



ISSN 1180-4319

**Legislative Assembly
of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 8 June 2005

**Journal
des débats
(Hansard)**

Mercredi 8 juin 2005

**Standing committee on
regulations and private bills**

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

Chair: Marilyn Churley
Clerk: Tonia Grannum

Présidente : Marilyn Churley
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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 REGULATIONS
AND PRIVATE BILLS**

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

Wednesday 8 June 2005

Mercredi 8 juin 2005

The committee met at 1002 in committee room 1.

ACTON DISPOSAL
SERVICES LIMITED ACT, 2005

Consideration of Bill Pr9, An Act to revive Acton Disposal Services Limited.

The Chair (Ms. Marilyn Churley): I'm calling the meeting of the standing committee on regulations and private bills to order. Good morning, everybody. We're going to start with Bill Pr9, An Act to revive Acton Disposal Services Limited.

Mr. Racco, I believe you're going to introduce the parties.

Mr. Mario G. Racco (Thornhill): Good morning. I would like to briefly introduce to you Bill Pr9, An Act to revive Acton Disposal Services Limited. With me today is Jeanne McCauley and Frank Sgro, their solicitor, who is representing Mary Petriglia, president of Acton Disposal Services Ltd.

We ask the committee today to revive Acton Disposal Services Ltd. The company was dissolved under the Business Corporations Act on July 18, 2001, for failure to comply with subsection 115(2) of the act. Mary Petriglia was the sole director and shareholder of the corporation when this took place, and maintains that this default was done in error and that the business has been carried on in the name of the corporation despite dissolution.

I thank you, and if there are any questions, Mr. Sgro will be able to answer them.

The Chair: Thank you very much, Mr. Racco. Could I ask the applicant to make some comments, and please say your name for the record.

Mr. Frank Sgro: My name is Frank Sgro. I'm here on behalf of Mary Petriglia and Acton Disposal.

There was a change in directors in 1999. The matter was handled by the accountant for the corporation at the time, who filed form 1 under the Business Corporations Act. One of the requirements of a corporation under the Business Corporations Act is that it have a board of directors. That's under section 115 of the act. Unfortunately, form 1 did not disclose that Mary Petriglia was a director; in fact, it didn't disclose that there were any directors. As a result, a notice was sent to the corporation requesting information as to the board of directors.

Through inadvertence, there was no response to that request, and ultimately the company was cancelled for cause, for not disclosing a board of directors. As a result of that, we're here requesting that the company be revived. The company has carried on business continuously in the ordinary course. It has assets and, as a necessity, it needs to be revived.

I'm not sure if there are any other questions.

The Chair: Thank you very much. Do you have any comments?

Ms. Jeanne McCauley: No.

The Chair: OK. Are there any questions or comments from the members?

Interjection.

The Chair: I'm being coached here. Give me a moment.

Are there any interested parties here, and if so, would you like to come forward?

Parliamentary assistant, do you have any comments from the government on this bill?

Mrs. Maria Van Bommel (Lambton–Kent–Middlesex): We have no problems with this bill.

The Chair: OK. Now I get to ask if there are any comments or questions from the members. Are the members ready to vote on this matter?

Let's look at section 1. Shall section 1 carry? All in favour? Opposed? Carried.

Shall section 2 carry? All in favour? Opposed? Carried. Too bad things don't go this smoothly in the House.

Shall section 3 carry? All in favour? Opposed? Carried.

Shall the preamble carry? All in favour? Carried.

Shall the title carry? All in favour? Opposed? Carried.

Shall the bill carry? All in favour? Opposed? Carried.

Shall I report the bill to the House? All in favour? Opposed? Carried.

Thank you very much.

Mr. Sgro: Thank you very much.

TYNDALE UNIVERSITY COLLEGE
& SEMINARY ACT, 2005

Consideration of Bill Pr12, An Act respecting Tyndale University College & Seminary.

The Chair: The second item on the agenda is Bill Pr12, An Act respecting Tyndale University College & Seminary.

Mr. Martiniuk, you are going to introduce this on behalf of Mr. Klees?

Mr. Gerry Martiniuk (Cambridge): Yes, thank you very much, Chair. I extend my colleague Mr. Frank Klees's apology to the committee. Due to a funeral he is attending this morning, he cannot be here to introduce the principals of the Tyndale University College and Seminary, and I therefore have the pleasure. I wish to present to the committee Mr. Earl Davey, provost; Mr. Winston Ling, vice-president, finance and administration; and Mr. David G. Fuller, solicitor.

The Chair: Thank you very much. Could I ask the applicants to introduce yourselves and then, if you have any comments, please make them.

Mr. David Fuller: My name is David G. Fuller. I am the solicitor for Tyndale University.

Mr. Winston Ling: I'm Winston Ling, the vice-president of finance and administration.

Dr. Earl Davey: Earl Davey, provost.

The Chair: Go ahead.

Mr. Fuller: In terms of comments, the bill is straightforward. It's intended to incorporate, at the request of the ministry, in the legislation governing Tyndale, student protection provisions for the general and honours bachelor of arts programs in humanities, social science and business studies, and other new degree programs similar to those set out for private institutions under Ontario regulation 279, passed in 2002.

Boiling that down, what it means is that we are putting in place, in the legislation that governs us, security with respect to tuition fees that have been paid but not yet earned by the university and security with respect to access for transcripts of the students in these programs. This is a standard provision that the ministry has asked us to do.

The Chair: Are there any other comments from the applicants? No.

Are there any other interested parties here who would like to speak to this? OK.

Parliamentary assistant, are there any comments from the government?

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Mrs. Van Bommel: The Minister of Training, Colleges and Universities, as was stated, has requested this, so she is certainly in support of this, and as a government we have no objections.

The Chair: OK. Thank you. Are there any questions or comments from the committee members to either the applicant or the parliamentary assistant on this matter?

Are the members ready to vote?

Interjection.

The Chair: Did you have a—

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): I have another matter with this one, but let's do the first. This is just to waive the fees.

The Chair: All right. So now we'll vote on this bill.

Shall section 1 carry? All in favour? Opposed? Carried.

Shall section 2 carry? All in favour? Opposed? Carried.

Shall section 3 carry? All in favour? Opposed? Carried.

Shall the preamble carry? All in favour? Opposed? Carried.

Shall the title carry? All in favour? Opposed? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? All in favour? Opposed? Carried.

All right, then. Thank you very much.

Mr. Murdoch: Madam Chair, I have a motion here that I'd like to put.

The Chair: Mr. Murdoch, go ahead.

Mr. Murdoch: I move that the committee recommend that the fees and the actual costs of printing at all stages be remitted on Bill Pr12, An Act respecting Tyndale University College & Seminary.

The Chair: Any comments or questions?

Mrs. Van Bommel: Can I ask how much all that would amount to?

Mr. Murdoch: Because they won't know.

The Clerk of the Committee (Ms. Tonia Grannum): The fees are the \$150 filing fee, and the printing costs are about \$1,100 to \$1,500. If it's a charitable organization, the committee usually can request that.

Mrs. Van Bommel: I have no objections.

The Chair: Any other comments on this amendment?

All in favour? Opposed? It's carried.

Congratulations, Mr. Murdoch. You won one.

Thank you very much, gentlemen.

INSTITUTE FOR CHRISTIAN STUDIES ACT, 2005

Consideration of Bill Pr14, An Act respecting the Institute for Christian Studies.

The Chair: We're ready to move on to the next item, which is Bill Pr14, An Act respecting the Institute for Christian Studies.

Mr. Marchese, you are the sponsor of this bill. Would you like to take your seat and introduce it?

Mr. Rosario Marchese (Trinity-Spadina): I'd like to move Bill Pr14, An Act respecting the Institute for Christian Studies.

I have with me Harry Fernhout and Ansley Tucker. They will introduce themselves in a moment.

Just to read the preamble: "The Institute for Christian Studies has applied for special legislation to amend its authority to grant degrees and to change the structure and powers of its board of trustees and its senate. The applicant represents that it was incorporated by the Institute for Christian Studies Act, 1983.

"It is appropriate to grant the application."

I just want to say, Madam Chair, and to the Liberal members, this bill has been languishing in these halls in this assembly for a long, long time. It's almost em-

barrassing to come and reintroduce it and bring these people back. I know that this bill will be passed in this committee—that's not the problem—but it's important for the parliamentary assistant and Liberal members to just press the government to get these things passed, so that we don't waste their time and my time and our time having to deal with bills that we all agree to.

Having said that, we'll just have Mr. Fernhout and then possibly Ms. Tucker to speak.

The Chair: Mr. Fernhout, would you like to go ahead, and state your name for the record, please.

Dr. Harry Fernhout: My name is Harry Fernhout. I serve as president of the Institute for Christian Studies.

Ms. Ansley Tucker: Hi. I'm Ansley Tucker. I'm the associate academic dean.

The Chair: Go ahead.

Dr. Fernhout: As Mr. Marchese has said, the Institute for Christian Studies has been operating under the Institute for Christian Studies Act since 1983. That act authorized us to grant the degree of master of philosophical foundations—I believe one of a kind in the world—because, under government policy at the time, we were not able to grant a standard MA degree or get access to a standard MA degree, and since we were not a theological college, we compromised with government at the time on “master of philosophical foundations.”

The act also authorized us to grant a program leading to the PhD degree, provided that the degree was granted by another institution that had ministerial consent. Since 1983, we've haven't been doing it. The Vrije Universiteit in Amsterdam applied for ministerial consent on our behalf and we had an arrangement with them whereby our students had access to the PhD granted by that institution. In 1992, the degree of master of worldview studies was added to our charter.

The Post-secondary Education Choice and Excellence Act, 2000, changed government policy in this area and it became possible for the institute to apply for standard degree nomenclature. We submitted that application in 2002. In early 2003, the minister indicated that a condition of support for those changes to our legislation would be a favourable review by the Postsecondary Education Quality Assessment Board. We subsequently submitted an application to PEQAB and the board made a recommendation to the minister that our degree changes be approved in the spring of last year. The minister granted consent to those changes in December.

Since then, we've met a number of other conditions of the minister in terms of security and so on and so forth. I believe we've now met all the ministry's conditions and have applied for this legislation.

The Chair: Thank you very much. Did you have any comments?

Ms. Tucker: No, that's fine, thank you.

The Chair: Are there any other interested parties who would like to come forward and speak to this? OK.

Parliamentary assistant, do you have comments from the government?

Mrs. Van Bommel: Thank you for coming in and for your thorough explanation. We have a letter of support for this private member's bill from the Minister of Training, Colleges and Universities, the Honourable Mary Anne Chambers. We have no objections to this.

The Chair: Members of the committee, any questions or comments?

Mr. Martiniuk: Could I just refer to paragraph 6 of subsection 6.1(1). There seems to be an additional power or right to grant diplomas and certificates, which I assume did not exist prior to this new act. I was just curious as to the reason, considering that you're granting masters and PhDs, why the power to grant diplomas and certificates would be significant.

Dr. Fernhout: That is in fact a provision that was in the original act of 1983. A diploma or a certificate is a way of recognizing, for example, the work of someone who isn't able to fulfill all the requirements for the degree, but who yet needs some non-degree form of recognition for the work they've done.

The Chair: Any other questions or comments? OK.

Are the members ready to vote? All right.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried.

Mr. Marchese: If I can, given that the precedent has been set today by Mr. Murdoch, I'd like to move the same motion that he did. That would be, I move that the committee recommend that the fees and the actual cost of printing at all stages be remitted on Bill Pr14, An Act respecting the Institute for Christian Studies.

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The Chair: I understand that because you're sponsoring it, you need to get another member to move that motion for you.

Mr. Gilles Bisson (Timmins–James Bay): I so move.

The Chair: OK.

Mr. Bisson: I move that the committee recommend that the fees and the actual cost of printing at all stages be remitted on Bill Pr14, An Act respecting the Institute for Christian Studies.

The Chair: Are we ready to vote on the amendment?

Interjections.

The Chair: All right, members, come to order. Are we ready to vote on the motion?

All in favour of the motion? Opposed? Carried.

Thank you very much.

TORONTO ATMOSPHERIC FUND ACT, 2005

Consideration of Bill Pr15, An Act respecting the Toronto Atmospheric Fund and the Clean Air Partnership

(formerly known as the Toronto Atmospheric Fund Foundation).

The Chair: Finally on the agenda today, we're dealing with Bill Pr15, An Act respecting the Toronto Atmospheric Fund and the Clean Air Partnership (formerly known as the Toronto Atmospheric Fund Foundation). Would the interested parties come forward, please.

Mr. Duguid, I believe you're sponsoring this bill.

Mr. Brad Duguid (Scarborough Centre): Thank you, Madam Chair. I am pleased to sponsor Bill Pr15, An Act respecting the Toronto Atmospheric Fund and the Clean Air Partnership (formerly known as the Toronto Atmospheric Fund Foundation).

Let me begin by saying I will not be moving that we eat the costs for the city of Toronto on this. Although their financial difficulties may be a little worse than some of the organizations that have come before us today, we're not going to be that generous.

I want to welcome Councillor David Soknacki. Councillor Soknacki is a city councillor from Scarborough. He's chair of the budget advisory committee for the city and he's chair of the Toronto Atmospheric Fund. For the committee's information, Councillor Soknacki was appointed to this committee. It was one of the first committees he was appointed to when he first got on to Toronto council. I think he was appointed to it with the expectation he would be able to take a look at what's going on and make sure that things are being dealt with well on this very important fund.

It's a fund that provides grants to organizations and projects that help clean the air and the smog in Toronto—on a day like this, it is very appropriate to talk about it—and deal with global warming and those kinds of things. He has become very passionate about this particular fund over the years, and hence he's now chair of it.

One of things they're trying to do is bring this fund up to date, so they're changing the name to more appropriately reflect what it does. This bill will give the city a little more flexibility in terms of how it organizes and manages the fund, and a little bit better ability to manage the fund. I don't want to go into any more detail than that or to take up any more of the time than we need to.

I'd like to introduce Councillor Soknacki and his staff team and thank them for being here.

The Chair: Thank you very much, Mr. Duguid.

Welcome, Councillor and staff. Could you, first of all, introduce yourselves for the record?

Mr. David Soknacki: I'm David Soknacki, councillor, Scarborough East.

Ms. Lorraine Searles-Kelly: I'm Lorraine Searles-Kelly, a solicitor with the city of Toronto.

Mr. Clifford Goldfarb: I'm Cliff Goldfarb. I'm the lawyer for the Toronto Atmospheric Fund and the fund foundation.

Mr. Martin Willschick: My name is Martin Willschick. I'm manager of treasury services in the finance department of the city of Toronto.

The Chair: Thank you all for coming. Councillor, would you like to make some comments?

Mr. Soknacki: I would first like to thank Brad for his kind comments, and also comment, Madam Chair, that you run a very efficient committee. I wish that the budget committee would run half as quickly as this.

I would also like to respond to Member Duguid's comments with respect to the funds for this, because I think that with the new powers proposed in the private member's bill here, we will certainly be in a position to pay for this—

Mr Bisson: Private bill.

Mr. Soknacki: Private bill, I'm sorry. We'll be able to pay for this from the increased revenues that we'll be able to earn as a prudent investor.

I'm here on behalf of the TAF board to express support for the application. We established the Toronto Atmospheric Fund in the city of Toronto in 1991 to finance local initiatives to reduce greenhouse gas emissions and improve air quality.

Members of committee, I think it's also appropriate to acknowledge the role played by the Chair of this committee in the early days back on Toronto city council. Thank you very much for that way, way back.

The Chair: It's my baby.

Mr. Soknacki: Toronto city council approved, back in 1999 and again in May 2000, an application to the Legislature for amendments to the TAF Act of 1992, contained in the submission, to enable TAF to invest its funds in the manner set out in the new Trustee Act.

Council in September 2003 approved further amendments to the act with respect to certain governance matters. This matter has been to council a number of times. It's been through the committee process and has the strong support of council, the mayor and, of course, staff and TAF itself.

The amendments being proposed will enable TAF to increase the total return on its \$26-million endowment through prudent diversification of its investments. Increasing its total return means that TAF will be able to further its objectives by providing more funding each year to projects in Toronto that reduce greenhouse gas emissions and help clean the air. This includes projects undertaken by the city of Toronto itself, as supported by TAF, to reduce corporate energy costs, which total over \$100 million annually.

Cliff Goldfarb, city solicitor, is here, as are city staff. They're able to provide a detailed review of the significance of the proposed legislation. They have, Madam Chair and members of the committee, a number of pages here—I don't know if it's necessary—but they're certainly here to present, if you wish.

The Chair: In the interest of the efficiency that you just lauded us for, I would ask if the committee members would require or request the staff to go through the information they have.

Mr. Bisson: I want to hear from the PA.

The Chair: You want to hear from the PA. OK, then, let's hear from the PA. Do you have any comments on this?

Mrs. Van Bommel: Just one question: In being able to use the prudent investor standard, what difference in revenues would you anticipate?

Mr. Willschick: We've looked at various scenarios, and it looks like we could at least increase our rate of return by 1% on an annual basis over what it currently is—1% to even 1.5%—so that would be at least \$250,000 to \$400,000 a year in increased investment income.

The Chair: Are there any comments, by the way, or any other interested parties here who wish to speak to this? No, OK. Any other comments or questions from the members?

Are we ready to vote then? There are a number of sections, so we'll go through it quickly.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall section 5 carry? Carried.

Shall section 6 carry? Carried.

Shall section 7 carry? Carried.

Shall section 8 carry? Carried.

Shall section 9 carry? Carried.

This is like a tongue-twister.

Shall section 10 carry? Carried.

Shall section 11 carry? Carried.

Shall section 12 carry? Carried.

Shall section 13 carry? Carried.

I think I'm going to—I was just looking at the clerk to see if I can collapse all of these, because we have all in all—

Interjection.

The Chair: Yes, where did I end up?

Shall sections 12 through 31 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried.

Thank you all very much. That's the end of the agenda, so I am now adjourning the meeting.

The committee adjourned at 1029.

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Mr. Vic Dhillon (Brampton West–Mississauga / Brampton-Ouest–Mississauga L)

Mr. Brad Duguid (Scarborough Centre / Scarborough-Centre L)

Also taking part / Autres participants et participantes

Mr. Mario G. Racco (Thornhill L)

Mr. Rosario Marchese (Trinity–Spadina ND)

Clerk / Greffière

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Staff / Personnel

Ms. Susan Klein, legislative counsel