



ISSN 1180-5218

Legislative Assembly
of Ontario
Second Session, 38th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 38^e législature

Official Report of Debates (Hansard)

Wednesday 3 May 2006

Journal des débats (Hansard)

Mercredi 3 mai 2006

**Standing committee on
general government**

Stronger City of Toronto
for a Stronger Ontario Act, 2006

**Comité permanent des
affaires gouvernementales**

Loi de 2006 créant
un Toronto plus fort
pour un Ontario plus fort

Chair: Linda Jeffrey
Clerk: Susan Sourial

Présidente : Linda Jeffrey
Greffière : Susan Sourial

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

Copies of Hansard can be purchased from Publications Ontario: 880 Bay Street, Toronto, Ontario, M7A 1N8. e-mail: webpubont@gov.on.ca

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

Des exemplaires du Journal sont en vente à Publications Ontario : 880, rue Bay Toronto (Ontario), M7A 1N8 courriel : webpubont@gov.on.ca

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
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 3 May 2006

Mercredi 3 mai 2006

The committee met at 1602 in room 151.

**STRONGER CITY OF TORONTO
FOR A STRONGER ONTARIO ACT, 2006**

**LOI DE 2006 CRÉANT
UN TORONTO PLUS FORT
POUR UN ONTARIO PLUS FORT**

Consideration of Bill 53, An Act to revise the City of Toronto Acts, 1997 (Nos. 1 and 2), to amend certain public Acts in relation to municipal powers and to repeal certain private Acts relating to the City of Toronto / Projet de loi 53, Loi révisant les lois de 1997 Nos 1 et 2 sur la cité de Toronto, modifiant certaines lois d'intérêt public en ce qui concerne les pouvoirs municipaux et abrogeant certaines lois d'intérêt privé se rapportant à la cité de Toronto.

The Chair (Mrs. Linda Jeffrey): Good afternoon. The standing committee on general government is called to order. We're here today to continue consideration of Bill 53, the Stronger City of Toronto for a Stronger Ontario Act, 2006.

I'd like to welcome all our witnesses and tell them they have 15 minutes to make their presentation.

RYERSON UNIVERSITY

The Chair: Our first presentation today is from Ryerson University, Mr. Levy, president. Come forward.

Dr. Sheldon Levy: I've got copies of my presentation, which I can share with members.

The Chair: Okay, we'll take them. Welcome. If you could tell Hansard who you are and the organization you represent; you'll have 15 minutes. If you leave some time at the end, we'll be able to ask questions about your presentation.

Dr. Levy: Thank you very much. My name is Sheldon Levy. I'm the president of Ryerson University.

Good afternoon. Thank you for having me. It is very encouraging to be here at a time when the context for public discussion and progress is clearly so healthy and strong. This is a great example of the legislative process at work, and the committee is to be commended.

The province and the city are making history with this bill, led by Premier Dalton McGuinty, Minister John Gerretsen and Mayor David Miller, and it is especially

impressive that the broader community was given so much opportunity for input.

I want to begin my remarks by asking you to take a walk with me. Imagine walking on a street near a city campus where you saw university buildings facing inward, with brick walls and no windows; storefronts nearby that were dollar stores or sex shops; buildings in disrepair or vacant, and a general air of neglect. Now imagine if you went back 10 or 12 years after that and saw university buildings facing out, with windows casting light on the street; stores, cafés, bookstores and art galleries; renovated buildings; new homes; and a positive sense of renewal.

What I have described is a true story but it didn't take place in Toronto. It is about the University of Pennsylvania. In the mid-1990s, things were pretty terrible in that part of Philadelphia. The university was excellent but the neighbourhood was in serious decline. From that very low point, the university became a city builder and over a decade it really turned things around. Members, I like to tell this story because it shows what is possible when cities and universities agree to work together on a shared agenda.

I was going to start this presentation by saying, "I am here on behalf of Ryerson University," but that's only part of the story. Instead, I decided to pose a question, and it's this: If you ask people, "Where's downtown Toronto?" many of them would say, "Yonge Street" or "The Eaton Centre." It's not the only answer, but a lot of people think of the city that way.

I make this point because it turns out that this fall, when we open our business building on Bay, Yonge Street will go right through my campus. The thing about Ryerson is that unlike most other universities, you can't draw a border around it. What happens to the city happens to Ryerson and vice versa. We have a shared stake in success. So this discussion we are entering is critically important to us.

The challenge for Ryerson is that it has only 60% of the space it should have for a university its size, according to accepted data measured by the Council of Ontario Universities. Our most pressing needs are more academic and research space, 2,000 more student residence beds, a new and expanded library, and more quality study space. Our students are underserved in athletic and recreation facilities, and they tell me our campus should be more pedestrian-friendly. We need more green spaces and space for students to gather and interact.

On March 8, in a speech to the Canadian Club, I announced that Ryerson is moving forward with a campus master plan. It is a plan that recognizes two facts: There is no campus boundary in the traditional sense, and there is no vacant campus land stretching out in any direction. So in reality our campus master plan has to be a campus and city plan, and we are looking to the City of Toronto Act to help make this possible.

I know there are many provisions in the proposed act, but today I want to focus on the four powers most significant for us.

First, we need an approach to land use planning that will make creative development possible. Since green roofs are mentioned especially, I am proud to say that the city commissioned the green roofs research from Ryerson.

Our campus has other challenges. Given our neighbourhood density, we have to approach our space shortage in innovative ways. In this, we have the benefit of our city councillor Kyle Rae. His expertise is already making a major contribution.

We are open to new concepts of quality university space. We are open to partnerships to build or convert existing structures to unique residences that serve students and look great. We are actively seeking options for library and learning space that might also be shared in useful ways with the community.

It's my opinion that Ryerson needs a front door, perhaps on Yonge Street. Students have asked us to close our section of Gould to traffic. Our vision includes partners who look at space near our campus as opportunities for coffee shops, stores and services that are clean, bright, imaginative and attractive.

When opportunities arise, we hope to partner with the city on athletic and recreation space.

In summary on this point, our plan is to work with the city to make our historic heritage part of Toronto a magnet for quality redevelopment. We are looking to the City of Toronto Act to enable that direction rather than over-regulate to prevent it.

Second, we are very pleased to see reference to appearance and design features. I would like to interpret this very clearly as a commitment to high-quality design and excellence in architecture. I will give a particular example.

This past year, Ryerson received a remarkable legacy donation: the Black Star historical black and white photography collection of 300,000 photographs. It has been called the most significant cultural contribution ever made to a Canadian university. Some of these magnificent images are on display during this month's Toronto photography festival at the Allen Lambert Galleria in BCE Place, and I encourage you to go see them.

We have made it a Ryerson priority to build a gallery and research centre to house this one-of-a-kind gift. To tell the truth, I have already rejected drawings that I did not think lived up to what we have here. I do not think we should settle for less.

1610

Ryerson has the benefit of a university community of professionals from the disciplines of architecture, design, and urban and regional planning, all of which are taught at Ryerson. I rely on my colleagues not only for guidance about the university, but also for their advice about strong design in our city. We will seek ways to bring into our discussion the best and brightest members of the design and planning communities of Toronto and Canada. We are asking the City of Toronto Act to help make design statements of enduring quality and originality.

Third, we're looking for the financial tools we will need, in particular the provisions included in community improvement plans and tax increment financing. This kind of help will allow us to consider innovative opportunities to acquire properties that will use our resources responsibly and serve Ryerson's long-term space needs. It will make it possible for us to work with groups like our local business improvement associations to develop community-based strategies for respectful and positive change. It will give us a basis for initiating and responding to options and potential partners to identify and move forward on building projects. We will be able to make the most of our opportunities knowing we have support of enlightened fiscal tools.

Fourth, and finally, we welcome the prospect of increased authority and accountability for decisions, and we hope the act will deliver the clarity and nimbleness needed for progress. This will do more than anything to empower the culture of change. I know from experience that this is very hard to implement, and it takes time. At Ryerson, we completed a decentralization review this year, because my own inclination and experience prompt me, as president, to give decision-making to the local level at the university and to make the deans and directors accountable for their own strategies and plans. But, just like the city of Toronto, the sum of all decisions has to make sense for the university or the city. It has to make both better. It's tough because it means giving up a measure of control and sometimes even going against your instincts in terms of what is most efficient or is the best use of resources. But what the City of Toronto Act has to do is to make a strong statement of confidence in the ability of the city to pilot its own course, recognizing the partnerships within the province and all the public and private entities, like Ryerson University, whose success is tied to the city's success.

We make great things happen in education, culture, research and neighbourhood renewal, but we need the provisions that the City of Toronto Act will provide: the ability to make development and design decisions, to have the financial tools necessary to support innovation and a clear path to decision-makers. We are prepared—no, make that eager—to move forward on forging our shared destiny with your help.

Thank you, and I'm pleased to answer any questions.

The Chair: You've left about a minute for each party to ask questions, beginning with Mr. Hardeman.

Mr. Ernie Hardeman (Oxford): Thank you very much for the presentation. It's a very well-thought-out presentation. I'm particularly pleased with the fact that it deals mostly with working together with the city for the common good.

We've had some discussion about the planning aspect of Bill 53, which of course is the precursor to Bill 51, the actual bill that deals with planning throughout the province. The selection of design or the ability to control the design of buildings and the material of buildings has been an issue that's been discussed by some other presenters who oppose that part of the bill, but they looked at it differently than you did. You looked at it as your having the local decision-making at Ryerson as to how you would build the university campus within the city environment. The others looked at it and said, "The city now has the right to tell us how to build things." Looking at the other presenters' presentations, I would have to take from your presentation that as you've turned down the drawings so far, when you've found one you like, the city could say, "But that's not what we want." So it isn't giving the control for those designs to the people who are developing it; it's giving it to the city fathers, shall we say. Why is it you believe that that's not the case in your case?

Dr. Levy: Well, the point I was making could be put as follows. I think someone has to take care of the whole, so I believe that there is good sense in delegating within a framework and giving the authority to the people closest to the action to make the decisions that they think best bring together the fiscal resources they have and the aspirations they have. But I think that if you allow that to happen, everyone has such an independent vision for the city that you lose big-time. So I think there has to be some overarching—I don't want to use the word "control," but quality sense that all of us are contributing in one way or another to the building of a city and that we have to see ourselves with a greater responsibility than simply meeting our own ends.

The Chair: Mr. Tabuns?

Mr. Peter Tabuns (Toronto–Danforth): Thank you, President Levy, for coming and making this presentation today. I'd like to follow on my colleague's question. It's quite correct: We've had voices raised against giving the city these powers around design. What would you see as the negatives if in fact the city wasn't given these powers to have greater authority when it comes to setting design criteria for new development?

Dr. Levy: What do I see as the negatives associated with it? If I could, I'll try to answer that question both ways. What I find as problematic is not when the city has the authority; it is when the authority is vested in local groups that are only interested in the issue of their local community, with no vision of what the city should be overall. So my view isn't allowing microdecisions to be made by microgroups that might not want the shadow on their property and stopping a major, wonderful city development. Mine is, you've got to have something like an executive committee with some sort of authority that has an overall vision for the city.

I would be delighted if there was someone who had an overview of a wonderful vision for the city to essentially—I call it "edit" my plans, whom I have to respond to, as opposed to my plans being subject to the neighbour three doors down who happens to have a case close to a councillor that in fact trumps my plan because they become the only voice that is being heard. I would like accountability to authority for a vision for a great city of Toronto, not to every single person in the city.

The Chair: Mr. Sergio?

Mr. Mario Sergio (York West): Mr. Levy, thanks for your presentation. You mentioned four points in the last part of your presentation. On your last point, with respect to sending a message to the city with a strong statement, it has taken some time for the bill to come so far, and it has been well thought out. We have had quite a few consultations on it. Do you believe that the bill presents the city of Toronto with exactly all the tools that the city should need to deliver their strong statement?

Dr. Levy: I took part in this in the early stages, when I was on the board of trade, so this is not all new to me. I think it is a huge move forward for the city of Toronto. Is it perfect? I don't think it's perfect, but do I think it's the right move to improve where we are? In many ways. The financial tools that this bill provides the city of Toronto—if you were in the United States, if you were in Chicago, under which we were, these tools were fundamental for that city to develop and for its institutions to develop. So I think this is a very big step forward and a positive one, and I applaud the bill.

The Chair: Thank you, Mr. Levy. We appreciate your being here and your thoughtful comments.

Dr. Levy: Thank you very, very much.

1620

CANADIAN INSTITUTE OF MORTGAGE BROKERS AND LENDERS

The Chair: Our next delegation is the Canadian Institute of Mortgage Brokers and Lenders. Welcome. If you could identify yourself and the organization you speak for. After you've done that, you will have 15 minutes. If you leave some time, we'll be able to ask questions about your delegation.

Mr. Jim Murphy: Thank you very much.

The Chair: Do you have a handout today?

Mr. Murphy: I do. It should be in a file folder like this, gold and black.

Good afternoon, Madam Chair and members of the committee. My name is Jim Murphy. I am the senior director of government relations and communications for the 8,500-member Canadian Institute of Mortgage Brokers and Lenders or CIMBL.

I want to talk about three things today:

(1) Provide you with a brief background on the mortgage industry in Ontario and our organization, CIMBL.

(2) Recommend an exemption from municipal licensing provisions for professions like mortgage brokers and

agents who are already regulated in Ontario through other regulatory regimes.

(3) Express serious concern with the possible introduction by the city of Toronto of a new property-based land transfer tax.

CIMBL represents all facets of the mortgage industry: mortgage lenders, including all of the major banks that are members, credit unions, mortgage brokers, mortgage agents and mortgage insurers. In 11 short years, CIMBL has grown from 300 members to over 8,500 members across the country. We have members in every province, with nearly 5,000 here in Ontario alone. This rapid growth speaks to the current health of the housing market in Ontario.

Recent research that CIMBL has undertaken, copies of which you have in your packages, shows that there is in excess of \$300 billion in outstanding mortgage credit in Ontario. This total is growing by 10% each and every year.

Issues that we are currently involved with include the new Mortgage Brokerages, Lenders and Administrators Act, Bill 65, which was recently introduced by the Minister of Finance in February. Bill 65 will replace the current outdated regulatory framework for mortgage professionals in Ontario. I should note that other provinces are also updating legislation which affects our members, including Alberta and Saskatchewan.

In Ontario, our industry is regulated by the Financial Services Commission of Ontario; FSCO is the acronym. All individuals undertaking mortgage activity in Ontario who do not work directly for a deposit-taking federally incorporated institution must be registered with FSCO in order to practise. Under Bill 65, the superintendent of FSCO will be granted new powers to regulate our industry, including suspension of licences.

Bill 65 will provide for a tiered registration of mortgage professionals in Ontario, with new education and insurance requirements for those who practise.

As we noted in a letter we forwarded to the Minister of Municipal Affairs and Housing dated January 19 earlier this year, section 8 of Bill 53, which is before you today, provides for the city broad licensing powers. Paragraph 5 of subsection 8(2) allows the city to license for the "economic, social and environmental well-being of the city," while paragraph 8 includes "protection of persons and property, including consumer protection."

Sections 11 and 119 of Bill 53 allow the province to make a regulation to exempt provincial or federally regulated professions such as ours. Further, regulation 243/02 of the Municipal Act envisages a similar power.

I would ask today and CIMBL would recommend that the province provide a licensing exemption under either Bill 53 or other legislation, such as the Municipal Act, for professions such as mortgage brokers and agents who are already regulated in Ontario and have a separate regulatory regime. I should note that we've had discussions with the ministry in this regard and they are aware of our concerns, and I know that we're not alone. There are other professions, including real estate and chartered accountants, who express the same concern.

Let me conclude by talking about land transfer tax. Today in Ontario the provincial government generates nearly \$1 billion from the provincial land transfer tax, or LTT. This tax has been a growing component of provincial revenues. Bill 53, while prohibiting other forms of taxation, including personal and business taxation, does not explicitly prohibit the city of Toronto from introducing a municipal land transfer tax.

According to the Toronto Real Estate Board, which has already spoken before the committee, the average land transfer tax currently paid by Toronto homeowners is in excess of \$3,000, and I think they estimate close to \$4,000 for every real estate transaction. The legislation before you today would allow the city to increase this total. CIMBL opposes such a new tax for the following reasons:

The city and province have stated that they want to move away from property-based taxes as a sole revenue source, yet one of the new taxes seemingly offered the city is for a new property-based tax in the form of a municipal land transfer tax.

An additional land transfer tax would make owning a home expensive in the city relative to other parts of the greater Toronto area and Ontario whose municipalities will not have the same powers, thereby acting as a serious disincentive to the provincially mandated plan of intensification and promoting growth within the city of Toronto.

A municipal land transfer tax would also impact affordability directly by increasing the cost of all housing, particularly for first-time buyers. Finally, it is worth noting that both Alberta and Saskatchewan do not even have a land transfer tax, yet residents in Toronto may be impacted by two separate ones.

CIMBL recommends that sections 256 and 262 of Bill 53 be amended to prohibit the city from levying a municipal land transfer tax, or as a minimum, at least that there not be two land transfer taxes in the city of Toronto.

I'd like to thank you for your time and would be pleased to answer any questions you may have.

The Chair: Thank you very much. You've left about two and a half minutes for each party, beginning with Mr. Tabuns.

Mr. Tabuns: Thank you, sir, for coming in today. On the question of this land transfer tax, could you talk to us a bit about what the threshold would be for discouraging people from making purchases? I'd like to preface it by saying that a friend of mine recently sold a house in East York. East York is a very nice place, but it's not really fancy; it's plain-folks kind of living. People bid up on her house about \$30,000 over what she was asking. So it said to me that this is a market where you can sell and there's a fair amount of room to increase the price. You've spoken against the land transfer tax, or a land transfer tax. I don't know if the city would actually implement one, but it might. At what point do you say a land transfer tax is going to discourage sales?

Mr. Murphy: Thank you. According to TREB, the current land transfer tax in the city of Toronto is about

\$4,000, which is a lot of money. I think it's equal to or even higher than the current municipal development charges in the city, for example. I don't think it's something homeowners are aware of when they're purchasing a home. It's part of the closing costs. As you know, there's a sliding scale in terms of how the provincial land transfer tax is determined. So once you hit a certain threshold, I believe \$150,000, the percentage increases of the actual sale price.

I think, with housing prices rising in the city and across the GTA, that you're almost at that threshold now. Four thousand dollars is not a small amount of money for people to pay. It's certainly more than their legal costs, it's more than they would pay a mortgage professional to do their mortgage—all those transactions that are included in the final closing costs.

Our concern is that not only is there a provincial land transfer tax but this legislation foresees, or does not prohibit, the city from instituting its own land transfer tax, where you have two. There are some provinces in western Canada that don't have any, and we may end up with two. So there should at least be some discussion between the province and the city about rules around criteria around how that would be developed so it's not duplicated, so that people don't end up paying twice and having to pay more.

The Chair: Mr. Ramal, did you have a question?

Mr. Khalil Ramal (London-Fanshawe): Thank you for your presentation. I was listening to you about your concern. In your opinion, how can we alleviate those concerns and come up with a strong bill that can serve the public, the cities and the province?

Mr. Murphy: The first issue is licensing. I think our concern is not one that we're expressing by ourselves. There are a number of professions who would like exemptions from the municipal-provincial licensing regime, and the legislation foresees the ability to provide that. Whether it's ourselves or chartered accountants or real estate brokers, anybody else who is already governed by provincial statute and already has a regulatory regime and a licensing regime that they have to meet, should not have to worry about that being duplicated by a municipality. Our members all pay, fiscal, a sum of \$275 a year. They have to meet ethics requirements, education requirements, all sorts of things, so there are already rules and regulations in place.

On the land transfer tax, I think the province should seriously look at, as a minimum, putting some criteria around so that the city doesn't come in—it may not come in right away, but it may at some point say it needs revenue and come in with a tax that would be on top of the existing provincial tax that would just make affordability very difficult and potentially drive, particularly first-time buyers—you have a strong condominium market in the city of Toronto. A lot of those people are first-time buyers. You just have to look around at all the construction cranes. They're the ones who are going to be hit with potentially two land transfer taxes. Our position would be, don't allow the city to do it at all. But as a

minimum, at least put some criteria around it so that it's mitigated.

The Chair: Mr. Hardeman.

Mr. Hardeman: Thank you very much, Mr. Murphy, for the presentation. On the land transfer tax, we've heard from the real estate folks and others the problem with that. Personally, I believe that the land transfer tax is charged by the province for services rendered, which is transferring title to property. The city is not in that business. I don't see that the city should be getting paid for something that another level of government is doing. Both the mayor and the minister seemed to think that that likely wasn't going to happen anyway. I would hope that the government changes the bill to make sure that it doesn't happen from the word go.

I'm more interested in the issue of licensing. How would you frame changes in the bill to exempt people who are already licensed by the province not being required to license again for the city?

1630

Mr. Murphy: Just allow me one comment on the land transfer tax. I would argue that even the province doesn't do that, because the previous government privatized the land registry system under Teranet, so it doesn't even need money to provide for that system. It's a private entity that's doing that.

We would just be looking for a regulation that would say to the city that they cannot license professions that already have a licensing regime, whether provincially or federally mandated, that have ethics, education and all these sorts of things that are already in place by provincial statute, so that it's not duplicated. We have had some discussions with the ministry. I think they're certainly listening to that, and we're optimistic that there may be such a regulation.

The Chair: Thank you very much for being here today. We appreciate your attendance.

CANADIAN PROPERTY TAX ASSOCIATION

The Chair: Our next delegation is the Canadian Property Tax Association.

Mr. Jeff Cowan: Good afternoon, Madam Chair and members of the committee. My name is Jeff Cowan. I am the past president of the Canadian Property Tax Association. With me is David Fleet, another past president of the association; Maria Colavecchio, who is the Ontario tax policy committee chair; and Gerry Turrin, who is a member of the CPTA committee as well. You'll see from our materials, which I believe have been handed out, the nature of the organization. It's non-profit and we all have experience in dealing with municipal taxation matters. Mr. Fleet is going to highlight the submissions to the committee.

Mr. David Fleet: I'm glad to be back. I'm going to summarize the CPTA's submissions in four categories: tax burden, new property taxes, clawbacks, and fees and charges.

The city of Toronto staff reports show that there has been some 100,000 jobs lost in the city of Toronto in the last 15 years. It's quite clear that excessive taxation of the multi-residential, commercial and industrial property classes has contributed to the job losses and to urban sprawl. The current city of Toronto policy—right now—is to continue to increase the commercial and industrial property tax burden. The CPTA is supportive of smarter and better economic development and urges that Bill 53 prevent any increase in the traditional tax burden for those classes until such time as the provincially established tax ratios are achieved. In addition, the business education tax, and not simply the municipal taxes, should be the subject of a tax ratio. In other words, the province should be applying the same concept to itself that it purports to be asserting for the city.

Under the category of new property taxes, section 262 of Bill 53 should be amended to prohibit new forms of property taxes for those three property classes—multi-residential, commercial and industrial—until such time as the provincially established tax ratios are achieved.

With a more narrow amendment, we would suggest that subsections 25(2) and (3) be amended. In their current form, they suggest that the provincial regulatory power—a kind of interim control power—would be limited and would apply to sections 7, 8 and 262. We're suggesting that it ought only be applied to sections 7 and 8 and not to section 262.

Lastly in this category, any new property tax under section 262 should be subject to a mandatory requirement of the right of appeal, annually and without a fee, to an independent, expert tribunal for a full, fair and timely hearing. Any tax rebate that would result should be with interest. A perfectly good example of this is the old commercial concentration tax, which, by the way, I voted for when I was here. It was in place in from 1990 to 1993. It was the tax nobody loved. In fact, it was the only tax, to my knowledge, that the NDP government, in the midst of high deficits, said was a terrible tax, and they ended it. That had a full set of appeal rights, so even a bad tax has appeal rights. Why wouldn't that be a mandatory obligation under Bill 53?

The next category of clawbacks: The CPTA's view, and we would hope the view of all political parties, is that taxes should be transparent and conceptually easy to understand. Certainly that was part of the original rationale for tax reform in 1998 and subsequent years. Clawbacks are the exact opposite of that. Taxes should also be fair and equitable, yet city staff has reported that the 2004 effective tax rates for Toronto's commercial property ran from under 1% to over 7%. That's an incredible range of taxes for the same property class, so it's obviously grossly inequitable. In fact, I was looking at a tax bill this morning from Burlington. They don't even call it a regular tax rate; they call it a notional tax rate, because the effective tax rate is what you actually pay on. After capping and clawback, it's different than what gets voted on. It's the real taxes that matter.

Toronto's commercial clawback rate this year is about 96%. Current Toronto policy effectively means that the

inequities and the lack of transparency are going to be permanent. We would urge that Bill 53 mandate a swift elimination of those clawbacks. We would also suggest that Toronto be required to make public on its website, for free, the assessments and actual taxes levied. It's what the city of Hamilton does now. At least with that measure, taxpayers could understand how they and others are really being treated.

To give you an idea of how clawbacks work, I'll give you an example but relate it as if it applied to income tax. Imagine that you and your neighbour last year earned the same amount of money. You'd pay the same income tax. This year, your neighbour has done really well and his income has doubled, but his income tax is limited. He can't pay more than 5% more. Your income, unfortunately, has fallen in half, but you're in a clawback, and if it's a 100% clawback, you'll pay the same taxes as you did last year. In the income tax scheme, that would be bizarre and nobody would suggest it. Why in the world would it be appropriate for property tax? We suggest that it's not.

In the category of fees and charges, the CPTA noted that the provision under section 392 of the Municipal Act, 2001 is missing from Bill 53. We think that Toronto should be obliged to publicly list which services and activities are the subject of fees and charges. That's the current obligation. We see no advantage to having less transparency with Bill 53.

Secondly, there should be a requirement of no double taxation, and that should be a guarantee in Bill 53, so that there are no fees and charges imposed by the city for costs that are now met by property taxes without a consequential lowering of the property taxes levied in the annual city budget. That way, there would be no use of fees and charges as a form of double taxation.

Those would be our submissions for today. We would be pleased to answer any questions you might have.

The Chair: Thank you. You've left about two minutes for each party to ask questions, beginning with Mr. Duguid.

Mr. Brad Duguid (Scarborough Centre): I want to thank you all for coming here and for a very thorough and well-thought-out deputation. There are a number of issues that you've raised here, some of which may be a little easier for us to look at in terms of amendments and others that may run counter to the approach we're taking with regard to permissiveness with the city. But I appreciate the input nonetheless.

I listened carefully to your comments about the caps on commercial/industrial, and I was almost left with the impression from what you said that these caps were somehow being lifted through this legislation. In fact, my understanding is that those caps remain. That was a decision we made. We could have—and the city wanted us to—removed those limitations and the access that they'd have to the commercial/industrial tax base. Very much on some of the representation we received from yourself and the business community, we chose otherwise. Maybe you might want to comment on that just to ensure—

Mr. Cowan: The answer simply is, we don't want Bill 53 used as an indirect means to avoid the caps on those taxes, to keep the existing property taxes but to add to them by indirect means by additional taxes under 262 or in fees and charges, which are in effect additional property taxes. So we want the legislation to reflect that balance, as it were, and the policy that's there, but not to achieve indirectly through new powers what the province has already said quite clearly in the Municipal Act as the hard cap on increases.

1640

Mr. Fleet: In fact, the hard cap really doesn't exist. It's kind of a soft cap, and it gets pierced annually. That's not fun for the people who bear that, but the clawbacks are even worse. There are ways to deal with the capping mechanism without having clawbacks that are running close to 100%, because then you don't have equity.

The Chair: Thank you, Mr. Hardeman.

Mr. Hardeman: Thank you very much for the presentation. It was very interesting.

I know it's problematic, and particularly problematic in the city of Toronto, where we have such an imbalance between the property classes—the industrial/commercial and multi-residential compared to the residential rates. Over the years, that has increased rather than decreased.

I was intrigued, near the end of your presentation, where you said that any new charge that's allowed, they should have to show that they are replacing other property taxes, that the taxes are going down if they are using revenue from other sources to bring it up. If you use that analysis, what would be left of the purpose of the bill, which is to provide the city with the ability to cover more costs?

Mr. Fleet: There are lots of ways under the bill that would allow the city to address additional taxation or additional charges and fees, and the CPTA hasn't said that the city shouldn't have that capacity. What the CPTA is saying is that it shouldn't be hidden. If you're going to deal with a property tax increase, then at least put it out front; if you're going to deal with increases or new fees and charges, put it out front. The current bill, as we understand it, would appear to allow new fees and charges and more property taxes, even though theoretically it's already being covered today under either an existing fee or charge or the existing property tax. So there's a double-whammy problem that exists as we understand the bill.

Mr. Cowan: And the fees and charges are more geared to the user-pay concept. If you're going to strip out, say, garbage collection costs, which are now covered by property tax, yet maintain the property tax rate at the same amount, you're going to be, again, getting more taxes for the same service, which will be unfair.

The Chair: Mr. Tabuns.

Mr. Tabuns: Thank you for the presentation today.

Mr. Fleet, you were talking about a mechanism where—by the clawback, as you call it, could be ameliorated. Could you tell me precisely how you see that balancing

out between capping increases and capping decreases in a way that you think would be far more fair?

Mr. Fleet: Not likely in two minutes, but to give you some sense of it, if the capping is kept lower, the clawbacks are guaranteed to be 100%, or very close to it. When you get sharp shifts, there are opportunities—because this is a long-term thing—to avoid some of the worst of the shifts. The clawback percentages are premised on the notion of static development. Well, there's nothing static—you're either going forward or going backwards—and the stages that you would bring in would have to probably be multiple. You'd have to take a look at assessment procedures; you'd have to take a look at where you'd put the cap if you want to leave one in place. There's no magic at 5% that I'm aware of. Also, what you calculate the cap on: I understand the city of Toronto is varying it this year. Instead of it being based on just taxes, they're basing it on CVA, current value assessment. So you want to use a combination of mechanisms to phase yourself out.

One of the realities is, about half of the tax is business education tax. If you reduce that, because it's hard to rationalize why you tax Toronto businesses more than others, you can direct that savings so that you address the clawback, and the previous government did that in a form. Unfortunately, at least one year the net benefit cost the property taxpayers. So there was a benefit—I think it was 2001—that was worth about \$78 million to the commercial class in Toronto, and by the time the city of Toronto finished with their shifting, it cost them about \$82 million or \$83 million. It was the first tax decrease I've ever heard of that cost the taxpayers money, but that's exactly how it worked out.

The Chair: Thank you very much. We appreciate you being here.

TORONTO COMMUNITY FOUNDATION

The Chair: Our next delegation is from the Toronto Community Foundation. Welcome. We appreciate you being here. I understand you're a former member of the Legislature and cabinet.

Ms. Anne Swarbrick: It has been a while. The security systems and all are relatively newer for some of us.

The Chair: We appreciate you being here, and I'm sure you know how this works. If you could introduce yourself and the organization you speak for for Hansard, and then you'll have 15 minutes and if you leave time we'll be able to ask questions. This is your handout, right?

Ms. Swarbrick: It is. Sorry; I don't have my speaking notes to hand out. They're kind of my chicken scratch in front of me.

Thank you for the time to be here today. My name is Anne Swarbrick; I'm president and CEO of the Toronto Community Foundation. With regard to the City of Toronto Act, I sat on the Toronto Board of Trade task force as well.

The Toronto Community Foundation I know that some people at this table are aware of and some people not, so I'll just describe it. It is an independent public charitable organization, with a mission—actually, part of why I handed out the document in front of you is once in a while I'll refer to something in it. If you turn to page 1 inside the cover, you'll see that our mission is to connect philanthropy to communities' needs and opportunities. Our vision is very similar, I'm sure, to many people around this table: to ensure the vitality of Toronto and to make it the best place to live, work, learn and grow through the power of giving, along with the other best places around our province.

We work to achieve that by the creation of donor-advised endowment funds for citizens of the city, as well as for community agencies. For citizens, it means they have the ability to grant, through that endowment fund, to support the community, pretty close to if they had a private foundation. We currently manage \$153 million in endowment assets, and last year we made grants of \$8.3 million.

We also undertake some of our own community initiatives. A couple of these might sound a bit more familiar to some people who aren't familiar with us. One is that we produce the annual report card on the quality of life in Toronto—Toronto's Vital Signs.

Just a couple of others to mention: We piloted, with the support of this provincial government, a new housing allowance program that has landlords contributing 50% of the cost of those housing allowances. Some of you would have seen pictures in the newspaper of the subway stations that we were involved in redesigning: the Museum, St. Patrick and Osgoode stations.

On the youth violence front more recently, we initiated the Toronto sport leadership program in partnership with the city of Toronto and a number of other partners to help vulnerable youth from the schools get excellent training that not only will result in their coaching certification level 1, leading them to jobs that the city is helping to connect them to, but also good conflict resolution skills etc. Some of you would have noticed that on the weekend the Premier announced an initiative with the faith-based community that we're a partner in as well. That might just provide a bit of familiarity or a jogging of memories.

We want to, from the Toronto Community Foundation, very much commend the Premier, the housing minister and the parliamentary assistant, Brad Duguid, for all the work they've done and their leadership in recognizing Toronto's important role in building a healthy economy, not only for the city but, in partnership with other municipalities, for the province and for the country, and for recognizing that, as the sixth-largest government in Canada, it has been forced to tackle contemporary challenges and build for the future, basically with its hands tied behind its back.

1650

We very much appreciate their support and hopefully the support of everybody on this committee to give the

city the tools that it needs in the 21st century to build a healthy city, knowing that a strong Toronto does mean a strong province and a strong country for us all.

To do so, of course, we believe that we need a strong governance model. We think that any student of governance knows that for a mature organizational body to achieve its strategic goals, it needs to have the powers to do so. It needs to be restrained only by as few impediments as possible, just those that we are being very deliberate about. We want to commend this bill for helping to take us in that direction and, I think, take us substantially in that direction.

We want to also express some concern, though, that subsection 11(2) and section 25 risk undermining some of that intention. I'm thinking back to a law professor I once had in an administrative tribunal role that I once had in the immigration department who used a slightly different word, but I'll make it a bit more polite, who encouraged us not to inhale and whistle at the same time. We're a little bit concerned that those two sections could be a little contradictory to the overall thrust. I would encourage you to reconsider those.

We do appreciate and commend the proposal to add powers to enable the city to raise revenues. We think, obviously, that it's critical for any government to have the powers to be able to raise the revenues that it needs to do its job. We're concerned, though, that there still won't be a sufficient fair tax balance with the provincial and federal governments. On that note, I would refer you to page 5 of our Vital Signs report. All of the data you see in Vital Signs—if you were to go into the version on the website you can actually check the source of any statistic that's in here. This is all information we've pulled together from independent research, trying to paint a bit of a 360-degree perspective on the quality of life in the city.

On page 5, as you'll see, we refer to the increased tax revenue from the local economic activity in Toronto not flowing appropriately to the local government so that it can adequately fund its local needs and priorities, pointing out that the city government is projected to face a revenue shortfall of \$1.1 billion in 2006, while the provincial and federal tax revenues derived from the Toronto economy are projected to grow by \$1.3 billion in that same year. The revenue shortfall is forecast to grow over the next 20 years unless the city can secure sustainable revenue growth. We think, of course, that the imbalance is rooted in the very nature of the taxing power differences between the municipalities and the other levels of government. For example, in the 10 years between 1992 and 2001, provincial and federal revenues rose by 53% and 45% respectively, while the city of Toronto's revenues grew by only 6%.

As I'm sure many other people have pointed out to you, the costs of the social programs in Toronto have greatly increased since they were transferred to the city, from \$130 million in 1998 to over \$370 million more recently. So our concern is that without progressive income tax or sales tax powers, the city can't possibly be

expected to be responsible for income redistribution programs as well as all of the other areas that it's responsible for simply with property tax, although, again, we really appreciate some of the direction of tax room that this legislation is providing for. It's probably still not as much as needs to be contemplated and acted upon.

In the area of governance, we want to ensure—like many of you, I'm sure—a strong democratic council as the prime decision-maker in the city; for example, ensuring that only a simple majority of council would be required to vote down the mayor's proposed strategic plan or budget or recommended bylaws or city-wide policies; that council be able to delegate local decision-making to standing committees and community councils; and that the municipality be able to determine how many community councils, how many councillors, the ward boundaries etc. So we very much support some of the very clear moves in all of that direction.

We also would state that we support a four-year term of office for councillors in order to give a fair chance for the strategic plan that a council embarks upon to achieve its results. We would also, in addition, support the mayor's role as leader of that council, able to develop sound strategic plans and budgets. We believe that to do so the mayor needs to be empowered to establish a trusted team to work with him or her on a day-to-day basis and therefore needs to be able to appoint an executive committee to assist in the development of the strategic plan, the development of the budgets, and development of city-wide plans for economic development, for example—obviously another extremely important area for the health of our city, province and country.

As part of the checks and balances on that mayoralty power, as I mentioned earlier, we very much would look to what the mayor and the executive committee come out with, being recommendations to council that are then—a 50%-plus-one majority being required—approved or voted down. The mayor, to be able to undertake that leadership job effectively, must be accountable for the alignment of resources and the services through having the responsibility for the hiring of the city manager, who should be accountable as his or her chief operating officer, essentially.

Having said that, I just want to add that I know some people conclude that that kind of a process would necessarily lead to a political party process at the city level. Of course, some people want that. I certainly would not be encouraging that because what we see is that, for example, under the leadership of the current mayor, we actually have a process working really effectively where this mayor is being able to draw on the talents of people across all party lines and build, I think, some of the best of the strength from taking contributions from a broad range of perspectives. Imposing political parties or moving towards political parties at the municipal level risks creating unwanted barriers to people contributing the best of their talents to the overall municipal governance team.

We believe it's also key that the city government have the power to shape the urban environment and con-

sequently encourage this government to give the city new powers in land use and planning.

I would conclude at this point by again saying thank you so much for the time today to be heard, for all of the work that you're doing on behalf of us all, and for the leadership that I think this government and those who are supporting this initiative are showing in being bold to try to help make sure that our city is able to face today's challenges and build Toronto's future from its annual activities now, hopefully starting very soon, as of the next municipal election.

The Chair: Thank you. You've left about a minute for everybody, so I'd ask everybody to be somewhat brief, beginning with Mr. Hardeman.

Mr. Hardeman: Thank you very much for the presentation. I do appreciate it. I guess I'm having a little trouble. You mentioned the fact that you were in favour of the tax room created for the city in this bill. In fact, there are opportunities for increased taxation, but there is no room being made; they're just told where they can put extra taxation. Do you believe that extra taxation is the answer, or transfer of taxation is the answer?

Ms. Swarbrick: I think there's probably some combination of both required. The bottom line is that the city needs to be empowered to do its job and to be able, as a mature adult, to determine where it is that revenues might be sought to support its initiatives. But I certainly do also agree that if the city is being responsible for income redistribution policies, social programs etc., either there needs to be a transfer of the funds to support that or a transfer of those responsibilities back up.

The Chair: Thank you. Mr. Tabuns.

Mr. Tabuns: You referred to sections 11 and 25, which give the province an ability to go in there if they don't like the way things are developing and change the city's powers. Can you enlarge a bit on your concerns about that and why you think the province should not be including those items in this legislation?

Ms. Swarbrick: I just think that if the point is to try to ensure that the municipal government, the sixth-largest government in this country, is able to act as an adult body of government able to make its own decisions, part of giving it democratic control and responsibility is to let it have the consequences for those decisions and not to have a parent body sweep in and say, "No, we don't like what you did," or, "We don't like what we anticipate you might do." I think the government needs to be responsible to the citizens of the city, like every other level of government is.

1700

The Chair: Mr. Duguid.

Mr. Duguid: Ms. Swarbrick, I want to thank you for your deputation; well thought out. I think certainly myself and the government are in agreement with a lot of what you said.

We're trying to offset the previous downloading. It's not happening all at once, but it's happening significantly over the last 24 months, when you look at our investments in transit, public health, our investments in land

ambulance and housing. We're making some progress, but I think we share your belief that we still have a way to go in that area.

I don't have any questions. I just want to thank you for a well-thought-out submission and for the great work that your foundation has been doing for the city. Working together, we're certainly going to get to a greater place as a city and as a municipality. We thank you for that.

Ms. Swarbrick: Thank you for all your work. You're doing a great job.

The Chair: Thank you for your submission and passion.

GUY GIORNO

The Chair: Our next delegation is Mr. Giorno. Welcome.

Mr. Guy Giorno: Madam Chair, members of the committee, thank you for entertaining me this afternoon. My name is Guy Giorno. I'm here in my individual capacity.

Since leaving Queen's Park, I've returned to the practice of law, and one of the things that I've done is develop an expertise in the area of the law of lobbying across Canada. I'm co-author of a text on the subject. In fact, tab 6 of my presentation, which I won't take you through, lists a number of the articles and works I've written on lobbying law in general and lobbyist registration code in the city of Toronto in particular.

The reason I'm here before you is because, while I believe that sections 164 and 165 of the new City of Toronto Act are a good step, I don't believe that they're strong enough, or at least they're not clear enough, to allow the city to implement all aspects of its proposed lobbying control framework. There are five concerns that I wanted to raise.

As currently drafted, it's my opinion that Bill 53 fails to address five of the fundamental lobbying control issues. They are as follows: I don't think Bill 53 clearly empowers the city to enact a binding and enforceable code of conduct for lobbyists; I don't believe it clearly allows the city to impose a cooling-off period or a post-service restriction on former councillors or former staff members; I don't believe it clearly gives the city the power to prohibit contingency fees; I don't think the enforcement provisions are tough enough, and I'll get to that; and finally, absent from Bill 53 is any power to mandate councillors' participation in the registry.

I'll just note that Madam Justice Bellamy, in her excellent report, made 32 recommendations which deal specifically with lobbying. In my opinion, Bill 53 fails to address more than half of those. Tabs 2, 3 and 4 of my presentation show the Bellamy recommendations that I think Bill 53 fails to address, the ones that it does address and then the third list is Bellamy recommendations I think the city already has the statutory power to address.

I also wanted respond to what I think might be a question, and that is, "Doesn't section 8 of the bill, this broad power to make bylaws, cover the situation?" My

answer is that I don't believe that power is clear enough. When you remember that the city of Toronto faced legal challenges in the past from the lobbying industry—it was taken to court over its power to regulate and control the lobbying process—you've got to realize that lobbyists will be willing to litigate, to go to court, to challenge anything the city does. So it's to the benefit of the city, the province and the citizens of Toronto to have all the power that the city needs clearly and explicitly spelled out in the legislation so there aren't going to be legal challenges, there won't be expensive and unproductive wrangling.

I also note that there are about two dozen different sections in Bill 53—and I list them in my submission to you—where you go that extra step, where the legislation goes the extra step and says, "Despite this broad power in section 7 and in section 8, we want to explicitly make clear the city has this power or that power." I think that that lobbying control is important enough to give the same treatment, to make sure that there's explicit power.

I want to just very quickly then talk about the five gaps as I see them. I think that while there's explicit power—in fact an explicit duty—to have a code of conduct for public officers, there's no explicit power to impose a code of conduct on lobbyists to regulate their behaviour. I think the city should be explicitly given that power and that it should have the power, by bylaw, to make it an offence for lobbyists to contravene that code.

I also note that Justice Bellamy, in dealing with lobbyists' conduct, found absolutely offensive the practice of bundling; that is, the role of lobbyists in collecting political contributions and delivering them to city councillors and other candidates. She proposed that that practice be prohibited, that lobbyists not be able to fundraise other than making their own political contributions. It's my opinion that if the city is to have the power to prohibit that practice, to prohibit lobbyists from exercising their rights to fundraise under the Municipal Elections Act, it needs that explicit power in Bill 53.

The second issue I want to address is the cooling-off period, post-service restrictions. Again, a cooling-off period of post-service restriction affects a person's employment and livelihood. Therefore, if a city is to have the jurisdiction to limit a person's rights to seek employment, to conduct his or her living, that power needs to be explicitly spelled out in legislation. I should add, by the way, that the province of Quebec, by provincial legislation, has imposed a cooling-off period, a post-service ban on every municipality in the province, and that's detailed here.

The ban on contingency fees is the third thing I wanted to note. Justice Bellamy said contingency fees or success fees should be banned. Quebec has already banned contingency fees for all municipal lobbying. The federal government is moving to ban them. Toronto, in my view, should have the same power. Again, however, I believe that Bill 53 should be amended to make it clear that when the city passes a bylaw dealing with lobbying, it should have the power to prevent a lobbyist from

charging such a fee and it should have the power to prevent an employer or a client from offering or paying such a fee.

I then want to turn to appropriate sanctions, which is the fourth gap as I see it. The way Bill 53 is currently drafted, all that Toronto can do to enforce its lobbying bylaw when it makes it would be to impose fines. Fines are useful, but in my opinion they are hardly sufficient and reliance on fines is inconsistent with what I'd call the best practices having regard to all the lobbying laws across the country.

When it comes to enforcement, penalties and sanctions, the gold standard in Canada is the new Newfoundland and Labrador Lobbyist Registration Act. That law provides that upon conviction, the court may order that the proceeds of lobbying improperly obtained—the lobbyist breaks the rules—that his fees, the money he's gained or what his client has benefited can be forfeited, can be confiscated and returned to the province.

I propose and I believe that the City of Toronto Act should give Toronto the same power to apply to a court, after conviction for a lobbying offence, to have the improperly obtained lobbying proceeds forfeited and returned to the city. I also note that Justice Bellamy, in talking about codes of conduct and lobbyists' rules, stated very explicitly, "The rules must have teeth."

Real teeth in the real world means more than fines. Some of the other sanctions that are appropriate to impose would be to allow the city, once there's been a conviction for improper lobbying, a violation of the rules, to prohibit people, for a temporary period or whatever the bylaw provides, from doing certain things. Those things would be, in my view, a temporary disqualification from doing business with the city, disqualification from serving in public office, disqualification from lobbying the city or engaging a lobbying to lobby the city on your behalf, disqualification from receiving funding or a grant or a benefit from the city.

Now, I'm not saying that the city must impose those sanctions. I am saying that it's appropriate out of respect for a mature level of government to give the city the statutory authority, if it chooses to exercise it, to beef up its lobbying bylaw with those sanctions, to give its lobbying bylaw, as Justice Bellamy said, "real teeth."

The final issue I want to address is councillor participation in the registry. I've written about this several times in the past and actually spoke to the policy and finance committee of city council about this last fall.

The greatest weakness of Toronto's current voluntary lobbyists' registry is that it relies on the co-operation of individual councillors and yet historically three quarters of councillors don't participate. The problem is that Toronto cannot compel councillors to participate, and the irony is this: Even though it is city council's own policy that councillors should co-operate with the current lobbyists' registry, they don't, or most don't. In fact, a recent report from city staff to the policy and finance committee made that clear. It referred to the lack of power to compel councillors to take part and the lack of

power to sanction those who don't. It's up to the city to determine whether it does or does not want city councillors to provide information to the lobbyist registry. The point I'm making is that Bill 53 should clearly give the city the authority to make that requirement, to impose that requirement, if it chooses to do so.

1710

That summarizes my five recommendations. If you turn to tab 1 of my presentation, I've laid out the existing text of sections 164 and 165 of the proposed City of Toronto Act in Bill 53. Then, in orange, on the right-hand side, I've proposed amendments, additional language which would beef up, give greater power or give greater certainty to ensure that the city of Toronto has all the powers it needs to implement its lobbying control framework.

In closing, I'll just make this one observation: I've referred a lot to Justice Bellamy. I've also referred to a lobbying control framework. The city has already identified many of the features that it wants inside its lobbying control framework. The things I've discussed, the things I've said lack sufficient statutory authority or clear statutory authority in Bill 53 to impose are things that the city says it want to introduce. It says it wants to ban contingency fees. I don't think the power in Bill 53 is clear enough. It says it wants the power to impose post-service restrictions, a cooling-off period. I don't think Bill 53 is clear enough. Out of respect for the city as a mature level of government, if that's what it says it wants—and I think it's excellent public policy to impose those restrictions—there's no reason not to make absolutely clear that the city of Toronto will have that authority.

Members of the committee, Madam Chair, I thank you for your time.

The Chair: Thank you. You've left about a minute and a half for each party, beginning with Mr. Tabuns.

Mr. Tabuns: Mr. Giorno, thanks for that presentation. Are there any other sections of the act that would have to be amended to allow these amendments to go forward in an unhindered way?

Mr. Giorno: No. I've examined that. There are references to the Municipal Elections Act and fundraising later. I don't think those would need to be changed. I think that everything I've talked about can be accommodated fairly within section 165, actually.

Mr. Tabuns: Have you talked to the city of Toronto about your amendments to see if in fact they would be comfortable with what's been put forward?

Mr. Giorno: Yes—I've not done that. I've obviously spoken to the city of Toronto about my concerns about lobbying generally. I do know this: The things I've asked about are things they say they want to introduce as part of their lobbying control framework. I'd like to think the city would want clear authority to do that.

Mr. Tabuns: Okay. Thank you.

Mr. Duguid: Mr. Giorno, thank you for taking the time to join us. It must have been a considerable amount of time and thought that's gone into actually even drafting the amendments for us to make it as easy as possible.

Mr. Giorno: Thank my partners for letting me do it.

Mr. Duguid: Thank your partners on our behalf too. We appreciate it.

There are some things that have jumped out at me that are in common, if I recall, with Toronto's submission and some of the things that Toronto is looking for as well. I can assure you we'll take a good, strong look at this to see what, in fact, may work.

It's refreshing to hear you refer to Toronto as a mature level of government. I won't get too far into that in terms of the partisan political thinking there, but, as somebody who was on the other end of the government in the old days, it's good to see you coming to that conclusion.

Mr. Giorno: The grief you can give me over that is nothing like the grief I get when I actually appear at city council, if you can imagine that.

Mr. Duguid: Well-deserved, I would add. I thank you for your help here, and we'll certainly take a very good look at this.

Mr. Hardeman: Thank you very much, Guy. It's good to see you again. It is a very thoughtful and well-presented presentation, as was mentioned by the parliamentary assistant. I would hope that the government would take a serious look at it, not that it's in a partisan way, but, in fact, from the presentation, it would improve the quality of the lobbying part of the bill. So I would support those amendments as they come forward. Again, thank you for all the work you've done to help make this a better piece of legislation.

Mr. Giorno: Thank you.

The Chair: Thank you for being here.

ARCHITECTURAL CONSERVANCY OF ONTARIO

The Chair: Our next delegation is the Architectural Conservancy of Ontario. Welcome. You know you have 15 minutes when you get yourself settled. If you could say who you are, your organization, for Hansard, then you'll have 15 minutes.

Ms. Catherine Nasmith: I'm Catherine Nasmith, vice-president of the Architectural Conservancy of Ontario. Just briefly, we've been in existence since 1933; we were founded by Eric Arthur. We have chapters across the province of Ontario, and we are expanding.

I wanted to address the changes in the bill that affect demolition provisions for listed buildings. I'll do that very quickly at the beginning of the presentation. After that, I would like to tell you a little bit about the ACO and what we are observing in Ontario a year after the passing of Bill 60, which amended the Ontario Heritage Act. I will leave you with some thoughts for future legislation to preserve Ontario's fast-disappearing heritage, which is a little offside.

First, the discussion of today: The ACO is in full support of including provisions for a 60-day holding period on the issuing of demolition permits for listed buildings. As you may be aware, we recently lost the Franklin Carmichael House in the former city of North

York because it was listed, not designated. You may be aware that the provisions for designation are somewhat onerous and that most municipalities rely on listing to identify most of the buildings of heritage significance. For example, in Toronto there are approximately 6,000 properties on the inventory of heritage buildings, but only 20% are designated.

Generally, listed buildings are moved forward for designation when they are threatened, so a 60-day notice period for council to decide whether or not to take action to prevent demolition would allow for the process. Without this provision, 80% of the buildings on the inventory are at risk.

In the past, informal notice arrangements existed between the chief building officials and other departments, allowed for notice to be given that an application for demolition had been submitted, and often action could be taken in time to prevent losses. But since Bill 124, the chief building officials are no longer able to exercise such discretion.

The second point: We understand that the rest of Bill 53 won't come into force for some time. We'd like you to make sure this provision regarding demolition comes into effect as soon as the bill is passed, because we are losing buildings because of this new provision.

The third thing is a new ask that we're making. We would like you to consider introducing a parallel provision requiring municipalities to give 60 days' notice to the public prior to issuing demolition orders for listed or designated buildings. This would give time for the public to find means to save heritage buildings. I will give you a couple of recent examples as the reason behind this request.

In Kitchener two months ago, there was a highly controversial order issued to demolish the former Forsyth shirt factory, a designated building that had been purchased by a previous council in order to ensure its stewardship. Unfortunately, the municipality had failed to maintain it and a subsequent council sought to clear the site by issuing an unsafe building order and having it demolished, notwithstanding that there were private developers interested in purchasing and renovating the building. The building was tough to take down, lending credence to claims that it could have been reused. Sixty-day notice might have given time for the public to intervene.

Another situation is in Paisley, Ontario. The owner of a heritage hotel on the main street is fighting an order from the council to demolish his building. This is a bit of a turnaround, where the municipality is forcing a private owner to demolish a designated building. The council in question had forgotten that the building was designated. Anyway, the property owner went to a judge, and the judge gave him some time to get counter engineers' reports and try to save the building. For this property owner, this was a really onerous case, because he was not only going to lose his building, which was his means of livelihood, but he was going to have to pay back the money it would take to demolish this property. It seems

to me that the interests of conservation would be much better served by taking that money and loaning it to this particular property owner. A 60-day notice from a municipality to property owners and to the public that they're going to issue an order for demolition would buy time to find creative solutions to save properties. Generally speaking, 60 days is not very long in the life of a building, and it's a pretty rare situation where a building is going to collapse within that time frame.

Let me just wander into another territory, because I've given you my three main points. Preventing demolition of important buildings is an important cultural goal. The ACO would like to commend the McGuinty government for bringing Ontario's heritage legislation out of the Dark Ages last year. But it's important to understand that saving buildings for cultural reasons is also good for the environment. You might be interested to know that according to stats prepared by Heritage Canada, buildings account for 35% of Canada's landfill. So conservation of our building stock is an important societal goal, which leads the ACO, the Architectural Conservancy of Ontario, to ask, why is demolition a right in Ontario?

1720

Our heritage conservation system has a set of rather complicated laws to prevent our heritage from being demolished, but it might be simpler to reverse the tables and make it harder to demolish any building. The onus should be on the owner to prove that it's no longer usable.

We need to move towards a conservation approach to our existing buildings. As Andrew Powter said at a recent ACO dinner, the greenest building is the one that already exists, and that's because of the resources and energy embodied in that building. Our buildings codes should encourage longevity, repair and renovation, and make it much harder to demolish and fill up our landfills.

We have 13 branches in Ontario and we're growing. One of the things that's interesting about the reasons we're growing right now is that the new heritage laws and the new provincial policy statements that say that heritage resources shall be conserved have created a situation where communities know whom to blame when a building comes down. Councils can no longer hide behind, "We haven't got the laws to protect them."

What's happening is that even though we have the new laws, the kind of culture of compromise of our heritage persists in councils and there's a lot of failure to designate in things going on. And it's becoming political: Communities are starting to say, "We want you to use these new powers." One of the ways they're organizing is by forming branches of the Architectural Conservancy of Ontario. We have a new branch forming in Peterborough; we've just formed a new branch in Guelph. We had an inquiry from Brampton; we've had inquiries from up around Owen Sound. We're going to become a bigger force in the province.

It's very important to make sure we do protect not only our heritage buildings but all of our existing build-

ing stock. We as a society simply can't afford to throw it away. Thanks for your attention.

The Chair: Thank you. You've left about two minutes for every party to ask you a question, beginning with Mr. Lalonde.

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): Thank you very much for taking the time. I can see that you've done some good work. You're the type of person I would like to see in every small community in Ontario. Being a former mayor, it was a real problem to try and preserve heritage. It's too bad that not all the municipalities have a heritage committee or bylaws to preserve our history, and also to say thank you to our pioneers of this country.

I'm pretty sure the city of Toronto would have a heritage committee in place.

Ms. Nasmith: We do.

Mr. Lalonde: Being the largest city in Canada, they certainly have that. I would say that if you have some concerns at the present time, you should go after the municipal councillors to make sure they know that every building that you feel is of heritage in the province of Ontario has to be preserved. We know that developers don't care about heritage very often; they just want to make a buck. It's too bad our history is gone whenever municipalities issue demolition permits.

Most of the municipalities, though, do have a bylaw in place. Really, if you apply for a demolition permit, they would review the effect that it would have in the community. When I say "effect," it does include heritage buildings. But the municipality also has a certain period of time where the replacement of that building has to—if it doesn't meet the heritage bylaw in place, very often they would say, "We need a certain type of building that would not take the esth tique," we call it in French. I don't know what it is in English.

Ms. Nasmith: Aesthetics.

Mr. Lalonde: —"aesthetics of the area." But do you think that the city of Toronto would really forget about the heritage of the city by our passing Bill 53?

Ms. Nasmith: Just to be clear, this provision in Bill 53 will apply to municipalities all across the province; it's applying to the Ontario building code. But in the past, the city of Toronto has been able to keep listed buildings and designated buildings, and to protect the listed buildings through the chief building official giving informal notice to the heritage committee that an application has come in. Under Bill 124, that's no longer possible, unless a building is actually designated under the Ontario Heritage Act, which, as you as a former mayor will be aware, is a more complicated process than just keeping the list. The chief building official has to issue the demolition permit. That is how we lost the Franklin Carmichael house, part of the Group of Seven, in February. This bill contains provisions that will amend that power all across Ontario, but it doesn't deal with the situation of a municipality ordering buildings demolished that the community would like to protect.

Mr. Lalonde: If it is not a part of the—

The Chair: Thank you. Sorry, Mr. Lalonde; we're out of time. Mr. Hardeman?

Mr. Hardeman: I think it's an interesting situation. As we're talking about Bill 53, in fact it is the bill to give more power to the city of Toronto to develop the community that they believe their people want. When it comes to protecting heritage buildings and heritage districts and so forth, I think there is no greater attribute in a community that designates the type of community you have and want to keep. So anything we can do in this legislation to assist the city to make that choice as to how they believe they should preserve their heritage in the city is important, and I would support that in this bill.

We thank you very much for making your presentation. I think anyone would be hard-pressed to say that this isn't a responsibility that should be at the local level. It's best done there. In fact, I would likely support getting the province right out of that designation and letting local government make the decision of how they can protect their local communities with certain standards.

Ms. Nasmith: With respect, I would encourage the province to get more involved in setting standards that apply across the province and preserving the heritage, because local municipalities are often up against all kinds of pressures and they don't see the bigger picture.

Mr. Hardeman: Yes, but if we assume that local government is a mature level of government that will make the best decisions on behalf of their citizens, it's hard to say that they would not make the best decisions based on heritage. It's kind of contradictory.

Ms. Nasmith: I really wish that were true. We're just starting to have a law that—

Mr. Hardeman: That's actually what I wanted to hear in the answer.

The Chair: Thank you. Mr. Tabuns?

Mr. Tabuns: Catherine, thanks for the presentation today. Which particular section of this act would have to be amended to actually give effect to what you've put forward?

Ms. Nasmith: It's the section that applies to Bill 124.

Mr. Tabuns: The section in Bill 53 that applies to Bill 124.

Ms. Nasmith: It applies to the Ontario building code.

Mr. Tabuns: Okay. I don't have a question beyond that.

The Chair: Thank you very much. We'll make sure we know that.

1730

TORONTO CATHOLIC DISTRICT
SCHOOL BOARD

TORONTO DISTRICT SCHOOL BOARD

The Chair: Our next delegation is the Toronto Catholic District School Board; Mr. Carroll. Good afternoon.

Mr. Oliver Carroll: Thank you, Madam Chair and members. I'm joined today by Peter Lauwers, who's a

lawyer with Miller Thomson and is also a counsel to the board. My friend Sheila Ward, who's chair of the Toronto district board, sends her regrets. She has to deal with some problems with portables, which we will talk about a little further into this, and that I think everybody will see become real problems as the year goes on. So I'm speaking on behalf of both boards.

Let me just give you some background. While education is a provincial responsibility, and this act does recognize that, the fact of the matter is that this act is unique in regard to municipalities, and we think there also has to be some recognition within it for school boards and for the type of work they do.

Just some background on the school boards themselves in Toronto: One in six students in Ontario goes to school here in Toronto. The two boards between them, as you can see from our submission, are the largest land-owners in the city of Toronto. We own in excess of 5,000 acres of land. Between us, we have 770 schools—200 with ours, 570 with the Toronto District School Board—and another 100 pieces of land here, there and all over the place.

Schools, as we all know from our own communities, are everywhere in every community in this province. No other government institution has the reach into a community that the schools do. When you take a look at our budgets—I hear a lot about the city of Toronto budgets—our combined budget is in excess of \$3 billion. I wouldn't want to suggest that we're an order of government—maybe we're a half or a quarter order of government—but we certainly are a mature order of something. At this point in time, while we support the changes in the City of Toronto Act, we think they don't go far enough when it comes to recognizing the investment that the government, that people have made in the city of Toronto when it comes to school boards.

I'd like to talk about two things. Mr. Lauwers will speak in a little more detail about some of the technical matters. The reason he's going to do that is because, if I tried to do that, he would continue to say, "What Oliver really meant to say...." so I'll leave him to the area he's expert in. He would never do that, of course.

I'd like to talk specifically about a piece of legislation currently in place, that was enacted in 1971 in the City of Toronto Act, that is not being repealed by this legislation. It is commonly referred to as the railway lands. What the province did, and what the city and the school boards agreed to, was to take an area around the railway lands and allow the school boards, in consultation and in conjunction with the city, to levy educational development charges to build new schools. At this point in time, we can't do that anywhere else in the city of Toronto. The railway lands are, in many cases, built out. What we're suggesting is that the act in front of you, Bill 53, contain a provision similar to that contained in the railway land legislation, if I can call it that, that subject to either the school boards having the authority, in consultation with the city, or the minister having the authority, to apply the same types of provisions that are in that bill to the rest of the city.

What's going on—and you see this in communities across the province, not only here; Mr. Duguid, who represents Scarborough, sees it in his community—is that there is a tremendous degree of infill occurring. There are subdivisions going in that have 1,000, 1,500 and 2,000 houses. The developers and the community bear no responsibility for ensuring that new schools are built in those areas. While this is a provincial responsibility, at the end of the day the fact of the matter is that the province is really not in a position to address this issue in the communities. So we have communities going in all over the place in the city of Toronto where we are not building schools. We are continuing, more and more, to bus people and we're adding portables to the existing school stock.

At some point in time, these communities are going to require, are basically going to say, “We need schools where our children live,” as opposed to some place that's several miles away. A provision like the railway lands, were it applied to the full city, again subject to consultation with the city and maybe with a regulatory power for the minister, would allow us to address those issues as they arise. We have no other means by which to build schools. When people build new houses—and it's generally young people—and move in with their growing families, they expect schools.

Our developers, who will cry about any extra costs, are the very first ones to put up large signs, as you'll see in Scarborough, saying “New school coming,” “New school will be built here,” despite the fact that of course they have no say over where the school goes. They have no input into it and they're not going to contribute a nickel to it. We actually have a situation in a place called Morningside Heights where the community has come to both school boards complaining that they were promised a school by the developer. We are happy to be in partnership with developers and anybody else, but we think there has to be a recognition that, if we're going to build new schools, if we're going to renovate the schools we have, there has to be some type of mechanism for us to generate the funds to do that.

With that, I will turn the issues of portables and site plan control etc. over to my friend.

Mr. Peter Lauwers: Thank you, Mr. Carroll. I'm addressing the issue of site plan control relating to portables. I pick it up at page 4 of the brief we've submitted to you.

Bill 53 substitutes section 114 of the City of Toronto Act for section 41 of the Planning Act. If I may, I'll just read to you a couple of things from section 114 that are kind of unique in what it could require by way of site plan approval from an authority like a school board. The municipality can require that the board submit to matters relating to exterior design, including the character, scale, appearance and design features of buildings. It can require sustainable design elements on any adjoining highways, including, without limitation, shrubs, trees, hedges, plantings and so on. Through subsection (10), it can require land for the widening of highways, and it can also require facilities to put traffic signals on adjoining streets.

Just think about that kind of a radical change and apply it to the placement of a single portable on a school site. It doesn't make any sense, but that's in fact what is happening in the city of Toronto. When we go in for site plan approval, we need to submit to site plan control, and this new legislation will significantly cause difficulties for us. We're suggesting an amendment to the act to make it plain that the placement of portables will not trigger the need for site plan control.

This problem is particularly troublesome these days, because this government has done good things with relation to primary class size, Best Start and daycares, but in an existing mature school system, that requires the placement of portables to accommodate those new uses. On page 5 of the brief, we're looking for a simple amendment that would exclude the placement of portable classrooms by the district school board as a way around the problem we're now talking about.

We would also like an exemption specifically from the controls over external design features. You know how plain portables are, eh? They're plain, and that makes them cheap and easy to deal with. If we have design features required of them that the city imposes on us, they become way more expensive and way more difficult to deal with and, from our perspective, unnecessarily so. So we're asking that there be an exemption from the design features relating to portables only—not to schools. We understand that the school issue is a different issue; permanent facilities are in a different category.

Later on in our brief, it deals with site plan conditions. Typically, in our experience, municipalities, including the city of Toronto, ask for more than they're entitled to get when they're looking for site plan control because they know that if you don't agree, they can hold up the building permit process. In our situation, with Father Redmond, we spent years trying to sort it out before we finally got a building permit. At page 7, we recommend a provision in the act that essentially is this: The school boards will sign a site plan agreement as required, but if there's a provision in the site plan agreement that is not within the jurisdiction of the city, the school board can appeal that to the Ontario Municipal Board. In other words, you don't have to go and appeal first; you appeal after you sign the site plan agreement. This will encourage the city, from our perspective, to be more responsible in what it requests so that we can actually have a much more co-operative relationship with the city than we now have.

We're not suggesting, by the way, that any politicians at the city are badly motivated; that isn't the case. The planning staff do try to do their best, but in many cases they treat the school boards, regrettably, like private developers.

Those are the suggestions we're making with respect to the bill, which, as Mr. Carroll has already indicated, the school boards otherwise support.

The Chair: You've left just over a minute for each party to ask a question, beginning with Mr. Hardeman.

Mr. Hardeman: Thank you very much for the presentation. I know it's all public money and there's only

one taxpayer, but if there's a need for the city to have those controls in the bill for the general industry to build in communities, how would one justify not applying those same controls for looks, aesthetics and so forth to the school board?

Mr. Carroll: I think the only one that Mr. Lauwers touched on was portables. Portables basically look the same. Our experience, unfortunately, with the city, especially some of the staff, is that they decide that for a variety of reasons we need to do something differently. Things like portables are cookie-cutter. When we need them, unfortunately, we need them right then, and to get into protracted discussions with planning staff around them either complicates parents' lives with getting children into schools or we end up busing people to other schools. We're saying that portables should be exempt from that particular requirement.

1740

Mr. Tabuns: Thanks for the presentation. Two questions. First, you talked about a railway lands amendment. Do you have the text for that? The second question is, have you met with the city of Toronto to see if they're in agreement with the proposals you've brought before us today?

Mr. Carroll: The first thing is that we do have a copy of the bill somewhere and we're quite happy to get it to you. The second thing is that yes, we have met with the city, including the mayor. Everybody conceptually agrees that we need to do something, that we basically have land that belongs to the community. The problem has been that the province and the city have been so focused on trying to get this legislation lined up and into the House and through it that they haven't been able to deal with all the other issues that have come along. We have staff, both from the boards and from the city, working on it, but unfortunately we're into one of those situations with staff where many of us will have moved on before we actually get to deal with this issue. It's a current issue, and we need to deal with it now.

Mr. Duguid: I'll make a quick comment and pass it over to Mr. Lalonde.

The Chair: It had better be one comment, actually. Just one of you can speak. I don't have enough time. I'm sorry.

Mr. Duguid: Well, I won't even take the minute.

The Chair: That's all you have. Go.

Mr. Duguid: Okay. I just wanted to thank you for the work you're doing with our government. I don't think I've been to an announcement having to do with education that I haven't seen you involved in in some way, so I want to thank you very much, Mr. Carroll, for your work in doing that.

We will take a look at the site plan issue with the portables and see if there's something we can do there. We'll take a look at it. The issue with development charges—that's a little bit bigger question than we're dealing with in the City of Toronto Act here, so that's something that's probably going to be subject to further discussions and debate.

Mr. Lalonde?

Mr. Lalonde: Time is up, I guess.

The Chair: A short question—really short.

Mr. Lalonde: I was going to say that it's nice to see that school boards are interested in the planning of their community. It's very nice to get you people involved.

Mr. Carroll: If you'd give us 15 more minutes, we could tell you what we're doing.

The Chair: We don't have that much time.

Mr. Carroll: Thank you, Madam Chair.

The Chair: Thank you very much. We appreciate your being here.

POLICE ASSOCIATION OF ONTARIO

TORONTO POLICE ASSOCIATION

The Chair: Our last delegation of the day is the Police Association of Ontario and the Toronto Police Association. Good afternoon. It must be OMERS—oh no, it isn't. It's nice to see you again. Welcome.

Mr. Bruce Miller: It does seem a little quieter today than the last time.

The Chair: It's much quieter. We're pleased to have you here. You may hear the ringing of bells shortly, and that's the reason for my hurriedness. I want to get to your delegation so we get to hear all of your presentation. If you could identify yourselves and your organizations for Hansard, you'll have 15 minutes.

Mr. Miller: Thank you. My name is Bruce Miller and I'm the chief administrative officer for the Police Association of Ontario. I was also a front-line police officer for over 20 years prior to taking on my current responsibilities. With me is Dave Wilson, the president of the Toronto Police Association. The Toronto Police Association represents the 7,500 front-line police personnel in Toronto. Dave has been a police officer for 18 years and is also a member of the PAO's board of directors.

The Police Association of Ontario is a professional organization representing 30,000 police and civilian members from every municipal police association and the Ontario Provincial Police Association. The PAO is committed to promoting the interests of front-line police personnel, to upholding the honour of the police profession and to elevating the standards of Ontario's police services. We have included further information on our organization in our brief.

We appreciate the opportunity to provide input into this important process. We would like to focus our attention on the importance of these proposed legislative changes to community safety. We plan to address two issues today.

The first issue centres on the need for the province to retain an oversight role for policing and community safety. We appreciate the fact that community safety has been, and continues to be, a priority for this government. We would like to congratulate the government for not altering the composition, governance or important responsibilities of the Toronto Police Services Board.

Independence, impartiality, equal treatment and universal access are cornerstones of policing in a democratic society. Police services must be, and must be seen to be, beyond the control of any political or private interest. Police services must be allowed to focus solely on community safety.

I think that everyone realizes the challenges to community safety that police are dealing with across Ontario. Last fall we released an Innovative Research Group poll that included some of the following findings:

Over half of Ontarians expect that they or a family member will have property stolen as a result of a break-in within the next five years;

More Ontario residents than a year and a half ago feel that they or a family member will be physically attacked in the next five years, up six points to 32%;

An overwhelming majority—80%—say that gun violence has worsened in the past five years; and finally,

Four-out-of-five Ontarians continue to believe that police services are one area that should not be cut back, regardless of the province's current deficit situation.

These results demonstrate that members of the public believe that public safety is a priority issue and that a strong provincial role should be maintained. Although this legislation pertains to the city of Toronto, we understand that the Association of Municipalities and its members will argue for similar provisions to be replicated in the Municipal Act governing all other municipalities. For that reason, we are pleased that this bill affirms the distinct and unique challenges faced in order to keep Ontario's communities safe.

While we are pleased that the independence of police oversight from other municipal services has been retained, we would like to raise one area of concern. The proposed legislation would allow the city of Toronto to "pass bylaws extending the hours of sale of liquor in all or part of the city by the holders of a licence and a bylaw may authorize a specified officer or employee of the city to extend the hours of sale during events of municipal, provincial, national or international significance." We are concerned that this may have a negative impact on community safety.

In 1996, the hours of sale for licensed establishments were extended to 2 a.m. This was done in part to address some of the inequities facing businesses that operated at or near provincial and national borders. The new 2 a.m. closing time brought Ontario in line with other jurisdictions. We have spoken to our members in Ottawa, Niagara Falls and Windsor. Police services in those jurisdictions faced many challenges coping with people who were drinking and driving in an effort to take advantage of extended hours in licensed premises in neighbouring communities. Windsor is still faced with the challenge of young people coming across the border to take advantage of the lower drinking age in this province. As noted earlier, we understand that many municipalities will advocate for parallel provisions to be included in an updated Municipal Act. This will indeed lead not only to each municipality having different

closing hours for licensed establishments but, in fact, different hours in part or parts of each municipality.

Both the Police Association of Ontario and the Toronto Police Association recommend that Bill 53 be amended to revoke the provisions proposing to amend the Liquor Licence Act to grant the city of Toronto the authority to extend bar hours, and further, that such a provision should not be extended to other municipalities in a revised Municipal Act. Hours of service in licensed premises need to be consistent across the province in order to ensure community safety. Maintaining consistency in liquor licensing provisions will help to ensure that additional problems associated with drinking and driving do not occur.

Members of this committee understand that police services across Ontario are facing increased challenges and demands for service that cannot be reasonably met given the current resources. The provisions noted above in Bill 53 will have an adverse impact on our capacity to respond to community safety matters, should large numbers of people seek to take advantage of extended hours in some locations. Community safety is an issue of provincial interest and, as such, demands consistency across Ontario.

We'd like to thank the members of the standing committee for the opportunity to appear before you once again, and would certainly be pleased to answer any questions that you may have.

The Chair: Maybe I could ask all committee members to just ask one quick question, if you have one, beginning with Mr. Tabuns.

Mr. Tabuns: Your concern about different closing hours: Have you got experience in other jurisdictions that you can cite that gives you the basis for that assertion that this will be highly problematic?

Mr. Miller: We certainly saw it in locations such as Ottawa, when Quebec had extended hours prior to 1996. We saw large numbers of people going across to Ottawa. Unfortunately, many were driving. They'd come back later, and it was a drain on police resources. We've seen the same thing in Windsor and Niagara Falls as well.

The Chair: I think we're going to have 10 minutes before we have to be up in the House, so if you can keep your answers short and the questions short. Mr. Duguid, did you have anything to say?

Mr. Duguid: No, just that committee members will note on the record that Mr. Miller looks like he's a lot healthier and lost some weight since the last time we saw him here. Congratulations. You look like you must be—

Mr. Miller: Thank you. It's been 40 pounds. I can see why you get elected again, Mr. Duguid.

Mr. Duguid: Thank you for being here. We'll take a look at your submission.

Mr. Miller: Thank you very much.

The Chair: Mr. Hardeman, did you have anything?

Mr. Hardeman: I just thank you for your presentation. It's been expressed by others: The reason that we have standard closing hours is not so much how long we can drink, it's that if you can drink longer in different

places, or if people move from place to place as they drink, there is much more risk of drinking and driving.

Mr. Miller: Yes. That's why we came before the committee, just to put our concerns on the record.

Mr. Hardeman: And we very much appreciate that. Thank you.

The Chair: Thank you, gentlemen. We appreciate you being here today.

Committee, I'd just like to remind you that the interim report will be available next week. Our research officer is working on it now. I'd like to thank all of our witnesses, members and the committee staff for their participation in these hearings.

This committee now stands adjourned until 4 p.m. on Monday, May 8, 2006.

The committee adjourned at 1751.

CONTENTS

Wednesday 3 May 2006

| | |
|--|--------------|
| Stronger City of Toronto for a Stronger Ontario Act, 2006, Bill 53, Mr. Gerretsen / Loi de 2006 créant un Toronto plus fort pour un Ontario plus fort, projet de loi 53, M. Gerretsen | G-415 |
| Ryerson University | G-415 |
| Dr. Sheldon Levy | |
| Canadian Institute of Mortgage Brokers and Lenders..... | G-417 |
| Mr. Jim Murphy | |
| Canadian Property Tax Association..... | G-419 |
| Mr. Jeff Cowan | |
| Mr. David Fleet | |
| Toronto Community Foundation | G-421 |
| Ms. Anne Swarbrick | |
| Mr. Guy Giorno..... | G-424 |
| Architectural Conservancy of Ontario..... | G-426 |
| Ms. Catherine Nasmith | |
| Toronto Catholic District School Board; Toronto District School Board | G-428 |
| Mr. Oliver Carroll | |
| Mr. Peter Lauwers | |
| Police Association of Ontario; Toronto Police Association..... | G-430 |
| Mr. Bruce Miller | |

STANDING COMMITTEE ON GENERAL GOVERNMENT

Chair / Présidente

Mrs. Linda Jeffrey (Brampton Centre / Brampton-Centre L)

Vice-Chair / Vice-Président

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh L)

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh L)

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

Mr. Kevin Daniel Flynn (Oakville L)

Ms. Andrea Horwath (Hamilton East / Hamilton-Est ND)

Mrs. Linda Jeffrey (Brampton Centre / Brampton-Centre L)

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell L)

Mr. Jerry J. Ouellette (Oshawa PC)

Mr. Lou Rinaldi (Northumberland L)

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

Substitutions / Membres remplaçants

Mr. Ernie Hardeman (Oxford PC)

Mr. Khalil Ramal (London–Fanshawe L)

Mr. Peter Tabuns (Toronto–Danforth ND)

Clerk / Greffière

Ms. Susan Sourial

Staff / Personnel

Mr. Jerry Richmond, research officer,
Research and Information Services