Dawson, and he sent up a couple of investigators to check out my story, because at first, he thought this could not be happening. Upon finding out my story was for real, he contacted Staff Sergeant Gary Martin, in Goderich, in writing and warned him of the possibility of civil action. The lawyer told me he would not tolerate this kind of behaviour in this country.

The harassment continued, but only on different levels, such as harassing someone for co-signing for a possession-only licence for firearms for me, and lying to the federal government about being in trouble, causing them to have to launch an investigation, resulting in a detachment reprimand. After this, I got my POL, and they sat in front of our house and did intimidating drive-bys.

It does not stop here. When they found marijuana in the area, they would tell people it was mine. I heard this from a millwright at Kellogg's in London, where I've worked as a mechanic for the past 28 years, who happens to be married to a girl whose parents live up the road. They told me that when they found marijuana on their property, it might belong to the Enns guy up the road.

Enough about police misconduct; I think I've made my point here. Police are full of hate over the marijuana situation because of what happened in Mayerthorpe, Alberta, trying to equate a 20-plant operation to the evils of grow-ops. Police have manipulated the media, the citizens of Canada and now the justice system for more money and more men by dressing up in chemical suits for photo-ops, saying it's a gateway drug and exaggerating about stolen hydro and increased criminal activity.

A substantial number of grow operations busted in London, shown on a map of the city last Saturday, were under 20 plants. Could having a few plants be a good reason for losing your home? I believe most people would not think so. This game politicians have created for themselves of chasing and punishing people involved in cannabis has gone way too far when something one has worked for all one's life can be swept away by greedy enforcement officials.

This law is draconian. Drug prohibition can undermine the integrity of policing, as can be seen in the evidence provided in this case. I implore you not to give them any more power resulting in further corruption and immoral behaviour. This is a losing battle, and taking people's property will not help things at all. In the case of high-profile busts such as Parkdale and Molson's, how many people at the top were convicted? How much property was confiscated? None. Confiscating citizens' homes will only lead to bigger or more plentiful operations in rental units, where more people will be put in danger; for example, faulty wiring.

The police consider anything with more than one plant a grow-op run by organized crime, which is simply not true. Crime-oriented businesses that are involved in drug dealing can be shielded by corrupt police officials and do not have to worry about losing their properties. Police officers caught up in corruption probes fall under a

different set of rules than the general public. When three or more of their members are criminals, they do not lose their homes acquired through illegal gains.

Another example of a law not being evenly applied in this case is Mr. George W. Bush, who has admitted to smoking pot but suffered no penalties, even though he tells us up here to get tough about it and has had people in his own country serving up to 20 years in prison for admission of possession.

Bill 128 will also, at times, be a double standard, and people without money and influence will pay the price. This is so very wrong. Please stop the rich, powerful and corrupt from stealing from us under the guise of justice over something that has been proved to be not that bad by federal and health agencies. Criminal law should not be a tool of oppression toward a specific group in society, as it was in Germany prior to World War II. V-E Day is coming up, and I hope our fathers' sacrifices were not in vain.

The Chair: Thank you, Mr. Enns. We'll have minimal time between the parties. We'll start with Her Majesty's loyal opposition.

Mr. Runciman: Mr. Enns, I guess we really can't get into the specifics of your situation or the merits. Obviously, you have some strong feelings. I do share some of your concerns with respect to the powers that are allotted under this legislation, especially the entry without warrant—I think that's one that should be of concern—and the elements of danger that could pose to those folks who are untrained and unaware but who are entering properties without warrants. They themselves could face some challenges and some risks that they would be completely unaware of. I think there's a safety element there, and certainly the rights of property owners need to be respected as well.

I'm just curious, though, with respect to your concerns. You mentioned going to federal authorities. I don't know if you've talked to your local MPP about your concerns or looked at the police complaints process in Ontario. If you feel you're being inappropriately dealt with by local police authorities, there is an avenue for you to pursue as well.

1100

In some respects, I share your view that this is something of a losing battle, and I don't believe that at the end of the day this legislation is going to have any impact whatsoever in terms of grow-ops in the province of Ontario, especially those that are within the purview of organized crime. I don't think this will have any impact whatsoever.

I wish you well. I appreciate your concerns, and I think there are some avenues that you could consider pursuing, if you haven't already done so.

The Chair: We'll leave it at that. Thank you, Mr. Runciman. Mr. Kormos?

Mr. Kormos: Thank you very much for coming today, sir. Your input is considerable. You've heard me say before that there's nothing in this bill that's going to help police bust grow-ops. Do you understand what I'm

saying? At the end of the day, if you're going to shut down grow-ops, cops have to be able to shut them down—end of story—and there's nothing in this bill that helps the police do that. I'm looking forward to the next presenter, because the next presenter may be supportive of the bill and may explain to us what specific sections help the police.

Criminals don't care if you increase the fines for violations of the Fire Protection and Prevention Act, because they have no intention of getting caught and, quite frankly, if there's enough money in the operation—these things have got to be profitable; they've got to be, or else people wouldn't be taking over Toronto. Heck, down where I come from, you can buy a house for what you pay for a parking spot here in Toronto. If you're telling me that people are turning Toronto houses into grow-ops and basically making the property worthless, there's got to be a whole lot of money being made in these operations. So doubling the fines for breaking the fire code—yikes.

Then we hear that you've got a bona fide criminal operation, and because of scarce police resources they can just keep operating because the police don't have the resources to move in and bust the joint, never mind prosecuting. That's problematic.

The Chair: Thank you, Mr. Kormos. We'll move to the government side.

Mrs. Sandals: I believe we're out of time, Mr. Enns, but thank you for your information.

The Chair: Thank you, Mr. Enns, for your deputation.

ONTARIO PROVINCIAL POLICE ASSOCIATION

The Chair: I would invite our final presenter of the day, Mr. Brian Adkin, president and CEO of the Ontario Provincial Police Association. Welcome. I will advise you that you have approximately 15 minutes for your deputation. Please begin.

Mr. Brian Adkin: I have some copies of the presentation.

The Chair: You might hand it to the clerk, who will be pleased to distribute it to us all.

Mr. Kormos: In the interim, Chair, could we make a request to legislative research?

The Chair: Please go ahead.

Mr. Kormos: This is in reference to the sections of the bill that purport to give local hydro distributors the authority to disconnect a hookup. What powers, if any, are there now for a hydro distributor to, let's say, red tag, if that's not an inappropriate word, an improper, illegal or dangerous hookup?

The Chair: Your request is received by legislative research.

Mr. Adkin, your time begins now.

Mr. Adkin: Thank you very much. My name is Brian Adkin. I'm the president of the Ontario Provincial Police Association. I'm very pleased to be here and to have the opportunity to address the committee.

The Ontario Provincial Police Association is the representative bargaining agent for over 5,400 uniformed and 2,500 civilian members of the Ontario Provincial Police. Members of the OPP provide policing services to those areas of the province that do not have municipal police forces. In addition, the members of the Ontario Provincial Police provide investigative services, on the direction of the minister of public safety, to assist municipal forces. We have several drug squads that work throughout the province on a stand-alone basis, as well as participate in many joint police force investigations.

The proposed legislation, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities, is a needed tool for investigative bodies throughout the province. The new legislation provides for the development of a special account to oversee proceeds from seized assets of grow operations and other related criminal activities. These proceeds can and should be utilized on enforcement, crime prevention and victim compensation.

Marijuana grow operations are an issue that is out of control in Canada and, in particular, in Ontario. As identified at the Green Tide summit, marijuana grow operations are a major funding source for organized crime groups, which in turn fuels the trafficking of illegal firearms and drugs such as cocaine and ecstasy in Ontario. The problem continues to grow, and criminals continue to generate incredible profits. The Ontario Provincial Police Association has identified several areas regarding marijuana grow operations which are a concern to our members assigned to drug enforcement.

We also believe that marijuana grow operations should be classified as clandestine labs. This approach would cover all illegal labs in Ontario, such as indoor marijuana grow operations, methamphetamine labs, extraction labs for cannabis resin, e-labs for meth and ecstasy, and M and M—meth and marijuana—labs.

Police enforcement of clandestine drug operations has become merely reactive rather than proactive. Clandestine labs are found in all communities, from industrial areas such as the former brewery operation in Barrie, Ontario, to many residences throughout Ontario. Compounding these investigative issues is a general feeling from our members that persons convicted of these offences are not receiving appropriate penalties.

We are also concerned that the public is not aware of how extensive this problem has become and the amount of money that is being made by organized crime.

I just want to deal with the lab issue for a minute. We think that clandestine labs of all types are very important. The clandestine labs are for methamphetamines and ecstasy. Five years ago in the province, we were surprised by the influx of marijuana grow-ops and were subsequently caught off guard with resources, equipment and training. As I said earlier in the presentation, we see this as now being out of control. We now see meth labs

or clandestine labs coming to our province in a huge way. In 2002, there were 20 labs; in 2003, 25 labs that were dismantled; in 2004, 31 labs. So far in 2005, there have been six, and the number continues. I just want to emphasize how important this is.

The lab investigations may require assistance from municipal and provincial authorities—environmental, building and bylaw authorities—to work along with the police to ensure that the labs are dealt with in a safe, effective and efficient manner, always keeping in mind public safety. It's a critical issue for us.

The first area of concern that we have is the health and safety of our members assigned to investigate and take down these clandestine labs in Ontario. Drug enforcement officers must all be issued with the proper equipment required for protection from the health, environmental and chemical hazards found in clandestine labs. Not only must all drug enforcement officers in Ontario be issued proper equipment—such as APR masks, body suits, boots, Kevlar and plastic gloves—but a health and safety standard must also be created to ensure the compulsory wearing of the proper equipment when taking down these clandestine labs. Training must also be provided to all police officers, identifying the dangers associated with clandestine labs. We recommend that the minister establish a working group to develop regulations and standards under the Police Services Act for mandatory equipment for drug enforcement units and front-line police personnel.

The next topic is inadequate resources. Inadequate resources are the second area of concern for the OPPA. As previously indicated, clandestine labs are out of control in Ontario, and police services do not have the proper resources to tackle the problems of clandestine labs and criminal organizations. Operating under organized crime, marijuana production in Ontario has brought with it related violence, including homicides, home invasions, weapons offences, extortion, money laundering and other illicit drug activity such as ecstasy, cocaine and methamphetamine. Illicit drug production and trafficking is the primary financial vehicle for organized crime, and targeted drug enforcement is the most effective and proven method to disrupt this activity and those profiting from these means. Attacking the criminal organizations must be the top priority for law enforcement agencies. Police services in Ontario are currently only reacting to identified labs and do not have the resources to proactively address the bigger problem: organized crime organizations.

The Ontario Provincial Police has 10 fewer members assigned to drug enforcement than in the mid-1990s, and indoor marijuana grow-ops are increasing in unbelievable numbers. The Ontario Provincial Police experienced a 60% increase in indoor marijuana operations seizures between January 2001 and December 2002. Marijuana plant seizures in Canada have increased 60% from 200,000 plants seized in 1993 to 1,400,000 in 2000. It is estimated there are approximately 15,000 marijuana grow operations in Toronto alone.

1110

The Ontario Provincial Police drug enforcement section is well respected as the lead agency in drug enforcement in Ontario. With extensive experience in operating successful joint forces operations, delivering consistent, efficient and effective drug enforcement initiatives province-wide, the OPP drug enforcement section is perfectly suited to continue to lead in the battle against clandestine labs in this province. The formation of OPP regional JFOs focusing solely on clandestine labs and the criminal organizations behind these labs in Ontario is the only way to proactively attack this problem and build safer communities in Ontario. The OPP regional JFOs, spearheaded and maintained by members of the OPP drug enforcement section, would increase coordination, co-operation and information-sharing between police forces in Ontario, thus creating a single entity tasked with proactively combating organized crime groups instead of simply putting out local fires. The OPP regional JFOs, or joint force operations, could be funded from assets seized from the criminal elements and private funding from other stakeholders.

As indicated in the NCC working group on marijuana grow operations report of September 2003, it is generally accepted that one of the strongest deterrents to criminal conduct is to take from the offender any profits generated from the commission of the offence. The NCC report also indicated that the province of Ontario's civil assets forfeiture is far more effective than the federal proceeds-of-crime legislation. This provides for a more streamlined approach to forfeiting proceeds of crime while providing appropriate protection to innocent parties.

The Ontario Provincial Police Association supports Bill 128 and, in particular, the amendment to the Fire Protection and Prevention Act, 1997, pertaining to doubling the maximum penalties for any contravention of the Ontario fire code, such as tampering with wiring that would cause excessive heating that would lead to a fire, something commonly found with grow operations. Additionally, the association is supportive of allowing local hydro distribution companies to disconnect hydro without notice in accordance with a court order or for emergency, safety or system reliability concerns.

The association is supportive of legislation that speaks to addressing any threats likely to endanger the safety of any person or law enforcement official. In particular, not only does the act assist enforcement agencies within the province, it also provides our members and the public at large with the necessary measures to address marijuana grow operations and protect the public from the theft of hydro, which is a costly offence.

However, there is a concern that the association feels needs to be addressed—what it perceives as a shortfall to the legislation. Specifically, that is the proposed changes to the Building Code Act, 1992, requiring building inspectors to enter a building and conduct an inspection after being notified by a police service that the building contains a marijuana grow operation. The proposed amendment also indicates that “An inspector who finds

that a building that contains a marijuana grow operation is unsafe shall make an order setting out the reasons why the building is unsafe and the remedial steps necessary to render the building safe.”

The Ontario Provincial Police Association, as a member of the Green Tide action group and its subcommittee, has determined from the Ontario building inspectors’ association that their members, who will be tasked with conducting these inspections, are not properly trained to identify structural damage and the vast variety of moulds that in themselves are highly toxic in nature. The association believes that, in the fairness of safety and of ensuring that a proper examination of the find is conducted, the government identify the appropriate structural and environmental engineers who can, in turn, effectively assess the situation and set in place the appropriate measures to be undertaken.

We congratulate Minister Kwinter for his leadership on the Green Tide Action Group. His coordination of this group has helped raise public awareness of a critical situation and has brought together stakeholders to develop solutions to the problems. The OPPA has been an active participant on this committee and we thank the minister for allowing us to participate. We support Bill 128 and look forward to its passage as soon as possible to protect public safety.

We’d be quite pleased to answer any questions that may come up.

The Chair: Thank you, Mr. Adkin. We have about five minutes to distribute, and we’ll start with Mr. Kormos.

Mr. Kormos: Let’s deal with this business of building inspectors, because you know I’m not happy with the way the section is written now. Can you cite an instance where the police have busted a grow-op and where building inspectors have said, upon being notified, “No, we’re not going to come and inspect”?

Mr. Adkin: No, I can’t, Mr. Kormos, but one of the concerns we have, as we said in our report, is about the issue of being able to do it properly. I think the whole situation with grow-ops has been moving and constantly improving. With the Green Tide committee being brought together, these are some of the issues that have been identified. But it’s important to improve on that.

Mr. Kormos: I want to take you back to page 6 of your submission. I don’t want the record to be in any way incorrect because I read in the first paragraph your data, correcting an inadvertent typo there, “200,000 plants seized in 1993” in Canada “to 1,400,000.” Isn’t that what that’s supposed to read?

Mr. Adkin: That’s right.

Mr. Kormos: So 1,400,000 seized in 2000. And if we sort of extrapolate, that’s the growth from 1993 to 2000, in seven years; so to 2005, if it’s growing at the same rate, we’re up to millions of plants capable of being seized. The plants that are seized are what percentage of the actual plants being grown, in your estimate?

Mr. Adkin: I wouldn’t know that, Mr. Kormos.

Mr. Kormos: Fifty per cent?

Mr. Adkin: Less than that, I would guess.

Mr. Kormos: Thirty per cent?

Mr. Adkin: Yes.

Mr. Kormos: Good God. And this stuff isn’t being used for cattle feed, is it?

Mr. Adkin: No, not at all. It’s being used to fund criminal operations.

Mr. Kormos: And people are smoking this stuff as product, at the end of the day.

Mr. Adkin: I think you have to be careful when you’re saying that, because you should be able to say where they’re smoking it, and most of it is being sent to the United States. I think this is part of the problem that comes up and maybe some of the things you’re touching on. This is not a group of people just sitting around and growing a bit of marijuana for their own consumption; this is a criminal operation that is highly sophisticated and is sending illicit drugs all over North America.

Mr. Kormos: It’s commercial, no two ways about it.

Mr. Adkin: It’s commercial and industrial.

Mr. Kormos: Between you and me—understand, I’m not disputing that by any stretch of the imagination.

The Chair: We’ll move to the government side.

Mrs. Sandals: Good morning, Brian. Just to note that your colleagues from the PAO cited the same concerns around officer health and safety when you first go into the grow-op. Just a couple of quick questions. You’ve mentioned in your remarks that you find that the Ontario civil assets seizure is more effective than the federal process. So I’m presuming that you’re supportive of the section in this legislation which takes more of the process back to the province where we’ve got a better record, perhaps.

Mr. Adkin: Yes, it’s a far better working system.

Mrs. Sandals: If we could look at the building inspector issue a little bit, first of all. You’ve identified an issue around here whether building inspectors are always the best people to deal with this. I’m presuming, then, that if we were able to position this so that the municipality would have some discretion in appointing the most appropriate body, you would be supportive of that sort of a—

Mr. Adkin: We would be. Our concern about it is, first of all, the issues set out in the report and, secondly, the long-standing implications with this. One of the problems you have is that you don’t know what goes on. You don’t know where that house is going to be and what’s going to be happening to that house or to the industrial operation or commercial operation as well, so it’s important to have people with the right training who can do it. But we’re looking for the proper group of people.

Mrs. Sandals: I’m assuming that because we’ve heard some give and take between municipalities and back and forth, if you don’t think building inspectors are qualified, then you certainly don’t think police officers are qualified to be making recommendations about giving orders.

Mr. Adkin: Certainly, it’s not our area of expertise at all. It’s somebody who needs to have the technical knowledge where they can make statements and be aware of the implications down the road.

Mrs. Sandals: So then I'm inferring that you—

The Chair: Thank you, Mrs. Sandals. I would now move to the official opposition.

Mr. Runciman: I've got two minutes to ask a tonne of questions, but anyway, I guess I'll get to the crux of this. Mr. Adkin, you're in support of this. If we have you back here in two years, in 2007, with your support of this, are you indicating that we're going to see a dramatic lessening of grow-ops in Ontario as a result of this legislation? Is that what you're suggesting by your submissions?

Mr. Adkin: With our submissions? Yes, Mr. Runciman, I think it would be possible to see that. There are some other areas I've been courting with this as well. By appearing at this committee, we're hoping that it will raise the profile of the problems with this and also have the support of the government to deal with the federal government to raise penalties, because that's another important issue.

Mr. Runciman: I'll bet you a good cigar that it hasn't improved in terms of this legislation.

Mr. Kormos: It better be only a cigar.

Mr. Bob Delaney (Mississauga West): You won't be able to smoke it in Ontario anyway.

Mr. Runciman: We'll have to find a place. According to the government, we won't even be able to do it in our apartment.

You emphasized monies and organized crime. Is there any indication from intelligence and JFOs that any of these funds are being directed toward terrorist organizations anywhere in the world?

Mr. Adkin: I'm not familiar with that, Mr. Runciman. I couldn't state that.

Mr. Runciman: OK. In terms of my view on this, it's a federal matter in terms of minimum sentences, and we know that. I'm not sure what the current government's position is in terms of pressuring the federal government to implement minimum sentences. I think that's the real way to have an impact.

What would your association think of the provincial Attorney General setting a threshold for crowns in terms of the size of a grow-op and the sentence meted out by the judge dealing with that case? What I'm suggesting is a threshold. If you're looking at a major operation, where someone is getting 12 months in a provincial facility, they're out in three; a great return versus risk. If the crown had a threshold in terms of appealing, we would at least send a message out to the judiciary that we're just not going to sit back and allow these kinds of soft sentences to occur where people can operate multi-million-dollar operations, get a slap on the wrist and be back in business in six months.

Mr. Adkin: We think that would be very positive. That's one of the big problems with the situation right now.

The Chair: Thank you, Mr. Adkin, for your deputiation.

Is there any other business on behalf of the committee? Seeing none, I advise the committee that we are adjourned until Wednesday, May 11, for our clause-by-clause analysis. This committee is adjourned.

The committee adjourned at 1121.

CONTENTS

Thursday 5 May 2005

Law Enforcement and Forfeited Property Management Statute Law Amendment Act, 2005, Bill 128, <i>Mr. Kwinter</i> / Loi de 2005 modifiant des lois en ce qui concerne l'exécution de la loi et l'administration des biens confisqués, projet de loi 128, <i>M. Kwinter</i>	JP-509
Leacock Community Association	JP-509
Mr. Murray Hedges Mr. Charles Cook	
City of Toronto.....	JP-511
Mr. Michael Del Grande	
Fire Fighters Association of Ontario	JP-514
Mr. Rodney McEachern	
Mr. Ron Enns	JP-516
Ontario Provincial Police Association	JP-518
Mr. Brian Adkin	

STANDING COMMITTEE ON JUSTICE POLICY

Chair / Président

Mr. Shafiq Qadri (Etobicoke North / Etobicoke-Nord L)

Vice-Chair / Vice-Président

Mr. Bob Delaney (Mississauga West / Mississauga-Ouest L)

Mr. Michael A. Brown (Algoma–Manitoulin L)
Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh L)
Mr. Bob Delaney (Mississauga West / Mississauga-Ouest L)
Mr. Kevin Daniel Flynn (Oakville L)
Mr. Frank Klees (Oak Ridges PC)
Mr. Peter Kormos (Niagara Centre / Niagara-Centre ND)
Mr. Shafiq Qadri (Etobicoke North / Etobicoke-Nord L)
Mr. Mario G. Racco (Thornhill L)
Mrs. Elizabeth Witmer (Kitchener–Waterloo PC)

Substitutions / Membres remplaçants

Mr. Khalil Ramal (London–Fanshawe L)
Mr. Robert W. Runciman (Leeds–Grenville PC)
Mrs. Liz Sandals (Guelph–Wellington L)

Clerk / Greffier

Mr. Katch Koch

Staff / Personnel

Ms. Margaret Drent, research officer,
Research and Information Services