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**Official Report  
of Debates  
(Hansard)**

**Wednesday 16 November 2005**

**Journal  
des débats  
(Hansard)**

**Mercredi 16 novembre 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  
Greffière : Tonia Grannum

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE  
ON REGULATIONS  
AND PRIVATE BILLS**

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

Wednesday 16 November 2005

Mercredi 16 novembre 2005

*The committee met at 1004 in committee room 1.*

SUBCOMMITTEE REPORT

**The Chair (Ms. Marilyn Churley):** Good morning. I call the standing committee on regulations and private bills to order.

First we will have the report of the subcommittee on committee business.

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** I'm just going to read from the report itself.

Your subcommittee met on Wednesday, October 26, 2005, to consider the method of proceeding on the various private members' public bills referred to the committee, and recommends the following:

(1) That the committee meet on Wednesday, November 16, 2005, for clause-by-clause consideration of:

Bill 137, An Act to amend the Income Tax Act to provide for a tax credit for expenses incurred in using public transit;

Bill 58, An Act to amend the Safe Streets Act, 1999, and the Highway Traffic Act to recognize the fundraising activities of legitimate charities and non-profit organizations; and

Bill 153, An Act in memory of Jay Lawrence and Bart Mackey to amend the Highway Traffic Act.

(2) That the committee meet on Wednesday, November 23, 2005, for clause-by-clause consideration of:

Bill 209, An Act to amend the Highway Traffic Act with respect to the suspension of drivers' licences; and

Bill 101, An Act to amend the Health Insurance Act.

(3) That the committee meet on Wednesday, November 30, 2005, for clause-by-clause consideration of:

Bill 123, An Act to require that meetings of provincial and municipal boards, commissions and other public bodies be open to the public.

(4) That the committee meet on Wednesday, December 7, 2005, for clause-by-clause consideration of:

Bill 7, An Act to authorize a group of manufacturers of Ontario wines to sell Vintners Quality Alliance wines.

(5) That, in order to facilitate the committee's work during clause-by-clause consideration of all the private members' public bills, when time permits, proposed amendments shall be filed with the clerk of the committee by 2 p.m. on Monday, November 14, 2005.

(6) That the Chair write a letter to the three party House leaders advising them of the dates for clause-by-

clause consideration of the various private members' public bills.

(7) That the clerk of the committee, in consultation with the Chair, be authorized to commence making any preliminary arrangements necessary to facilitate the committee's proceedings prior to the passage of the report of the subcommittee.

**The Chair:** Thank you very much. We'll now move on to—

**Mr. Gerry Martiniuk (Cambridge):** Madam Chair, I have an amendment. We didn't vote on the acceptance of that.

**The Chair:** I'm sorry. I was just trying to slip it right by here. So we haven't voted. Yes, go ahead, Mr. Martiniuk.

**Mr. Martiniuk:** Mr. John Baird, who is the sponsor of Bill 101, An Act to amend the Health Insurance Act, has requested that the committee consider clause-by-clause on December 7, 2005, rather than November 23, 2005, as set out in the subcommittee report.

**The Chair:** Any comments?

**Mrs. Van Bommel:** No comments.

**The Chair:** All in favour? Opposed? That carries.

**Mr. Martiniuk:** Thank you.

**The Chair:** Shall the subcommittee report pass, as amended? All in favour? Opposed? It's carried.

INCOME TAX AMENDMENT ACT  
(PUBLIC TRANSIT EXPENSE TAX  
CREDIT), 2005

LOI DE 2005 MODIFIANT LA LOI  
DE L'IMPÔT SUR LE REVENU  
(CRÉDIT D'IMPÔT POUR DÉPENSES  
DE TRANSPORTS EN COMMUN)

Consideration of Bill 137, An Act to amend the Income Tax Act to provide for a tax credit for expenses incurred in using public transit / Projet de loi 137, Loi modifiant la Loi de l'impôt sur le revenu afin de prévoir un crédit d'impôt pour les dépenses engagées au titre des transports en commun.

**The Chair:** Now we move on to Bill 137. First of all, let me ask if there are any comments, questions or amendments to any section of the bill, and if so, which section?

**Mr. John O'Toole (Durham):** Thank you very much, Chair. I do appreciate this, and the government's indulgence in bringing this forward for public discussion.

If I'm allowed to enunciate, I do apologize that I have not formally submitted any amendment. At the same time, I would also thank the government for allowing it to receive some discussion.

I have been in touch with a number of experts from many of the transit authorities, asking—and I would say that for the most part, it's very well embraced. The problem, and I want to put it on the record, is this ability to provide a receipt. The administrative conundrum that that provides for someone buying a single ride ticket is the problem. What I'm suggesting is that the Canadian Urban Transit Association, and I think it's Dr. Roschlau—this is a national issue—believe there is a fair amount of interest in this to move ridership. Other jurisdictions have shown increases in ridership of as much as 20% to 30%. Again, the administrative burden of providing a receipt is the barrier. What I'm suggesting, and I put it to—Mr. Rinaldi, are you now the transportation PA? Who's—you are.

1010

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** No, I am not.

**Mr. O'Toole:** Yes, you were.

**Mr. Lalonde:** Not since last week.

**Mr. O'Toole:** But what I would like to recommend—and I could put it in a formal amendment to be dealt with, if that's acceptable to the committee—is to provide the minister with the opportunity to bring together the various authorities from GO Transit, TTC and the urban transit association to develop a model for implementation of the receiptable expense portion. It will take time. My belief and understanding from listening to the experts is that this should be tied to the implementation of a smart card.

**The Chair:** Can I just interrupt you briefly, Mr. O'Toole?

**Mr. O'Toole:** Yes.

**The Chair:** In that case, what you need to do is put that in a written amendment. Perhaps you might want to do that, and then we can discuss the amendment.

**Mr. O'Toole:** Yes. If you could set this aside—

**The Chair:** Is that OK with people, if we set this bill aside while Mr. O'Toole works on that amendment, and we'll come back to his bill?

**Mr. O'Toole:** Very good. Thank you very much for your indulgence, Madam Chair.

**The Chair:** OK. We'll just put that aside.

SAFE STREETS STATUTE LAW  
AMENDMENT ACT, 2005  
LOI DE 2005 MODIFIANT DES LOIS  
EN CE QUI CONCERNE  
LA SÉCURITÉ DANS LES RUES

Consideration of Bill 58, An Act to amend the Safe Streets Act, 1999 and the Highway Traffic Act to

recognize the fund-raising activities of legitimate charities and non-profit organizations / *Projet de loi 58, Loi modifiant la Loi de 1999 sur la sécurité dans les rues et le Code de la route pour reconnaître les activités de financement des organismes de bienfaisance légitimes et organismes sans but lucratif.*

**The Chair:** We'll now move to Bill 58, An Act to amend the Safe Streets Act, 1999 and the Highway Traffic Act to recognize the fund-raising activities of legitimate charities and non-profit organizations.

Mr. Lalonde, are there any comments, questions or amendments to any section of the bill, and if so, which section?

**Mr. Lalonde:** The comment on that is the fact that ever since this bill—which was Bill 8—was introduced, it did affect charitable organizations. Muscular Dystrophy Canada said they have lost over \$1 million ever since the bill was put in place.

We received a lot of support for this bill, especially when we had the public hearings here. The Toronto Professional Fire Fighters' Association supported Bill 58, saying that they had to discontinue their boot collection they were doing in Toronto. Also, the London firefighters have said that. A lot of organizations—we also received support from the Club Richelieu, the Optimist Club, the Lions Club—were all saying that when this bill was introduced, it was not taken into consideration that those non-charitable organizations should not have been affected by this bill. This is why, at the present time, we have introduced the bill.

There are a lot of organizations that are weighing at the present time—like the city of Ottawa; they have what they call the boot drive during the Santa Claus parade, from which they lost something like \$800,000, which was going to charitable organizations.

At this time, there are some amendments that were sent to the committee, which I'm willing to listen to. That's what I have to say at the present time, Madam Chair.

**The Chair:** OK. There are—

**Mr. Martiniuk:** Chair?

**The Chair:** Yes, Mr. Martiniuk?

**Mr. Martiniuk:** I'll deal with the amendments now rather than delay. There are three amendments, if I could approach it.

First of all, I support Muscular Dystrophy and all other charities that wish to use this vehicle in order to collect money and do the good work they do in our communities. In Cambridge, the firefighters have, in the past, solicited funds for Muscular Dystrophy Canada, along with all other volunteers. They do good work; we want to encourage it. I was always—

*Interjections.*

**The Chair:** Excuse me one moment. Could I ask Mr. O'Toole if you'd mind just going to the end of the table, because it's a little bit disruptive. Thank you.

Go ahead.

**Mr. Martiniuk:** OK. I had always understood, quite frankly, when this act was passed originally that, by regu-

lation, these charities would be exempt. That never occurred, unfortunately. I therefore commend Mr. Lalonde for bringing this bill, which I think corrects an inadvertent mistake that was made in the original bill.

I should say I feel very strongly that Mr. Lalonde's bill is an excellent bill and I will be supporting it whether or not my amendments carry. However, I'd like to point out what I am concerned about in these amendments.

Bill 58 refers to two kinds of groups. The first is a registered charity. A registered charity must be incorporated. That's just the law. It must file books with the federal income tax charitable division in order that they can supervise and ensure that the monies being collected are going for charitable purposes. That's a view I'm sure that we all hold.

The second reference is to a non-profit organization. Let's understand that. A non-profit organization does not have to be incorporated. It may be; it may not. There are no rules. I've done a number of non-profit organizations, both incorporated and non-incorporated. Really, one person could start a non-profit organization by choosing a name and drawing a constitution and you have that organization. There would be no supervision of non-profit organizations, whereas there is very strict supervision of charitable corporations. There are two separate units. Non-profits—

**The Chair:** I'm going to interrupt you, hopefully for the last time. Because you've submitted three amendments, it would probably make sense—your comments are fine—to read one amendment at a time and then make your comments relating to each amendment.

**Mr. Martiniuk:** I just want to give the background first—

**The Chair:** OK, go ahead.

**Mr. Martiniuk:** —because I had trouble understanding the amendments, although they're quite simple. When you look at it out of context, they don't seem to make sense.

**The Chair:** OK, sorry.

**Mr. Martiniuk:** I'm only going to do this once. I'm not going to do it again when I come to the amendments.

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** Thank God.

**Mr. Martiniuk:** Yes, thank goodness.

My concern is with the non-profit. My concern is very simple: that phony non-profit organizations could misuse this privilege. It's as simple as that.

Now, we do have a safeguard built into the bill that Mr. Lalonde has presented, and that is the municipalities. Unfortunately, many of our small municipalities certainly do not have the resources that, say, the federal income tax charitable division has in order to supervise, to ensure that these organizations are using the money properly. It's a very high onus to place on a municipality.

What's the solution? The solution is simply that we drop non-profit organizations entirely from the act and we stay with a charitable corporation, or it's referred to as a charity that's recognized by the income tax department of the federal government.

How would this work in practice? Let's use Muscular Dystrophy. This is, in a sense, where it started. It is a registered charity, pursuant to the Income Tax Act. All volunteers soliciting money for Muscular Dystrophy are of course agents of that company and they're exempt. The corporation is exempt from the workings of the act and so are the volunteers who would be soliciting money for Muscular Dystrophy. I'm using them as an example because it would apply to any charity in Canada.

Am I boring Mr. Murdoch?

**Mr. Murdoch:** Yeah.

**Mr. Martiniuk:** These amendments, I think, clarify and do what Mr. Lalonde wishes it to do, but I'd be pleased to hear what he has to say. We have to ensure that not only do we open this door for the good charities who do such good work in our communities, but we must ensure that the monies collected will go for charitable purposes. I think that is important.

That's all I have to say. There are three amendments which accomplish that. I don't think they detract from the intent of the bill, and I will be presenting them.

**1020**

**The Chair:** Thank you very much. I have Mr. Lalonde.

**Mr. Lalonde:** I just want to make a correction, Madam Chair, that when I referred to "non-charitable organizations," I refer to non-profit registered organizations. In my initial statement, I referred to non-charitable organizations. It is a recognized non-profit registered organization.

**The Chair:** OK. Mrs. Van Bommel.

**Mrs. Van Bommel:** Thank you, Chair. I agree with the intent of the amendments, all three of them. The one thing I would like to do is—I hate this, but I want to propose an amendment to the amendments. In particular, point 2—

**The Chair:** I just want to get some order here. The amendments haven't been officially tabled yet, so I think it would make most sense if we start going through the amendments, and then we can actually have an amendment to an amendment.

**Mrs. Van Bommel:** Absolutely.

**The Chair:** If we could go to your first amendment, Mr. Martiniuk, section 1 of the bill.

**Mr. Martiniuk:** I move that subsection 3(3) of the Safe Streets Act, 1999, as set out in section 1 of the bill, be amended by striking out paragraphs 1, 2 and 3 of that subsection and substituting the following:

"1. They are conducted by a charitable organization registered under the Income Tax Act (Canada) on a roadway where the maximum speed limit is 50 kilometres per hour.

"2. They are permitted by a bylaw of a municipality."

**The Chair:** Thank you very much. Now Mrs. Van Bommel.

**Mrs. Van Bommel:** I would like to propose that we amend the second point, "They are permitted by a bylaw of a municipality," to state, "They are permitted by a bylaw of the municipality in which the activity will be

conducted.” That’s simply to make it very clear that the jurisdiction over this is in the municipality in which this type of activity would occur, as opposed to a neighbouring municipality having that kind of jurisdiction.

**Mr. Martiniuk:** I consent to that. It was always the intent of the amendment.

**The Chair:** All right. Any other comments?

**Mr. Kim Craiton (Niagara Falls):** Just a question. I like your suggestion; I just want to be clear on it. I’m familiar with the groups that have the right to issue tax receipts, and then there’s all types of non-profits that we have right across Ontario that don’t have that authority, all kinds in Niagara Falls and Niagara-on-the-Lake. All of those are going to not be included in this?

**Mr. Martiniuk:** That’s the intent of the amendment.

**Mr. Craiton:** For example, many of the service clubs don’t issue tax receipts—Kiwanis. They don’t have those type of events, anyway. The ones that you want are just strictly income tax organizations—

**Mr. Martiniuk:** My service club, for instance—I was a member of Rotary. It had the Rotary organization, and then it had the Rotary Foundation. It issued tax receipts for the Rotary Foundation. So it could collect money for charitable purposes. As long as they used the foundation, which they use for that purpose, they would fall under this exemption.

**Mr. Craiton:** Good. Thanks.

**The Chair:** Shall we vote on the—

**The Clerk of the Committee (Ms. Tonia Grannum):** Sorry. Can I just get a clarification? Your amendment is, “They are permitted by a bylaw of the municipality in which the activity is conducted”?

**Mrs. Van Bommel:** Yes.

**Mr. Michael Wood:** May I make a comment?

**The Chair:** Go ahead, please.

**Mr. Wood:** I would suggest a few minor changes, the first being to say “in the municipality in which” instead of “of which,” and the second being instead of saying “the activity is conducted” to make it plural, “the activities are conducted.” That is a reference to the opening, flush, which says, “Subsection (2) does not apply to fundraising activities...,” plural.

**The Chair:** So what is the wording now of the slight changes to the amendment to the amendment? Could you read it?

**Mr. Wood:** I would suggest that paragraph 2 would be, “They are permitted by a bylaw of the municipality in which the activities are conducted.”

**The Chair:** Is that OK?

**Mrs. Van Bommel:** That’s fine.

**The Chair:** Are we ready to vote on this amendment and the amendment to the amendment? OK.

First of all, shall the amendment carry? Carried.

Shall the amendment, as amended, carry? All in favour? Opposed? Carried.

That amendment, as amended, is carried.

Shall section 1, as amended, carry? All in favour? Opposed? That’s carried.

Now we move to section 2. Mr. Martiniuk.

**Mr. Martiniuk:** I move that subsection 177(3.1) of the Highway Traffic Act, as set out in section 2 of the bill, be amended by striking out paragraphs 1, 2 and 3 of that subsection and substituting the following:

“1. They are conducted by a charitable organization registered under the Income Tax Act (Canada) on a roadway where the maximum speed is 50 kilometres per hour.

“2. They are permitted by a bylaw of a municipality.”

Again, I would accept the amendment so that it reads as in subsection (3).

**Mrs. Van Bommel:** I agree with that. Thank you very much for that.

**The Chair:** Any other comments or questions on this amendment?

**Mr. O’Toole:** Mr. Murdoch is raising the question, does this correct the problem of solicitation on roadways by organizations like firefighters? That’s been the one I’ve heard about—charitable organizations. Does this correct that problem?

**The Chair:** Who can answer that question?

**Interjection:** Could he repeat it?

**The Chair:** Could you please repeat the question?

**Mr. O’Toole:** The question is, does this clarify or correct the current problem where certain groups are unable to solicit on roadways?

**Mr. Lalonde:** The muscular dystrophy? This corrects that.

**Mr. O’Toole:** This corrects that problem. That’s what I thought.

**The Chair:** Thank you. Any other comments on this amendment? Are we ready to vote on the amendment?

*Interjections.*

**The Chair:** Order, please.

Are we ready to vote on the amended amendment? Just in case you’re not clear, 2 is, they’re permitted by bylaw of the municipality in which the activities are conducted.

All in favour of the amendment, as amended? Opposed? Carried.

Shall the amendment, as amended, carry? All in favour? Opposed? That carries.

Now we’re ready to vote on section 2. Shall section 2, as amended, carry? All in favour? Opposed? That’s carried.

Moving right along, any questions or comments on section 3?

Shall section 3 carry? All in favour? Opposed? That’s carried.

Any comments or amendments on section 4? Seeing none, shall we vote on section 4?

All in favour? Opposed? Section 4 is carried.

I believe there’s an amendment to the long title. Mr. Martiniuk.

**Mr. Martiniuk:** I move that the long title of the bill be struck out and the following substituted:

“An Act to amend the Safe Streets Act, 1999 and the Highway Traffic Act to recognize fundraising activities of registered charities.”

**The Chair:** Any comments or questions? Are we ready to vote on this amendment?

All in favour of the amendment? Opposed? That's carried.

Shall the long title, as amended, carry? All in favour? Opposed? Carried.

Shall Bill 58, as amended, carry? All in favour? Opposed? Carried.

Shall I report the bill, as amended, to the House?

All in favour? Opposed? That's carried.

Thank you, Mr. Martiniuk.

**The Chair:** Mr. O'Toole, are you ready to go back to your bill? No? OK.

1030

JAY LAWRENCE AND BART MACKEY  
MEMORIAL ACT  
(HIGHWAY TRAFFIC AMENDMENT), 2005  
LOI DE 2005 COMMÉMORANT  
JAY LAWRENCE ET BART MACKEY  
(MODIFICATION DU CODE DE LA ROUTE)

Consideration of Bill 153, An Act in memory of Jay Lawrence and Bart Mackey to amend the Highway Traffic Act / Projet de loi 153, Loi modifiant le Code de la route à la mémoire de Jay Lawrence et Bart Mackey.

**The Chair:** We shall move to Bill 153. Mr. Rinaldi.

**Mr. Lou Rinaldi (Northumberland):** I'll just make this very brief. Basically, what this bill will do is prevent people from riding in the back of pickup trucks. This has been through here before, and it died, but let me put this in context. The fact is you would not have a dog in the back of a pickup truck without being on a leash, yet we can have a person ride in the back of a pickup truck without any restraints. A person riding in the front seat of a vehicle like a truck—unless you have a seat belt, you can be fined, yet you can sit in the back of a pickup truck and not be fined.

There was an incident a few years ago where two young people lost their lives. Some research we've done shows clearly that, not only in Ontario but across North America, there are jurisdictions where there is legislation in place to control such activities.

As you know, the bill received first reading in the House unanimously, and we've worked very diligently with the Ministry of Transportation. They had some suggestions, mostly of a technical nature, so the amendments that we have here today are really of a more technical nature.

**The Chair:** Any others before the amendments are presented?

**Mr. Murdoch:** If you want to use this bill in Toronto or out where you're from, I don't care, but this isn't going to work in rural Ontario. If you're out working on the land and you want to go back to the farm, everybody piles into the back of a pickup and you go. If you pass this bill, you're going to have a lot of people getting charged in rural Ontario. If you want the bill for urban

Ontario, that's fine with me: You don't need it downtown here. But in rural Ontario, this one won't work. We tried this.

**Mr. Rinaldi:** We've worked with Ministry of Agriculture folks and the Ministry of Transportation and, through the amendments, we are going to address those concerns, Mr. Murdoch. Some of the amendments we bring forward will address those through regulations down the road. We're quite cognizant—we worked with folks from OFA; they were asked to comment on it. We're not going to stop somebody in a farmer's field or going across a driveway. But you can appreciate, somebody going 50 kilometres down the road, whether you're a farmer or not—to me, that's a detriment. The agricultural folks, the same as folks riding in parades and those things, are all going to be dealt with through regulations.

**Mr. Murdoch:** It still doesn't address the problem if you're out, you have three or four farms and you might be two miles away, and you're going home for dinner or supper. Everybody is out there working or whatever and there are a bunch of people helping you. If you want to go back, you're going to get charged. We went through this already when we were in government. I was against it there, and I'll be against it now.

**The Chair:** Can I ask that we perhaps go through the amendments and see if they satisfy your concerns. Are we ready then to move to your amendment to section 1?

**Mr. Rinaldi:** I move that section 188.1 of the Highway Traffic Act, as set out in section 1 of the bill, be struck out and the following substituted:

“Prohibited forms of riding

“188.1 (1) No person shall drive a commercial motor vehicle on a highway while any person occupies the truck or delivery body of the vehicle except in those circumstances and in accordance with those conditions prescribed by the regulations.

“Same—

**Mr. Gilles Bisson (Timmins–James Bay):** Point of order, Chair.

**The Chair:** He's in the middle of an amendment, which I have to let him proceed with. There's nothing out of order.

**Mr. Bisson:** I don't have a copy of the amendment. We have nothing.

**The Chair:** OK. We'll get you a copy. Sorry; proceed.

**Mr. Bisson:** It's kind of hard to follow along without—

**The Chair:** Can we just hold off and make sure everybody has a copy before we proceed.

**Mr. Rinaldi:** If we paid attention, then we would know.

**The Chair:** Has everybody got their copies now? Mr. Murdoch, do you have your copy now? Are we all right?

**Mr. Murdoch:** No, we're not all right, but we'll handle it.

**The Chair:** Is everybody all set? Proceed then, Mr. Rinaldi.

**Mr. Rinaldi:** Can I just carry on, Madam Chair?

**The Chair:** Yes.

**Mr. Rinaldi:** “Same

“(2) No person shall occupy the truck or delivery body of a commercial motor vehicle while the vehicle is being driven on a highway except in those circumstances and in accordance with those conditions prescribed by the regulations.

“Trailers

“(3) No person shall drive a motor vehicle on a highway while any person occupies a vehicle being towed or drawn by the motor vehicle except in those circumstances and in accordance with those conditions prescribed by the regulations.

“Same

“(4) No person shall occupy a vehicle being towed or drawn by a motor vehicle on a highway except in those circumstances and in accordance with those conditions prescribed by the regulations.

“Identification of passengers

“(5) A police officer or an officer appointed for carrying out this act who suspects that a person is contravening subsection (2) or (4) may require that the person provide identification of himself or herself.

“Same, compliance

“(6) Every person who is required to provide identification under subsection (5) shall identify himself or herself to the officer by surrendering his or her driver’s licence or, if unable to surrender a driver’s licence, by giving his or her correct name, address and date of birth.

“Power of arrest

“(7) A police officer may arrest without warrant any person who does not comply with subsection (6).

“Regulations

“(8) The minister may make regulations prescribing circumstances and conditions for the purpose of subsection (1), (2), (3) or (4).

“Scope of regulations

“(9) A regulation made under subsection (8) may be general or specific in its application and may apply differently to different classes of persons or classes or types of vehicles.”

**The Chair:** Would you like to make any comments on your amendment?

**Mr. Rinaldi:** I think they were basically covered in my preamble. These were recommendations, if this bill is passed, to do some education and put some regulations in place.

**The Chair:** Mr. Wood, I believe you have a comment.

**Mr. Wood:** Yes, a comment about the fact that there is an alternative for the first regulation. The alternative would not be in order unless the committee obtains unanimous consent. But my understanding was that it was the preference of the mover to go with the alternative if he could obtain unanimous consent, because the effect of that would be to delete an existing section of the Highway Traffic Act that deals in a very similar, but not identical, way with this issue.

**The Chair:** Can you clarify what exactly it is he needs to do?

**Mr. Wood:** What the mover would have to do would be to get unanimous consent of this committee to use the alternative version of the motion instead of the version which he just did.

**The Chair:** Just give us a second until we clarify this.

**Mr. Wood:** The substance of the alternative is exactly the same as the first motion that has just been read. It’s just that the numbering in the Highway Traffic Act would be different.

**Mr. Rinaldi:** OK.

**The Chair:** So what does he have to do?

**The Clerk of the Committee:** Do you wish to withdraw the first one and move the second?

**Mr. Rinaldi:** I will withdraw the first one, then, and ask for unanimous consent to move forward with the alternative.

**Mr. Bisson:** No.

**The Clerk of the Committee:** He does not need—

*Interjections.*

**The Chair:** Just one second. It is the same amendment, just an alternative with the correct—go ahead.

**The Clerk of the Committee:** You don’t need unanimous consent. You either don’t move number one and move number two—do you need both of them?

**Mr. Wood:** My reading of it is that you do need unanimous consent, because the second version would be seeking to delete an existing section of the Highway Traffic Act, and unless you have unanimous consent, you can’t do that.

**Mr. Bisson:** No.

**Mr. Martiniuk:** No. Excuse me, Madam Chair—

*Interjections.*

**The Chair:** Just a second. Mr. Martiniuk.

**1040**

**Mr. Martiniuk:** I would like a clarification—and this is important as a matter of principle—as to when we can file amendments, because as I had understood at our last meeting where we discussed this, there is a new form where suggested termination dates are filed; they are not firm.

**The Chair:** That’s correct.

**Mr. Martiniuk:** I’d like a clarification as to why unanimous consent would be required.

**The Clerk of the Committee:** Unanimous consent is required because the section of the Highway Traffic Act that the alternative motion is amending is not opened in this bill. That’s the issue. Because the second, alternate motion deals with a section of the Highway Traffic Act that’s not open in the bill, that motion would be out of order.

**The Chair:** Now Mr. Bisson.

**The Clerk of the Committee:** That’s why you need unanimous consent.

**Mr. Bisson:** Just for the record, I echo some of the comments that Mr. Murdoch has put forward, because where I come from, when they’re using their pickup trucks to haul wood or drag a Ski-Doo across wherever, whatever they might be using it for, responsible people don’t drive their trucks 50 miles an hour down a dirt road

with somebody standing in the back. Anybody who does that—I've not seen it, because that would be foolish, quite frankly, and dangerous.

The concern we have is that far more often where we live, people will use their pickup truck or whatever it is to haul wood or do whatever it is. You need to move from this road down to where you're cutting the wood or whatever it might be, and all of a sudden, because you happen to be on one of the Queen's highways, you could be charged.

My problem is, you're saying, "Trust me; we're going to deal with this in regulation." Well, let me tell you, as my good friend Jean-Marc Lalonde knows, I've been around here long enough to know that's the big, black hole of Calcutta. At the end of the day you'll be lucky, as the author of the bill, for any of the regulations to do what it is you want, because it will be totally in the hands of the ministry and the lawyers, and once they get their hands on it, concerns like Bill and I are putting forward would never be taken into account.

For that reason, I oppose it. I understand what you're doing. I want to be clear on the record as a New Democrat that we agree with you on the safety aspect. That's not the issue here. We don't want people driving 50 miles an hour down the road with somebody in the back of the box, but 99% of people who use their pickup trucks are responsible, and they are not going down 10 miles of highway. They're moving from point A to point B to do whatever it is they're doing.

**Mr. Murdoch:** I want to echo what Gilles just said, except I want to add in there that we wouldn't have had the bill we just had before this bill if regulations had been done properly. When we debated that bill, we didn't mean for firefighters not to be able to do their jobs on the streets. Look at how that bill got messed up, and Jean-Marc had to bring a bill to straighten that out. That's what will happen here. I have to agree with Gilles all the way on this.

**Mr. Rinaldi:** Madam Chair, I fully understand where they're coming from, but the question I would put to you is—I mean, it happened to be in my riding, and research we've done right across North America is that people do ride in the back of pickup trucks. Call them foolish. People speed down the highway, and they're foolish as well. They're breaking the law.

Your question about the farmer or the logger who's moving down two concession roads, I understand that, but would we allow those folks to drive on the same road without licence plates or without drivers' licences? They still have to meet those regulations if they do that.

All I'm saying is, these things do happen. There were two lives lost here. There's a whole record of people who have had head injuries. Ontario is one of the few jurisdictions that doesn't have legislation to deal with this particular issue. It's not new. There are other jurisdictions as well.

**Mrs. Van Bommel:** First of all, I think the purpose in addressing some of these exemptions in regulation is that we have an opportunity to have the flexibility to change

them as situations and things change as well, so we can add exemptions or we can take them out as the government would see fit at any time in the future. Very often, a lot of these things are dealt with through regulation for that very reason; otherwise you have to go back to the act and completely amend the act. So there's that reason for putting it in through regulation.

Quite simply to Mr. Murdoch, in a farm situation, the proper use of a "slow-moving vehicle" sign would help a great deal. Most often, farmers are using that very thing right now to move things around from farm to farm. So there is already another option available to the farm community.

**The Chair:** Mr. O'Toole.

**Mr. O'Toole:** I just want to support what Mrs. Van Bommel has said. The way to avoid that—unless the vehicle is displaying a "slow-moving vehicle" plaque and you could put that in there, then it's not prescribed by regulation, because you're right: In some cases, I know, in my riding, during harvest time or planting time, they move, with an old truck, seed or equipment perhaps, from field to field, generally not on highways, but occasionally on provincial roadways, maybe not too often. They may not even have a licence, technically. I mean, tractors don't. Sometimes trucks that they may only use for one week of the entire year—so I'm saying, this case here that Bill has a problem with makes very good sense, because they may be moving, in the case of an apple farm, from orchard to orchard, transporting the people who are doing the picking and stuff in the back of a truck, safely hopefully, and at reasonable speed.

Anyway, I'm supportive of the concern, and I think it can be resolved by adding that small amendment.

**The Chair:** Mr. Bisson.

**Mr. Bisson:** I just want to say to the member, we're not trying to kill your bill here, and we're not trying to stop doing what your intent is. We agree that, philosophically, we need to do what's right, making sure that our highways are safe and people who are riding in vehicles are safe. That ain't the point here.

The point is that we should not do it by regulation. We should actually do amendments in this bill while we have control as legislators, because you know as the author of the bill what you want to do. What I hear you saying is you're accepting the argument that Bill and I are putting forward, something that could be dealt with by amending the bill.

What Bill and I are saying is, don't leave it to regulation. With all respect, Mrs. Van Bommel, don't defend those guys. At the end of the day, they're going to do what they want to do, and his bill is going to be whatever it is. He'll have no say on it. Let's not do it by regulation. Bring some amendments forward that deal with the concerns that Bill and I are putting forward, and we will be glad to support your bill.

We agree with the safety provision. We're just saying, do it by actual amendment. What I'm concerned about, for example, is—I'll just give you a couple of examples so you can think about them as you're drafting your amendments.

Tree planters is a good example. There are all kinds of activity in the spring when we're doing tree-planting. They often have to move their crews from one site to the other. Often, they'll use buses because those are at their disposal, but they'll sometimes dispatch their crews to an area where there isn't a bus. So they basically put benches in the back of the pickup truck, and people sit in the back of the pickup truck, sitting down as they're moving to where they're going. They're not doing 60 miles an hour down the road. They're doing a reasonable speed. We've not had any incidences of people being hurt.

Other examples are families that go out to gather firewood. Often, the way that you do it is you start to collect wood from different areas, because the rule is you can't chop down the tree that's grown. You've got to go in and take the tree that's been blown by wind or has been left there by the forestry company. So you're moving from this spot to 200 metres down the road. Everybody jumps on the back of the truck, and along you go. If it's on a dirt road, the Highway Traffic Act might apply, depending on whether it was a road that was built by provincial funding.

So you get into this situation where you're going to stop people from doing what it is they normally do as a way of life for a number of years. We're just saying we need to cover that off in amendments to the bill, not by regulation, and we'll support you.

**The Chair:** Thank you, Mr. Bisson. Mr. Martiniuk.

**Mr. Martiniuk:** I just have a point of information. I'd like someone to explain to me why the second motion would be out of order. The original Bill 153 refers particularly to section 188.1, which, I take it, is incorrect. A motion is before this committee to correct a mistake in the original bill that was passed on two occasions. I'd like to know why that is out of order.

**The Chair:** Mr. Wood, could you once again clarify this matter, please? Could I have order, please?

**Mr. Wood:** The first motion, which amends section 188.1 of the Highway Traffic Act, actually is not out of order, because the bill, as originally introduced, presents a new section 188.1. It's the second motion that would be out of order. The reason that it's out of order is that it seeks to open up another section of the Highway Traffic Act not already opened up by this bill, namely section 188. The effect of it would be to take all the substance in the first motion for section 188.1 and, instead, put it into the existing section 188 and replace the existing section 188 of the Highway Traffic Act.

1050

**The Chair:** Thank you. Mr. Rinaldi.

**Mr. Rinaldi:** I don't want to prolong, because I think we all agree on what we're trying to do here. Because there are a lot of things we need to deal with if this bill were to go through, to try to enshrine everything in a bill is almost impossible. Just like the bill that Mr. Lalonde just brought forward previously, we'll have the capability of dealing with the issues that arise that we might miss today.

The second piece, I will tell you, is that not too long ago, there were regulations in a traffic act. I'm not sure when. For example, firefighters cannot ride in the back of a truck any more. This is why municipalities go through great expenses to buy new trucks, to put seat belts in—even firefighters cannot ride in the back of a truck any more.

So I think it's consistent, and I really believe that we'll have plenty of time to work on regulations to make sure that we try to get it as right as we can.

**The Chair:** Mr. Murdoch, and then Mr. Bisson.

**Mr. Murdoch:** Like Gilles has said, we can't depend on those, and I just mentioned the bill before. Jean-Marc had to bring a bill through to straighten out a bill that was done, and it was wrong. I remember arguing on it and saying this was going to happen, and it happened. We had firefighters who couldn't do it, and we tried to tell them when we put that bill through. We were in the government, and it came out wrong. I'm afraid this one will too.

I'm glad you brought up firefighters, because in rural Ontario, if something down the road is wrong, you're right: Our firefighters couldn't jump in the back of the truck and all go down there to straighten it out because this would be against the law, and certainly, if a fire on a highway is happening, the police would be there and they'd all be charged.

**Mr. Rinaldi:** They can't do it now.

**Mr. Murdoch:** Well, they will now.

**Mr. Rinaldi:** No, they can't.

**Mr. Murdoch:** Well, they do. Why can't they now?

**Mr. Rinaldi:** It's against the law, Bill.

**Mr. Murdoch:** To jump in the back of the truck?

**Mr. Rinaldi:** That's right. Firefighters cannot ride in the back of a fire truck. Trust me.

**Mr. Murdoch:** Well, I guess—you see, again, this is the urban myth.

**Mr. Rinaldi:** No, no. This is in my rural municipality.

**Mr. Murdoch:** Well, I know you're from urban. You've got more urban than you've got rural, and this is the trouble when you get in rural Ontario, especially in northern Ontario. You think they're not going to jump in the back of that truck and go down because they have to? They're going to do it. And if we get more rules in like this, then we have trouble.

Now, as I say, we understand the safety of it, but I'll tell you, if you're banking on it, that the regulations are going to solve your problem, that somebody else is going to do it for you, I'm telling you, you haven't been here long enough to figure this place out. That's what they do to you.

**The Chair:** OK. Mr. Bisson, you're next. Thank you, Mr. Murdoch.

**Mr. Bisson:** I'm not going to get into detail. The problem is that once you hand it off to the people who draft regulation, you and I and the rest of us will have no control over what happens, the bill is going to be whatever it is in the end, and our concerns won't be fixed. So we're offering you a way of getting your bill passed. We

say that we will give you support to make that happen, but you need to put it in actual amendments to the bill. If it's regulation, we will not support it.

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

**Mr. Murdoch:** I thought you needed all consent.

**The Chair:** No. The first amendment is OK. Depending on what happens with this one, it will impact the second one.

All in favour of the amendment, please raise your hands. Opposed? It carries. So the amendment carries.

Shall section 1, as amended, carry? All in favour? Opposed? That carries.

We shall move to section 2. Shall section 2 carry? In favour? Opposed? It carries.

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

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

Shall Bill 153, as amended, carry? All in favour? Opposed? That carries.

Shall I report the bill, as amended, to the House? All in favour? Opposed? That carries.

INCOME TAX AMENDMENT ACT  
(PUBLIC TRANSIT EXPENSE  
TAX CREDIT), 2005

LOI DE 2005 MODIFIANT LA LOI  
DE L'IMPÔT SUR LE REVENU  
(CRÉDIT D'IMPÔT POUR DÉPENSES  
DE TRANSPORTS EN COMMUN)

Consideration of Bill 137, An Act to amend the Income Tax Act to provide for a tax credit for expenses incurred in using public transit / Projet de loi 137, Loi modifiant la Loi de l'impôt sur le revenu afin de prévoir un crédit d'impôt pour les dépenses engagées au titre des transports en commun.

**The Acting Chair (Mr. Lou Rinaldi):** We're dealing with Bill 137. Are there any comments, questions or amendments to any section of the bill, and if so, to which section?

**Mr. O'Toole:** Very briefly, I certainly want to thank Mr. Wood, legal counsel for the committee, who has taken the time to help draft an amendment here. The intent, of course, is to give this to the Ministry of Transportation and the government to implement on their own timeline together as they work to improve and enhance transit ridership in the province. I have before you an amendment.

**The Clerk of the Committee:** Let's deal with section 1 first.

**The Acting Chair:** Any amendments to section 1? Shall section 1 pass? All in favour of section 1? Carried.

Section 2.

**Mr. O'Toole:** I move that subsections 8.4.5(2) and (3) of the Income Tax Act, as set out in section 2 of the bill, be amended by striking out "50 per cent" wherever that

expression appears and substituting in each case "the percentage prescribed by the regulations."

**The Acting Chair:** Did you wish to speak to that at all?

**Mr. O'Toole:** Yes. This allows the minister and cabinet to prescribe by regulation an amount, not necessarily 50%. It could be phased in. It could be 5%, it could be 1%, it could be any per cent prescribed by regulation which would be approved in cabinet. That applies to subsections (2) and (3) of section 2. It doesn't tie the hands of the Ministry of Finance. What it does is encourage the industry and the stakeholders—because it's my understanding that there is a Greater Toronto Transit Authority being established and, in that, certain transits, like in York region, Durham region and other regions as well as other parts of Ontario, would bring forward suggestions of how to enhance their ridership. I can tell you, from the comments I've had—I've had an unbelievable amount of comments—from transit authorities and regional and local governments, that this does not tie the minister's hands in any way, not to a percentage and not to an implementation timeline. That's my argument.

**1100**

**The Acting Chair:** Any questions or comments?

**Mr. Lalonde:** One of the reasons I voted against it in second reading and again today is that I'm questioning this amendment. It only covers, really, the area that has public transportation. It doesn't cover the rural area at all, and at the present time we know that it is a major problem in all the surrounding areas of the urban sector. So I thought I would have seen in the amendment that this would cover the rural area also, but it doesn't, even though I do understand that in the amendment we don't specify, or we are striking out the 50%. Still, again, it only covers the urban sector or the area that has public transportation.

**Mr. O'Toole:** Could I respond to that, just quickly?

**The Acting Chair:** Sure.

**Mr. O'Toole:** It's my understanding—and I would give leave to legislative counsel—that if you look at section 8.4.5(1), in the definition section of "public transit expense," it doesn't preclude anyone who doesn't—if you don't have a transit system, if I lived in, let's say, Mr. Lalonde's riding, where they may not have transit, and I was to go into Ottawa and use transit—or in my case, we don't have transit in many parts of my riding but I can use GO Transit, which is part of Durham Region Transit. So even if I wasn't a resident, I'd still be eligible. So anywhere in Ontario, from Sudbury to North Bay, Thunder Bay and Ottawa, areas that have transit, the issue here is approved by the government, meaning that if you had a rail service, as we're suggesting is going to be developed from Peterborough to Toronto, that would be a transportation authority. Maybe it could be operated by GO Transit or VIA Rail transit. Do you see what I'm saying? I don't think, Mr. Lalonde, we are excluding anyone from taking advantage of the tax value.

**Mrs. Van Bommel:** As we went through the hearings, I had spoken against the bill, and I continue to have real

concerns about who will benefit from this bill. I see it's done as a tax credit. So in other words, you have to have an income that's taxable first, in order to benefit from this. There's no cap on the upper end of this. So the people who will benefit the most from it in terms of tax credit are the wealthy. I want to see something that would help those people who are of low income, because we want to encourage them as well. But this doesn't do that at all. It's a tax credit, and it does nothing to help them.

One of the other issues too is that—and I think it goes to Mr. Lalonde's issue of rural Ontario. As a government, we're trying to set up infrastructure. We feel our dollar should be spent on infrastructure in all parts of the province to make sure that—and that's where our tax dollars are going: to the municipalities. We're trying to work with COMRIF to make sure that we have the infrastructure. That's where our focus should be right now. I think it's sort of a thing of, "Which came first: the ridership or the system?" I think we need to develop the system first, before we can start addressing things for the ridership.

**Mr. O'Toole:** I don't like to get into a large, extended debate. I'm not in any way trying to be contrary with this in these arguments. I think it's important to understand the demographic issues on the user base. I wouldn't like to define someone who does or doesn't use transit as being completely related to income, which you are doing.

What you have said to me is this is a tax break for the rich. I think if you checked the statistics, the ridership profoundly is in favour of persons who may not have the luxury of a second vehicle or who, by age or other restrictions, need public transit. It could be persons with special needs—a number of very important areas. It really could be argued, quite contrary to what your argument is, that the vast preponderance of people who use it are the ones who would certainly need relief.

I put to you, as a contrary argument, what is one thing you've done to support low-income persons using public transit? If I look at your record so far, without being too personal, it's actually been the reverse. The evidence to me is that this discriminatory policy on the gas tax credit discriminates against the very people that Mr. Lalonde and you are supposed to represent and obviously don't, the people living in rural Ontario, who pay for gas tax and get no benefit from the gas tax credit being transferred to large urban areas. So I'm surprised and disappointed that you've brought this argument up, because now I have you on the record as saying that you don't support rural Ontario receiving part of the gas tax.

I prefer to think what I've done here to liberate you is allowed the minister all the controls, by setting the amount and the entitlements through regulation. It could be tied to income; it could be tied to what is prescribed by regulation—a threshold, a cap, as you said. That's what this amendment is attempting to do. I'm disappointed, quite frankly. This is, in policy, a very good idea. Your government will still get full credit for it if you do or do not implement it. To just echo the comments that I'm sure are in your briefings in response to

this, which you are doing, you're not really giving it, in my view, any reasonable consideration. Frankly, I'm disappointed. I don't say that in a personal nature, Mrs. Van Bommel. I just think that you have a history of serving the community, as I do and as all members do.

This is trying to help encourage people to use transit where and when possible. It could be innovative. In fact, I think it will be the law, irrespective of any work I've done on it. It's been done in 12 jurisdictions. It's very high profile in some of the academic circles. It's been discussed at conferences on public transit as giving a direct support to those persons on disabled transit and those persons who have an inability, with two people working, to have two cars. It addresses gridlock and the environment.

I've gone on, and I'm sorry that I've perhaps overreacted a bit. But I just sense that there's an unwillingness to move forward on this, and that's disappointing.

**The Acting Chair:** Thank you, Mr. O'Toole. Mr. Lalonde.

**Mr. Lalonde:** I definitely understand the intent of the bill. But you have to remember that when we introduced the gas tax, it was to try and have more people jump on public transit. That was the main purpose of it. I do recognize that all the rural municipalities were expecting to get a share of that gas tax for road maintenance purposes.

When I look at this, it would allow people to submit their invoices or their transportation costs for a tax credit. Well, I'm looking at rural areas at the present time. I know three van operators who stopped transporting people just a few months ago. They were transporting 12 and 15 people per van. I'm going to refer to daycare, for example. If you have a child and you take it to a personal daycare house, you get a tax credit on that because you get a receipt. Well, those people travelling with the other private sector people by van, for example, wouldn't be allowed to submit a request for a tax credit.

If we were to say that the equivalent of this tax credit would go toward municipalities for road improvement, that would be a little different. But at this time, again, only the urban sector would benefit from this tax credit. I understand the intent, but I always said that it should go a little further and cover rural areas.

**The Acting Chair:** Any further debate?

**Mrs. Van Bommel:** I just want to add further to that discussion as well. My point in this is that I feel the bill addresses too small a group, that too small a group will benefit. The people that I feel would most benefit from tax relief or from some kind of subsidization of the travel are not going to be included in this group. They have to have income to be able to get a tax credit; it doesn't help that group at all. Same thing in the rural areas: We don't have the ridership out there.

**1110**

We are trying very hard to encourage transit. We need to get transportation and public transit into our rural communities, and that's where my issue is: I want to make sure we get that there. We need public transit,

because we do have situations in rural communities where people are isolated because they have no vehicle. But this doesn't help them; this does not address those people.

**Mr. O'Toole:** Again, I appreciate the fact that it's here, so that, to some extent, is an appreciation of what the government is trying to do. But if we don't give life to this, it will not become law, as you see in section 3, until it's prescribed or given royal assent. It would still only allow it to go back to the minister for his consideration, or their consideration.

No, it's not an expansive bill in terms of its intent here, which is to support anyone who uses public transit through an incentive of whatever size or ability. It does give the minister very wide authority, absolutely, not even to proclaim the bill, but to use it as a platform for consultation.

I couldn't agree more. My riding right now is going through a huge debate on public transit. I want to put this on the record: I met with the Durham region transit authority, and this is a new, innovative, integrated transit system in Durham serving Ajax, Pickering, Whitby, Oshawa, Clarington and Scugog, Uxbridge and Brock townships. The vast majority of those areas are rural, much like your area. They have no transit; they have very limited expansion of GO services, which we put in place.

They're trying to develop a system. Now, they are going to a seamless, one ticket across the region. They're also working in co-operation with GO Transit so that now I can get students who are actually in Brock township on to a GO bus to the university. As well, people from Uxbridge can take a service bus to GO Transit to get to the university to cut down the gridlock and the parking and unnecessary pavement at the University of Ontario Institute of Technology.

Many regions—and those are either by county or township working together—can develop transit linkages, which would include sizing and footprint. Instead of having a 60-passenger bus or the vans that Mr. Lalonde spoke about, I think if they were licensed, certified, safe and passed all this stuff, I agree with you: in many cases in my riding, smaller footprint of the vehicles would be the ideal—far more efficient where there are only two or three people.

It may only start with seniors going shopping once a week, where they could get transit instead of everybody driving, or being aged or impaired in some way that they can't drive. That's how, in innovative ways, we're going to get people to make the decision to go, by providing direct supports, not just that they'll just buy more big buses. If you give them more gas money, they'll buy big buses. We don't want them on our country roads. As Mr. Lalonde said, we want different solutions. Some of it may be a taxi voucher to get them to a depot where they don't have to have a carpool parking lot, but they can meet a bus at 3 o'clock that will take them to the shopping centre, where they can go to the dentist, the hairdresser or whatever.

I think those are the solutions for these sparsely populated areas in Ontario, of which my riding is typical.

We've got the south, a lot of population; the north, none. This is just one very small micro-addition to that solution.

All this does is become a consultation point. I'm saying to you now that this was brought to my attention by a young person who works in Toronto; they're a married couple. I take the GO train when I can. They said to me, "Boy. It costs me about \$100 a week."

I never really thought of it, you know, because we get refunded for our mileage—34 cents or whatever it is per kilometre. They don't get anything. He was explaining that it's about \$70 a week for 10 GO tickets from Oshawa. When you get to surface transit, TTC, at Union Station, it's \$5 a day—\$2.50 each way. That's \$100 just for the TTC for the month. You're talking \$200 to \$300 a month, for somebody who's maybe making \$35,000 or \$40,000. Holy smokes, that's a lot of money. For the two of them, that's coming out, to me, to being \$5,000 a year, after tax, that they're paying. I get free parking here and get my gas paid for, and I'm complaining?

That's who I heard it from. That's who I give full credit for bringing it to my attention. This is a real person with a real story, and this is what I did with it. It isn't that complicated. But I am paying attention to transit, both at the Durham region as well as at the provincial level, working with the Canadian Urban Transit Association. I have recognized some of their concerns—the "administrivia" involved with the "receiptable."

I've suggested to them that the solution ultimately is like a credit card. It's called a smart card for transit. Any expense that I incur, they just zip it. I'm given a number; my transit number would be 123, whatever. They zip it in the taxi, they zip it in the bus, they zip it on GO Transit. At the end of the month, I get a bill. It's like the 407—

*Interjection.*

**Mr. O'Toole:** I won't use that as a comparative. That's a bad example.

I'm saying that could be the solution. The minister, I believe, is working on implementing a smart card for transit. I think that's a very good idea. I've heard it from all of the academics in this area of urban transit. Academics know more about it, and they think this would be a smart way of implementing this. There is technology needed to make this work, so they could give them the gas tax money to say, "Buy the computers and the scanners for your buses or trains or whatever they are, and if you use them, here are the cards, here are the numbers. Your riders would get a monthly receipt"—a receipt, at least.

I've gone on, but this is part of the record that I'm trying to develop. I'll send a transcript of this to Dr. Roschlau and others. I've committed to them that I will put as much as I can, with the limited appreciation I have for how important this debate is to them, to continue the debate, because as we all know as legislators, as people who are elected, it takes 10 years to change anything, and it starts with someone's idea. When I'm doing this, I think of Rob, my constituent, and his wife, who commute each day to Toronto.

Thank you for the time, Chair.

**Mr. Lalonde:** I have to say, I do like the bill, but the first step that we've done—at the present time, we are investing in having the municipality purchase additional buses to meet the demand. We are increasing the number of GO train cars. We are increasing the number of parking lot spaces and the number of shelters, but for the first three years it's going to cost the province of Ontario millions and millions of dollars—I think it's over \$1 billion. It is probably a little too early. After we have completed the gas tax program—as I said, I like the bill, but at the present time, do we know how much this would cost the taxpayers, having this tax receipt given to the people of Ontario if we were to approve this bill? Do we know the cost? Was this ever estimated?

**Mr. O'Toole:** I apologize, I don't have the data with me. I have some data; it's very hard to actually collect, because the evidence is a little bit more convoluted.

In all the instances where it has been implemented, the recovery—that's the increased ridership—actually offsets the loss in revenue, because in most jurisdictions what happens is it's a 15% to 30% increase in ridership. So the actual direct cost to phase it in is—I don't have the numbers with me, but you get my point. The point is, it does incent people to get out of their car.

**Mr. Lalonde:** This is the point, Mr. Chair: If we do give out those tax receipts, it would mean an increase in ridership. Can the municipality afford to put more buses on the road? At the present time, I think the way we've started is to give gas tax to the municipalities so they can increase the number of transportation units that they have. Then the next step could be this one, as a tax receipt.

**The Acting Chair:** Any further questions?

**Mr. O'Toole:** I'd just make one last comment. It looks like I'm going to have to win again in 2007 to keep this on the table. Thank you.

**The Acting Chair:** We're voting on the amendment. All in favour of the amendment?

**Mr. O'Toole:** Recorded vote.

### Ayes

O'Toole.

### Nays

Craitor, Dhillon, Lalonde, Van Bommel.

**The Acting Chair:** The motion is defeated.

Now we vote on section 2. All in favour of section 2?

**Mr. O'Toole:** As amended?

**The Acting Chair:** It wasn't amended.

All opposed? Mr. O'Toole, you don't want to support section 2?

**Mr. O'Toole:** No recorded vote, and I lost, so that's for the record. Let the record speak for itself.

**The Acting Chair:** Section 2 is defeated.

**The Clerk of the Committee:** Did section 1 carry?

**The Acting Chair:** Section 1 carried.

All in favour of section 3? All opposed? Defeated.

Section 4: All in favour? All opposed? Defeated.

**Mr. Wood:** It really creates some problems to carry certain sections but defeat section 2, because there's a reference in section 1 of the bill to section 8.4.5, which is set out in section 2. So it's really all whole. You either have to carry—

**Mr. O'Toole:** But the point, Legal Counsel, in my view is, shall the bill carry? So that becomes null and void.

**The Clerk of the Committee:** Yes. We have to ask that question first, and then I'll advise—

**Mr. O'Toole:** If there are any votes on the bill, the bill won't even be reported to the House.

**The Acting Chair:** Let's carry on?

**The Clerk of the Committee:** Yes.

**The Acting Chair:** So section 3 was defeated.

Section 4: All in favour of section 4? All opposed? Section 4 is defeated.

The preamble: All in favour? All opposed?

**Mr. O'Toole:** It looks like it's a gang vote.

**The Acting Chair:** Shall the title of the bill carry? All in favour? Opposed?

*Interjection.*

**The Acting Chair:** It's not amended.

Since portions of the bill were defeated, it's not in proper form. Shall I then report the bill as being not reported?

*Interjection.*

**The Clerk of the Committee:** Because the bill is not in proper form, this bill cannot go forward, so it has essentially been defeated. Now we report that the bill be not reported. We're saying that we can't deal with this bill because it's not in proper form. We've defeated it, so we'll report that it be not reported. That's just the terminology to get it back to the House.

**The Acting Chair:** So we're voting that it's not going to be reported.

**Mr. Craitor:** Does this mean you'll stand up in the House and say this?

**The Clerk of the Committee:** The Chair will. She'll have a script that will say that the bill—

*Interjection.*

**The Clerk of the Committee:** OK.

**The Acting Chair:** All in favour of the bill not being reported? Opposed? The bill shall not be reported.

That concludes this meeting. Meeting adjourned. Thank you.

*The committee adjourned at 1124.*



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