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Wednesday 10 May 2006

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Mercredi 10 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
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 10 May 2006

Mercredi 10 mai 2006

The committee met at 1606 in room 228.

I'll just tell the committee that our 4:45 has cancelled, so we have one fewer delegation to hear this afternoon.

**STRONGER CITY OF TORONTO
FOR A STRONGER ONTARIO ACT, 2006
LOI DE 2006 CRÉANT
UN TORONTO PLUS FORT
POUR UN ONTARIO PLUS FORT**

**GREATER TORONTO
APARTMENT ASSOCIATION**

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: I'd like to welcome all of our witnesses. Mr. Butt, I gather you're our first witness, from the Greater Toronto Apartment Association. Welcome, Mr. Butt. You have 15 minutes. Should you use all of your time, we won't be able to ask questions. Could you introduce yourself and the organization you speak for?

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.

Mr. Brad Butt: Thank you very much, Madam Chair and members of the committee. I am Brad Butt. I'm the president and CEO of the Greater Toronto Apartment Association, which is a business association that represents more than 240 companies that own and operate in excess of 160,000 rental apartment units across the greater Toronto area. Our membership consists of more than two thirds of all the privately owned rental apartment buildings in the greater Toronto area. We'd like to thank the committee for the opportunity to comment on Bill 53 and to share with you what we believe will be the impact of this legislation on the provision of decent, affordable rental housing in the city of Toronto.

We have one item of committee business to consider before hearing from our first witness. The committee will start clause-by-clause consideration of Bill 53 on Monday, May 15. We need to consider a deadline for the committee clerk.

We understand that there are some areas where municipalities should have additional powers to improve the lives of their citizens and make the business climate more positive for growth and investment. We also believe that Toronto needs to get its governance act together, and if Bill 53 paves the way to make that happen and ensure that Toronto runs better, then we would certainly have no objection. However, much of what we read in the bill causes us to have more rather than fewer concerns. In fact, we seriously question what the impact on rental housing in particular will be. I'd like to share with you some of the areas where our concerns lie.

Mr. Brad Duguid (Scarborough Centre): I'll move noon on Friday as the deadline.

Regulation: One would assume that with the tabling of the new Residential Tenancies Act last week by Minister Gerretsen, the province has clearly indicated it will occupy the field as it relates to the landlord and tenant relationship. The bill indicates that issues around rent control, rent increases and the eviction process will remain an area of provincial responsibility.

The Chair: Any discussion on that?

Mr. Peter Tabuns (Toronto–Danforth): That means that noon on Friday is the last date, the last point for submitting changes, amendments or new language?

However, Bill 53 speaks to "broad" permissive "powers" for the City of Toronto. One would naturally have concerns that this could include the city occupying

The Chair: I'll get the clerk to clarify for you.

The Clerk of the Committee (Ms. Susan Sourial): It's an administrative deadline. The bill is not time-allocated, so even during clause-by-clause, if there are other amendments to be tabled, they can be. It's for the purpose of getting a package out to the members so they can see some of the amendments that are available.

Mr. Tabuns: Thank you. I appreciate that.

Mr. Duguid: It gives us time, Peter, to review what amendments you've put forward at that point and also to make sure that you guys have our amendments.

Mr. Tabuns: Brad, I appreciate that.

The Chair: So we're agreed? All right, noon on Friday will be the deadline.

this area. We would recommend that the bill be amended with strong language that clearly indicates that the city cannot set up parallel regimes to provincial ones where it believes it may have an interest. Such action by the city of Toronto would significantly undermine the provincial statute governing rental housing.

Licensing: Section 119 of the bill indicates that the minister may exempt any business from licensing. While this is positive, it is not strong enough in ensuring that the city will not have the power to license apartment properties. Once again, as the province has indicated through the proposed Residential Tenancies Act, it has occupied the field of the landlord and tenant relationship. The city of Toronto should not have the authority to implement a licensing regime for rental housing, and the bill should be amended to state that clearly.

Fees, charges and taxes: The city of Toronto already has a tax rate for the multi-residential property tax class that is nearly four times higher than the residential tax rate. Tenants in Toronto have been overpaying property taxes through their rent for decades. This policy is directly responsible for the rent levels in this city. Now, under Bill 53, the city will have the ability to implement all kinds of additional fees and charges, which are really new taxes on a property tax class that is already overpaying. The bill should be amended to ensure that the city may not in any way increase the tax burden on the multi-residential property tax class. There should be no new fees or charges permitted that would result in rent increases for our tenants.

Section 262 of the bill, while spelling out some 13 areas where the city may not impose a tax, still provides considerable latitude for the city to create new taxes that are not specifically prohibited. Could there be a land transfer tax? Could there be a mortgage registration tax? Could there be a tax on leases? Could there be a rent surtax on tenants? These are questions that need clear answers before this bill is passed.

Demolition and conversion of rental housing: Section 111 of the bill speaks to the issue of demolition and conversion to condominium status of rental housing. It essentially eliminates any opportunity for redevelopment or intensification of existing apartment sites and perpetuates the high property tax burden on rental housing by prohibiting conversion to condominium status. We would argue that this totally flies in the face of this government's own Places to Grow initiative and does not allow for renewed compact development in key areas of Toronto. Giving the city of Toronto absolute power to set the rules in this area means no new development or redevelopment opportunities on apartment sites, period, and that is not good smart-growth policy.

City governance: Finally, I'd like to briefly address the issue of governance at the city of Toronto. I spend a lot of time at Toronto city hall—I'm sure Mr. Duguid will remind you of that—on behalf of our members. I participate actively in meetings with council and staff, and I think I have a pretty good handle on what goes on at city hall. I can tell you unequivocally that the system is

broken and dysfunctional. The rules of procedure are regularly abused, the committee system is not user-friendly and, quite frankly, the size of the council is too large. There is nothing in Bill 53 that would improve this situation other than hoping future councils will do it. The so-called strong mayor system may help to make the system streamlined and more efficient, but then it may not. In the end, it is really the members of council who will determine whether Toronto improves or not.

Madam Chair and members of the committee, I thank you again for the opportunity to appear before you. I would ask you to consider amendments to the bill, as I have indicated, to ensure that the province maintains total control over all aspects of the landlord and tenant relationship. A stronger Toronto should not mean a weaker Ontario. Let's make sure Bill 53 ensures that.

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

Mr. Ernie Hardeman (Oxford): A lot of presenters have come in and agreed with the premise of the bill, which is legislation to allow more autonomy in the governance of the city of Toronto, and almost all of them had some point to make on the taxing and licensing authorities and how far that should go. As I look at yours, you're right. The question of what the bill would allow—you mentioned section 262 of the bill. It would seem to me there's nothing in the bill that would prevent any of those from being opposed, other than that the mayor said he would not impose anything that was detrimental to the citizens of Toronto. But that's a little hard to explain with the property tax on multi-residential properties. In fact, that's very detrimental to the people living in apartments, and yet it was the mayor and city council who, over the years, allowed that distance between residential and multi-residential to be achieved.

I guess I would just like to ask about two very quick points, and maybe you can put them together. One is, if not the ones you mentioned for raising more revenue, what would be your suggestion that should be put in to raise more revenue, or should there be anything? The second one, of course, is, what's your opinion on how the strong-mayor scenario should be implemented, or should it be implemented?

Mr. Butt: I guess the first thing I would say is, as far as our property tax class is concerned, I think tenants in this city already overpay. So to increase the tax burden at all on them simply because Toronto has a budget problem, I think, would be very unfair to the residents who live in my members' apartment buildings. I think there's an expenditure problem, not a revenue problem, at the city of Toronto.

Second, the strong mayor: Quite frankly, I don't think the mayoral system—in fact, there are 44 councillors and a mayor, who has one vote—has worked well, regardless of who the mayor of the city of Toronto is. I think the mayor can be a very strong force to make sure that fairness and equality do take place among a whole myriad of issues this council deals with. All you have to

do is sit in one of those council meetings and hear 44 different opinions and have the mayor try to broker some semblance of order, to know that the system clearly isn't working. So to have whoever the mayor may be—the current one or another one in the future—have some more powers to better reflect issues across the city, I think, is not a bad idea. Exactly how it gets implemented and how we ensure that our sector and the business sector and others who have been before you are not negatively impacted is a very good question that I think needs a lot more thought before this bill is proclaimed.

The Chair: Mr. Tabuns.

Mr. Tabuns: Thank you for your presentation, Mr. Butt. You assume in this section on demolition and conversion of rental housing that any demolition or conversion would result in more intense development. Can you tell me why you think that?

Mr. Butt: The fact of the matter is that I don't think there's a developer in this city that isn't going to propose intense densities on a site. The land economics don't make sense. You're not going to rip down a 50-unit apartment building and build a 20-unit apartment building. You're going to rip down a 40-unit apartment building and build a 300-unit apartment building because it's on the Yonge Street corridor, it's serviced by TTC and it should happen.

The problem is that the history of how the city of Toronto has dealt with condominium conversion and demolition has been that the impediments are so huge that no one would ever do it, which means you never get to your ultimate smart growth plan because no one in their right mind will go forward and redevelop a site when basically the answer from Toronto city council is, "There's no way to do it. We're not accepting your proposal."

1620

Mr. Tabuns: How would you propose to protect tenants who could not afford to move out and who certainly couldn't, in most cases, afford to buy condominium units when there's a condo conversion proposed?

Mr. Butt: Well, if you're familiar with the current Tenant Protection Act, which will be repealed with the new Residential Tenancies Act, you'll be very familiar with the fact that there's very generous compensation to tenants who are affected by a condominium conversion or a demolition application. The landlord is required to do all kinds of things under that piece of legislation, regardless of whether the new development has to go through the planning and rezoning process. There's very generous compensation for condo conversion and demolition for tenants today. I don't believe the new Residential Tenancies Act takes away those gains for tenants affected by those proposals. We haven't really fought that kind of thing.

Our basic concern is that every time you come forward to Toronto city council to put together a proposal for intensification, they raise the bar on the requirements. There's a requirement right now to provide, let's say, three or four months' rent to a tenant to allow them to

relocate, and that's a financial compensation. The city of Toronto just comes back and says, "Well, three or four months is not good enough; we're going to make it seven or eight," and then it's 10 or 12. It makes it economically impossible to redevelop many of the sites in the city that need to have that redevelopment. So our basic concern would be that Bill 53 really gives absolute, total control—beyond the Planning Act, the Municipal Act and the Tenant Protection Act—to the city of Toronto to set whatever rules it wants. I think that's very dangerous territory.

The Chair: Mr. Duguid.

Mr. Duguid: Mr. Butt, thank you for being here today and for all the work you have done, both with the city of Toronto and with us in terms of landlord and tenant relations through the years.

On the second page of your submission, you mention something, and I'll read it: "It is really the members of council that will determine whether Toronto improves or not."

I think we would wholeheartedly agree with that. What this act is meant to do is give those members of council and the people of Toronto the tools they need to build a stronger city. I think the Premier said it well when he said that in many ways it's a miracle Toronto has done as well as it has in operating within the regulatory and fiscal straitjacket they've had to operate within. We've tried, and we're working very hard, to deal with some of the fiscal issues: uploading of costs for transit, both capital and operating; public health; we've invested more in housing; land ambulance; as well as a number of other areas. We've still got more work to do in that area, but what we're trying to do here is give them the ability to compete with other cities their size to build a stronger city.

I just wanted to see if there are any further comments you have on that, as well as further comments perhaps under the regulation aspect of the bill, and maybe get a little more specific as to concerns with regard to the potential for a parallel regime in landlord and tenant issues.

Mr. Butt: I'll start with the first one. I don't mean this in jest, Mr. Duguid, but I assume you ran provincially to get out of city hall because of how dysfunctional the place is, and because you could maybe get a lot more done at Queen's Park than you could ever get done at Toronto city hall.

That being said, when you spend a lot of time down there, you see it. It's not just the personalities; it's not just the 45 members of council who are elected. It's a pervasive attitude that says that the business community is not appreciated, including the business owners I represent, despite the fact that they're providing the bulk of the affordable rental housing in the city. It's an attitude down there that I don't think legislation changes by giving the city more power to do more things against more people; I don't say "for" more people but "against" more people. I don't think that's a good piece of legislation.

I think the province has a role to monitor municipalities in a proper way. I think Bill 53 creates the province of Toronto. I don't think that's what you wanted to do, but the more I read it, I think that's what you've done: You've created the province of Toronto. I don't think that is in the best interests of the people of Ontario or the people of Toronto.

If you want to get into specific areas under regulation, our biggest concern is that the preamble of the bill talks about "broad" permissive "powers." I would not be surprised to see a future city of Toronto council, if Bill 53 is passed in its present format, saying, "We don't like the way the province regulates the landlord and tenant relationship. We have broad, permissive powers to pass bylaws, rules and regulations in an area where we believe the city of Toronto has a vested interest, a special interest." I don't want to spend my members' money for 10 years in court fighting the city of Toronto as to whether or not they can write their own Tenant Protection Act.

That is a serious concern under this bill, and it's not just my piece of legislation. The way this bill is written, they can rewrite the Environmental Protection Act, as far as I'm concerned; they can rewrite aspects of the Planning Act, as far as I'm concerned. There is not strong enough language in this bill that says, "You cannot override any provincial statute." This bill does not say that. You need to amend it to make sure that the city of Toronto cannot occupy any field that is exclusively provincial jurisdiction. I'm not a lawyer, but I can tell you, that is not in this bill and you should amend it and make sure it is in this bill.

The Chair: Thank you very much for being here today.

DIRECT CITY ACTION

The Chair: Our next delegation is Direct City Action. Welcome, Mr. White. We have your handout here. Make yourself comfortable. Could you introduce yourself and the group you speak for, for Hansard? You have 15 minutes. If you leave us some time at the end, we'll be able to ask you questions.

Mr. David White: Thank you, Madam Chair. My name is David White. I am here on behalf of Direct City Action, a citizens' organization that advocates for improved financial and governance arrangements for the city of Toronto.

In the document that is before you, we have set out some recommendations. The first one is that the standing committee recommend that Bill 53 be amended to make it clear that Toronto city council can delegate to a community council any power normally associated with a local government that has full and complete decision-making authority. These powers would include the power to impose a tax, adopt an official plan, pass a zoning bylaw, incorporate a corporation and adopt or amend a municipal budget, among others. The reason we've set out those particular powers, which we believe the city should have power to delegate to a community council, is

that the bill specifically prohibits the council from doing those things.

Our second recommendation is that the standing committee recommend that Bill 53 be amended to remove the power of the Lieutenant Governor in Council to make regulations requiring Toronto city council to establish a governance structure set by the regulation.

I just want to describe what we believe are the major problems with the Toronto mega-city. First of all, it governs too large a geographic area. Many decisions that are made at city council are location-specific, and members of council, because they have to deal with such a large geographic area, cannot be familiar with the locales. As a result, they often defer to the ward councillor, because they can't understand or don't know the location of rezoning applications and other matters that are location-specific. The effect of this is often to turn a ward councillor into what amounts to a ward boss. The city councillor is often not subject to the checks and balances that result from group decision-making which, of course, is the basis of democratic government.

What we believe is the second major problem is that the amount of business council has to deal with is too large. Members can't read all the material they are required to vote on at a council meeting. Again, as a result, they defer to the ward councillor on many matters.

City council itself is too large. The result is that members of council only have five minutes to speak. They might have an extension of that, but the time they have to present or make arguments on a complex issue is often not sufficient. Five minutes is often not sufficient to deal with a major issue.

Some have suggested that the way to deal with this problem is to delegate more powers to the mayor and his hand-picked executive committee. This has turned out to be a very unpopular idea in the city of Toronto. On April 4, the community councils held public meetings at which people were permitted to depute. Altogether, 40 people, representing themselves or organizations, deputed. As far as I can tell, not one supported the idea of a strong mayor and an executive committee that would be picked by the mayor.

1630

The fourth problem of the mega-city is that it tries to embrace different and competing urban cultures, and a single council simply cannot accommodate this diversity. The result is that there is great frustration in many of the communities around Toronto.

The fifth problem we've identified is that Toronto is huge compared to the other municipalities in the GTA. We need to move forward and start coordinating matters among the municipalities of the GTA, but the enormous and disproportionate size of the city of Toronto makes that very difficult to do.

Our group has been arguing with Toronto city council that there should be substantial decentralization. Our first recommendation speaks to the need for a City of Toronto Act that permits decentralization. As I mentioned, such powers would be specifically denied under Bill 53.

For a minute, I just want to run through how decentralization might address the problems I mentioned. The first problem is that city council tries to cover too large a geographic area. If community councils were substantially empowered, then members of council who represent the Etobicoke community wouldn't have to vote on, delve into and understand zoning changes in Scarborough, for example. Members of councils would be able to understand the locale on which they are voting.

As an example, I mentioned to a member in Scarborough, when I was down at a committee arguing for a particular point, the CPR tracks that run about a kilometre north of us here as a boundary. The member from Scarborough didn't know what I was referring to, where any member who represented the old city of Toronto would immediately know what was being referred to. It's a standard boundary that's used in planning matters, and yet this member of city council didn't really know where that CPR line was. That was just one example.

The second issue is that if powers were substantially delegated to community councils, it would mean there would be less for city councillors to read and they would actually be able to read what they vote on, something that doesn't happen now. The community councils could be smaller, and therefore members would have adequate time to present their positions; they wouldn't be restricted to five minutes. Different and competing urban cultures could be addressed by community councils, which would be familiar with and understand those cultures. The fact that city matters are substantially delegated to the community council level would mean that the community councils would embrace populations similar to the other GTA municipalities, such as Mississauga, Markham, Richmond Hill or the others. Those are ways in which decentralization addresses the problems we laid out.

The reason we picked on community councils is that they currently exist and roughly correspond to at least four of the cities that made up the old metropolitan Toronto. In fact, the Scarborough community council corresponds precisely with the old city. What we've also proposed is that the community councils actually lead the discussion with the public about what powers should be delegated to the councils.

At this point, we don't know whether the city of Toronto would actually adopt the idea of decentralization, but we think that if the intent of Bill 53 is actually to give the city of Toronto substantial powers to determine its own destiny, surely its own governance structure should be one of the powers that it assumes.

We will make our arguments to Toronto city council about decentralization. They may or may not agree, but we would like them to at least have the power to agree if they so choose. We're not suggesting that decentralization would resolve all the problems. Certainly, there are major financial problems that beset the city and that do great harm to it, but we think that decentralization is an important step towards addressing the problems.

Finally, I just want to address our second recommendation, which speaks to the power of the Lieutenant

Governor to impose regulations to set the governance structure of the city. Clearly, if the purpose of this bill is to empower the city, that power of the Lieutenant Governor in Council should be removed. The city of Toronto should be able to determine its own structure.

Those are my submissions, Madam Chair.

The Chair: Thank you. You've left about a minute and a half for every party.

Mr. Tabuns, you have the first round.

Mr. Tabuns: David, thanks for the presentation. I appreciate it. Have you had discussions with Toronto city councillors about what you've set out here, and what sort of response have you received?

Mr. White: At this point, just the way the cycle is working, first of all, as you may know, Toronto city council adopted the strong mayor system, which was recommended in what's called the Buller report. However, they adopted it in principle and then set out a whole public consultation process. What came out of that public consultation process, especially when the community councils heard deputations from the public, was that, as I said, of 40 speakers I believe virtually all of them spoke against the strong mayor system.

City council will have this matter before it again for deputations now at the full council level, at the committee of the full council, which is the policy and finance committee, on June 20. I suspect there will be a large number of members of the public down to address it and will be advocating very strongly against the strong mayor system. It remains to be seen, but that's what I suspect is going to happen, given the pattern so far.

Mr. Tabuns: This discussion that you've laid out about decentralizing powers down to the community councils—

The Chair: It has to be a shorter question, please.

Mr. Tabuns: How do they respond to that suggestion?

Mr. White: The interesting thing is they're holding their fire. They're not responding at this point. The community council simply heard the arguments. Some members of council put motions and then it was all referred to the policy and finance committee and, ultimately, to the larger city council. They, in fact, haven't responded. We will find out soon.

Mr. Lou Rinaldi (Northumberland): Thank you for the presentation. Just a question, I guess: When you talk about decentralization with community councils and I look at your number (1), which sort of gives a broader review of what the community council does, it basically has the same powers as an elected municipal council, if I see this right, in a broad range. Do you get any sense that that will be accepted by the public, somebody to have those kinds of powers, like taxation, budgetary measures, without being duly elected by the community?

Mr. White: I'm very confident the public would support that. As I've said, there have been deputations to the community councils, and a large majority of people have recommended exactly that substantial delegation of powers to the community councils. I'll also remind you that some years ago the city held a referendum when the

mega-city was proposed by a previous government, and the citizens of the city voted overwhelmingly against the idea of amalgamation. Based on their deputations that have been given, I believe that the majority of the citizens would in fact see that delegation back to a more local level of government is the right way to go.

Mr. Rinaldi: I have no problem with community councils, and I guess—

The Chair: Mr. Rinaldi, I'm sorry; you don't have any more time. Mr. Hardeman.

1640

Mr. Hardeman: Thank you very much for the presentation. I'm kind of interested in the community council type of governance model that you're suggesting. Recognizing that this is the bill to implement autonomy for the city of Toronto, it appears that the preferred model you're suggesting for governance is not the type of model that the city itself would likely come up with, because they would have to take their own power and give it to others. Human nature is that we believe we could do it better ourselves rather than mandate someone else to do it.

The bill also allows that if the city can't come up with the proper governance model, the province can, by regulation, take over that power and actually impose the type of governance model. From your presentation, I kind of got the idea that that would be the preferred option; that, rather than let the city make that decision now, why not make it right up front and say, "This is the new governance model. Now design where you're going with the governance, to do it properly"? Is that fair, or is that not what I heard?

Mr. White: No, that's not what we're recommending. We think that the power of the Lieutenant Governor in Council to impose a governance structure on the city of Toronto should be removed from Bill 53. We think it should be up to the city of Toronto. Our group has a particular view about decentralization, but we don't want the province to impose that on the city; we want the city to make that decision itself. We want the city to have that power. We'll take our chances with the city councils.

If the city had the power, which it does not in this bill, to empower community councils as what amounts to, as suggested here, municipal levels of government in their own right—we think the city should have that authority, but we'll take our chances in persuading them that they should act on that authority.

Mr. Hardeman: But it seems quite—

The Chair: Thank you, Mr. Hardeman. I'm sorry; we're out of time.

We appreciate you being here today for your deputation.

Mr. White: Thanks very much.

SHARON HOWARTH

KAREN BUCK

The Chair: Our next deputation is Sharon Howarth and Karen Buck. Good afternoon and welcome. We have

your handout. Once you begin, if you could—you'll both be speaking, I presume?

Ms. Sharon Howarth: Yes. I'll be speaking first.

The Chair: If you could say your names for Hansard; you'll have 15 minutes. Should you leave time at the end, we'll be able to ask you questions.

Ms. Howarth: Thank you very much. It's a pleasure being here. Thank you for the opportunity of speaking to you.

The Chair: Could you just move away a little bit from the mike, just a wee bit? Thanks.

Ms. Howarth: Oh, sorry. Is this better?

The Chair: Yes.

Ms. Howarth: The following are my recommendations, which are:

- (1) Decentralization of decision-making;
- (2) Community councils' roles and responsibilities be substantially increased and top-down decision-making rejected;
- (3) Community councils elect their own chair and establish their own committee structure to deal with the substantially increased roles and responsibilities contemplated in recommendation (2).

The Chair: You're still a wee bit too close. They can pick you up really well. You're just a wee bit close.

Ms. Howarth: Too loud?

The Chair: No, just too close to the mike.

Ms. Howarth: Okay.

- (4) Standing committees elect their own chairs;
- (5) Chairs of community councils and standing committees sit on the executive committee;
- (6) Community councils and standing committees elect their chairs at the beginning of the term of council and rotate the chairs every 12 months thereafter;
- (7) Executive committee advances the will of city council as a whole and not just for the mayor;
- (8) City council as a whole appoint the city manager and other senior staff and that senior staff appoint personnel below their level;
- (9) Ward-based representation be retained;
- (10) Three-year term of office also be retained; and
- (11) A forward-thinking advisory group be established to provide crucial analytical support, free from obligation to individual programs, and that this support be available to the mayor and all councillors, i.e., all members of city council.

I'll just go quickly.

(1) Decentralization of decision-making: A better approach for reforming governance in the city of Toronto would be to recognize that the physical area covered by the municipal government is too large. It is virtually impossible for council members to be familiar with addresses, streets and neighbourhoods referred to in many city council reports. Many municipal government decisions are location-specific, but when decision-makers can't visualize a locale, it is hard for them to make a good decision, and since they don't feel fully informed, they often do not engage in debate. Moreover, it is impossible for council members to find the time to read the in-

credible amount they are given—information that is imperative to make an informed decision—and therefore they defer to the ward councillor on the decision.

This de facto delegating of decision-making should be formalized by empowering community councils and decentralizing as much decision-making as possible to them. Community councils should have full and final authority on a wide range of issues, and control of the budgets and staff resources necessary to implement solutions.

Community councils are much more likely to be in tune with local priorities and the local municipal culture than the city council that governs the whole mega-city. Community councils, with the authority to act on the expressed needs of local communities, are much more likely to be able to engage these communities in the political process.

With a centralized approach to decision-making, there is a long-acknowledged understanding among observers of government that concentration of power can easily lead to an abuse of power. Justice Gomery's main theme, which he continuously repeated as head of the federal government's sponsorship scandal inquiry, and his strongest recommendation, was that decision-making powers be removed from the Prime Minister's office, the equivalent of the mayor's office at the municipal level of government.

(2) Community council roles and responsibilities substantially increased and top-down decision-making rejected: The major flaw in Bill 53 is that it assumes that the serious issues that the city of Toronto faces can be best addressed with solutions imposed from above. The province has included a provision in the proposed new City of Toronto Act which would allow it to impose the advisory panel's major recommendations on the city if the city does not enact them itself.

With the advisory panel's recommendations to concentrate powers in the mayor's office, there are a set of mechanisms for imposing top-down solutions on the city. The recommendation to restrict the role of community councils to deliberations only on minor matters, such as speed bumps and stop signs, under the watchful eye of the mayor's appointed chair, can be interpreted as a mechanism to place top-down decision-making in the hands of the mayor and his or her hand-picked associates.

There is a proposal that community councils, though set up to be powerless to respond to suggestions from the public to implement significant change, should be charged with the responsibility of reconnecting city government with communities, and that's completely illogical; they don't mix. It is illogical to suggest that, on the one hand, ratepayer and resident groups are dynamic and care passionately about Toronto but, on the other hand, have too much local democracy in their ability to influence the form of real estate development through their elected city councillors. Suppressing local democracy by removing decisions on matters such as local zoning and the design of local after-school art programs from community councils to city council, in which most

elected city councillors will be marginalized and which will be dominated by the mayor and his or her loyal executive committee, will not help connect city government to communities.

How's my time?

The Chair: Eight minutes.

Ms. Howarth: Left?

The Chair: Yes.

Ms. Howarth: Oh, goodness. I'll just go over the headings again and then I'll give Karen a chance, because you might have questions.

Community councils elect their own chairs and establish their own committee structure to deal with the substantially increased roles and responsibilities contemplated in recommendation 2.

Standing committees elect their own chairs.

Chairs of community councils and standing committees sit on the executive committee.

Community councils and standing committees elect their chairs.

Executive committee advances the will of city council and not just the mayor.

City council appoints city managers and senior staff, but senior staff will hire their own personnel.

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Ward-based representation retained.

Three-year term retained.

And this is very important: A forward-thinking advisory group be established to provide crucial analytical support, free from obligations to individual programs, and this support should be available to the mayor and all councillors, i.e. all members of city council. In order that all members of city council be in an equal position to represent the interests of their constituents and the city as a whole, it is crucial that a forward-thinking advisory group be established and charged with the responsibility of providing invaluable analytical support, free of obligations to individual programs, and this support should be available to the mayor and all councillors, i.e. all members of city council.

The main points in the recommendations, again, would be the decentralization of decision-making, so rejecting top-down decision-making, per Justice Gomery's main recommendations, and the forward-thinking advisory groups to establish analytical support.

Thank you so much. My neighbour, Karen Buck.

Ms. Karen Buck: My name is Karen Buck, and I actually attended the North York meeting where Minister Gerretsen reviewed Bills 53 and 51. It was reassuring for me to know that the city of Toronto was going to present their proposal, and whatever seemed to be a very reasonable governance structure would be something that the Ontario government would in fact consider very seriously. I've also attended all of the governance meetings in the city of Toronto, I think, except one.

I'm here today because I want this transparency to overlap with you, because what the city of Toronto hears you don't get a chance to hear. That's why we're here today, just to say that this is what we've been saying as

the people of Toronto—and you may be getting a repetition here, because that's really how their meetings have gone.

We didn't like the strong mayor approach. There seemed to be a consensus that it would be great to have a strong council approach to governance in Toronto. We've heard many times over the years that the job of a city councillor is impossible to do, that the public leads and the government tends to lag behind and that the city governance process and city decision-making in a lot of cases needs greater transparency and accountability. That's where we're depending on you. When they present their idea for their governance structure, we would like you to look at how accountable this is, how democratic this is and how representative it is for the people who vote them in.

There are two roles that councillors play now and have played for eons of time, and those are, they have a role of leadership and policy-making and decision-making at the local level, and they also have one over the whole of the city of Toronto. I think it's important to understand that there seems to be a bogging down of the local level decision-making. At the meetings I was at—and I even gleaned one of the ideas from the meeting—people seemed to be very supportive of the fact that we have four community councils now, but they wouldn't mind seeing a lot more community councils and more-local decision-making. I think that needs to be a discussion between the city of Toronto and its residents about what those local decision-making responsibilities will be at the local level. Then there's the other huge level, and of course that's all of the city of Toronto and all of the things that affect everybody there.

Sharon has talked a lot about the non-partisan forward-thinking analytical advisory support group. What else can you call it? That's what we want it to do. We want it to be non-partisan, forward-thinking, analytical and advisory, and we want it to support the whole of council so that when they make decisions or are voting, they have a really good idea of what would be good decisions.

I agree that the overall city council should retain the ward-based representation that it has now and that the three-year term of office be kept.

The other thing I want to address very quickly is lobbying. Yes, I think there should be a lobbyist registry, but as a citizen, I've sat on many committees over the years since the late 1980s, and I find that there is a need for private lobbyists and also public lobbyists to get together with their problems and their ideas and come up with solutions. I'm proposing—and this is just something that I've thought of over the years—that wouldn't it be great if staff, politicians and the public could spend a day at city hall and hear lobbyists and their ideas? Many of the things that lobbyists talk about actually could be solutions in which the public, who may have problems with what's going on in their neighbourhoods or things that they need solutions for on governance, would actually see that there's a nice fit. There's always going to be

some fit between the private sector and the public sector, and we have to learn a way of actually bringing these two things together. If we hear each other talking, we'll know which ones fit together. So I would propose that there be a day of lobbying, maybe once a week or once every two weeks. Even at the Ontario level, I think it would be a really good idea. Get these ideas out in the open, so we know where we're going and which ones really do fit, and make the best decisions.

The Chair: You have a minute left. Is there anything you'd like to summarize with, because there isn't enough time for any of us to ask questions?

Ms. Howarth: They're smiling. They like the lobbyists.

Ms. Buck: Just that we like strong council and we like this idea that the responsibility is being spread out over the whole of the representation rather than one person having control over ideas. We want it to be representative.

Ms. Howarth: I'm going to get it wrong, but does anybody remember hearing that a strong mayor does not mean he has all the powers? Do you remember that saying? How did it go?

Ms. Buck: That's right. We heard that.

Ms. Howarth: It doesn't mean that all the powers are there. The strong person is a person who is able to delegate and accept ideas. That's what we're all here for, all those in public offices are there to—I want everybody to be happy and when I give them what they want and let them have what they want, they're happy and they make good decisions. They pay taxes; of course they're good people, and intelligent people.

The Chair: Thank you, ladies, for your passion and enthusiasm. We appreciate your being here today.

JOHN SEWELL

The Chair: Our next delegation is Mr. John Sewell. Good afternoon and welcome.

Mr. John Sewell: Thank you very much. I'm really pleased to be here and have the opportunity to talk to you. I might say that this is a subject I've been interested in for many years. I established a website seven years ago, localgovernment.ca. to talk about stronger local governments. So I've done a lot of writing and thinking about it, but this is the very first chance I've had to comment before legislators or decision-makers on the draft or on the bill itself. I think that's a bit crazy. Here we are at the very end of the process when it's hard to change very much, and yet this is the very first chance I've had to actually address the question. I think I've got some interesting ideas, but I don't know how they get incorporated at this point. I think that speaks to a process that's not working very well. But I'm glad to be here and to be able to say something.

Let me start just by giving a bit of history. In the 1970s, the way that the city of Toronto got legislation to improve its status and to solve the problems it had was to come to the Legislature and ask a member to submit a

private member's bill that would give the city more legislation. It was a really interesting way of working because the city found on many occasions that the provincial law, the Municipal Act, didn't allow it to do the things that it should do. So it would come and say, "Please give us special legislation in a private member's bill." When we wanted to establish a city-controlled parking authority, we came and said, "Could you give us the legislation?" and the Legislature said, "That's a good idea. Yes, do it." When we wanted to establish speed bumps, which a lot of other people thought was a stupid, loony idea, but we recognized it as something we needed, we came here and said, "Could we have some legislation?" We got the legislation. Then we wanted to control the demolition of houses so that we could stop block-busting, and we came here and said, "We'd like the power to actually stop the issuance of demolition permits." Again, the legislation was changed to allow the city to do it. The last example I will give is, in 1974 the city of Toronto came and said, "We'd like to have the power to institute rent controls within the city of Toronto." We had hearings on that before the private members' committee, and in fact the idea was such a good one that the Premier of the day, Bill Davis, enacted them throughout Ontario.

1700

The point I want to make is that the city actually had a terrific mechanism that would give it the power that it needed. Every year it could come and make a request and, in fact, be dealt with seriously. That no longer exists. Instead, what we're talking about is a great big piece of legislation that is going to define the powers for Toronto and that's it. I know and you know it's not going to work. The biggest city in the country is going to need new legislation to do things that other people haven't thought of yet but are the real problems in Toronto. The question is, what's the mechanism that you're going to use to allow that? Bill 53 is not it.

As you know, or maybe you don't, most of Bill 53—90% of it—is taken from the existing Municipal Act. I've actually done a concordance showing where each section of Bill 53 comes from in relation to the Municipal Act. I didn't make copies for everyone; it's 15 pages long. It goes through section by section, and you'll see that about 10% of the sections in Bill 53 are new; the rest are not. They're right in the Municipal Act. My feeling is, that's a crazy thing to do. I think what you should do is you should say that the city is bound by the Municipal Act, with one exception: that when the city decides it does not want to be bound by the Municipal Act but is willing to pass a legislative framework to exempt itself and put something else in place, it should be allowed to do that. So if it wants to do something really stupid, it should be able to take the risk to do that. That's one of the recommendations.

The second recommendation I make in regard to powers is that the city should be able to pass a bylaw indicating that it wants to replace a provincial law or a section of a provincial law with something else that it

thinks is more appropriate for it. It should be able to do that and take the request to the province, and the province should have four months to say "yea" or "nay" to that particular thing. That's exactly the same as happened with the private member's bill in the 1970s. So it's not a radical proposal; it's an historical proposal.

The first point I would make in regard to powers is that you should take the first eight sections of the bill, which define good, clear, broad powers for the city, and put them into a piece of legislation and then just say two other things in regard to powers: (1) the city can opt out of sections of the Municipal Act if it's very specific about what it's opting out of and what it's going to replace it with; and (2) it should have the option of coming to the province and saying, "We would like to opt out of a particular part of a provincial law and replace it with this," and the province should have a knockout opportunity. I believe that's the appropriate way to proceed with powers. If you proceed with this way of powers that's laid out here, you're going to be hamstringing the city in a way that it has not been hamstrung, except during the last decade or two. In the 1970s it had much more power, a much more co-operative relationship with the province.

That's the first point about powers. I outline that clearly in my letter. Attached to my letter, as you'll see, is draft legislation that actually will implement that. It takes the first eight sections of the bill, because they're the useful ones in defining it, with a few changes, and it then adds on the two things I suggest.

The second thing I'd like to talk about is governance. You must remember that for 50 years Toronto had a local government system that was envied across North America, and it's been destroyed with the mega-city. Now we have—I noticed that one of your deputants today said we have a dysfunctional form of government. We sure do. It does not work. The mega-city has wrecked it. Unfortunately, this bill doesn't do anything to rectify it. In fact, it entrenches the mega-city and then puts another veneer on top of it. It seems to me that the better approach is to say, "Look, city, why don't you talk about the kind of governance structure you think is appropriate for you, and then try and put it in place?"

There should be one caveat: Since we all know that politicians—and I've been one too—will always try and do things that are seen as their interest, even if they aren't, there should be some independent body that reviews the changes that Toronto tries to make to its governance system. I think the appropriate body for that, in spite of all its shortcomings, is the Ontario Municipal Board. I might say that before the megacity, that's what happened in Toronto. When Toronto wanted to change its ward system, it would make an application to the Ontario Municipal Board, which would hold a hearing, citizens would come down, and the OMB would make a decision. We should be getting back to that kind of situation. It allows the city the flexibility to create a governing structure that it thinks serves its needs, and it actually has a review mechanism to ensure that city council isn't just

doing what it thinks is appropriate, but there's a public review body. So I'm suggesting that in fact that should happen. I too am one of those who thinks that the powers in Bill 53 for the province to pass regulations declaring who is going to be doing what in Toronto are wrong—dead wrong. It's as bad as when the Tories said, "We are going to determine the ward structure by regulation." Dead wrong. Don't do it. Take an approach that says, "City, we think you're grown up." That's what sections 1 through 8 say. "You can determine your governing thing, providing you can get the consent of an independent body," such as the Ontario Municipal Board.

The third point I'd like to make is about revenues. As we know, the city is virtually bankrupt. I think if the province didn't extend money to it in bits and pieces, it would be technically bankrupt. It does not have the money. It's largely a result of what the Tories did about the downloading and putting on of responsibilities, but in fact we've got to find a way of solving it. I think there are three things that have to be done. The first thing is that the province has to take back the costs for public transit, for housing and for welfare support. That's the very first thing, and I think it should be part of this bill that the province is going to do that. I don't see any other way of the city getting out of its mess except a re-assumption of those costs by the province.

Secondly, I think the city has to have the power to create a property tax system that meets its needs. It doesn't right now. Market value assessment is just a dangerous way of assessing property. There are better ways of doing it, better ways of working the whole thing that are more acceptable to people. Toronto should be able to try and experiment with that and it should have the power.

Lastly, the city has to be given the power to raise revenues. It doesn't mean the city is going to use it, but it should have that power so that it can actually raise the revenues it wants. I agree with the notion that Jeffrey Simpson keeps saying, that it's wrong for one level of government to raise revenues that it gives to another level of government. That doesn't work. The city should be able to raise revenues however it thinks is appropriate, and if it wants to do something as crazy as income tax, where nobody else is charging it in the surrounding areas, let them try it. They'll see how wrong it is very quickly. But it will probably have some smart ways of doing it. As an example, the city might be able to say, "If the Tories in Ottawa are taking 1% off the GST, we're going to put it back on because we desperately need that money." That kind of option should be available.

So there are the kinds of approaches I think you should take to questions of power, to questions of governance and to questions of money. Do what you say you're doing in sections 1 through 8. Give the city the power to be a mature system of government and actually let it do those things. There should be a few kinds of controls in terms of governance to make sure that what it's doing is not in its own interests, but outside of that, I think the city should have the power to do those things.

I have appended for your interest—and if this was earlier in the process it might be very useful—legislation that actually does that. There are sections that are taken out of Bill 53, plus a few additions. I think the act should be a short one. Five pages will give the city the power it needs to do the kinds of jobs that are expected. But I think if you go on with Bill 53 as it stands, you'll be hobbling the city for the rest of my life. I'm not interested in that, and you shouldn't be either.

1710

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

Mr. Duguid: Mr. Sewell, thank you very much for taking the time to prepare a very detailed submission that pretty much covers off every section of the act.

You express some concerns about the consultation process. I guess I just want to remind committee members and yourself that there was a very substantial consultation process that took place around this initiative. In fact, for the first time ever, the city of Toronto and the province jointly embarked on a consultation process that took us to every area of the city. I assumed you were part of that, but perhaps you weren't able to participate at that particular time. So I'm just wondering what your concerns were about the process.

Mr. Sewell: I'm quite willing to talk about the process. The first part of the process was a year and a half of the province, the city and their staffs talking to each other in private. It was very hard to find out exactly what was going on. I couldn't get any reports; I couldn't get a sense of a white paper. Some of us wrote material and tried to have input, but couldn't do it. Then, in fact, a paper was issued.

What happened then is that you had four round-table open houses, which are not a reasonable form of consultation. You get people around the table: "What do you think of this and this?" I'm sorry, but when you're dealing with something as complicated as legislation, you need a big forum where there are lots of opportunities for people to speak and people to hear others so they can actually learn what's going on, because most people don't know what they should be thinking about things. This idea of the round table is a way of co-opting people. So I'm afraid I disagree, and it's why I've never had a chance to present this material to anyone before. There's been no decision-maker willing to listen, including those at Toronto.

The Chair: Thank you. Mr. Hardeman.

Mr. Hardeman: It's good to see you again, Mr. Sewell.

I'm just wondering, on the issue—and you're right: I've gone through it, not quite as extensively as you have, and the similarities with the Municipal Act in a lot of the bill are there.

Mr. Sewell: Direct copies of 90%.

Mr. Hardeman: Yes, and I agree with that. My concern, and maybe I misunderstood you, is that if you take those parts out of the City of Toronto Act and say that the Municipal Act will apply wherever the city wants it to

apply, because you're having an opting-out of anything as it relates to the Municipal Act, does that mean that they're not totally exempt from it and have no rules in those areas where they're consistent?

Mr. Sewell: What I'm suggesting is that—if you go to page 3 of the legislation that I've got, the second page 3, after my brief, it says:

"The city is bound by all sections of the Municipal Act, as it may be amended, unless:

"(a) those sections are specifically contrary to the act"—that is, Bill 53, which no one would disagree with—"or ... the city has, by bylaw, specifically exempted itself from those sections."

I'm saying that the city can exempt itself because it thinks it can do something. It means it would be doing things differently than other municipalities, no question about it. With Toronto's 2.5 million people, it should be doing things differently than many of the municipalities in Ontario.

Mr. Hardeman: I totally agree with you—

The Chair: Mr. Hardeman, I'm sorry; we don't have sufficient time.

Mr. Tabuns, you have the floor.

Mr. Sewell: I'm sorry, I didn't catch that.

The Chair: We just don't have time; we've exhausted our time.

Mr. Tabuns.

Mr. Tabuns: John, thanks for the presentation.

Why do you think the change in approach by the province took place, given that there was relative respect and freedom in the 1970s and 1980s, and then gone in the later half of the 1990s? What changed?

Mr. Sewell: There's no question that senior governments—I'm just quoting Jane Jacobs now—at the national and provincial levels are always threatened by the power and the innovation and the economic viability of cities. That's a common thing; it's happened throughout the world. When it's clear that cities are doing well culturally and socially and economically, then the two levels of government that don't produce that wealth, which are the federal and provincial levels, go after those cities and try and belittle them and try and grab the goose that is laying the golden eggs. It's a common thing that has happened in many countries. I somehow thought it wouldn't happen in Canada, but it has. It's such an awful, small-minded thing, but it means that cities have great difficulty trying to thrive when they've got two other levels of government on top of them that dislike them immensely.

The Chair: Thank you very much, Mr. Sewell. Thank you for your passion.

TIM ROURKE

The Chair: Our next delegation is Mr. Rourke. Welcome, Mr. Rourke. You have 15 minutes to speak to the committee, and if you could give your name so that Hansard has a record of it. When you begin, you'll have

15 minutes. If you leave us some time at the end, we'll be able to ask questions.

Mr. Tim Rourke: It's Tim Rourke. I am 51 years old and have lived on a disability pension most of my life, and always will, unless some medical miracle arises. I'm from Alberta originally. I didn't invent the place; I was just born there. I've lived in other parts of the country. I've lived in Toronto for a dozen years now, and will probably stay here.

I spend my time educating myself and attempting to educate others about issues of impoverishment, social safety, direct democracy and the underpublic. The comfortably well off and the so-called activists do not usually like what I have to say. I am here for one reason, and that is to try to provide an antidote for what I am pretty sure is going to be heard all day and every day of these hearings.

I have well-developed ideas of my own about the forms which the government of Toronto should take. I will talk about them in an appropriate venue, and not here. The only thing the provincial government should be hearing from Torontonians is to get its nose out of the city's business.

The organic laws of city government are something to be decided by the citizens of the city. There must be an end to this idea of government reforms being imposed from above. This is why all these people who will be trooping in here to beseech the almighty province to bestow upon Toronto whatever bright idea they and their friends have thought up are so pathetic and obnoxious.

In a real democracy, which we have never really had in this country, the public of each particular political unit decides the form of their government; it is not handed to them from on high. It is decided by some sort of committee or assembly, with public participation, and then presented to the electorate in a referendum.

Here is the one thing Toronto should be asking for from the province: to facilitate a constituent assembly and referendum on a city charter with its own amending formula. Once adopted, this charter should be made legally immune to interference from the province, except in extreme situations.

I don't know if you've all gotten it, but attached is some further information which might further acquaint you with some of the different ways of thinking about urban issues, particularly something about this rather sad history of urban governments in Canada—here are much better models of government that could be followed—and why city government is so important to people like me, the outcasts. Local government is the only government we have any chance of having a little bit of influence over, and a little bit of protection from social class hatred and so on and so forth.

I'm supposed to leave a bunch of time for people to ask questions, so I wonder if any of you have any questions. Or have I scared you off totally?

The Chair: We'll find out. You've left a little less than four minutes for each party, beginning with Mr. Hardeman.

Mr. Hardeman: Thank you very much for the distinct presentation. I was expecting that we were going to go through the rest of the pages.

I do appreciate, as you state in your presentation, the difference in your presentation, that you're not here to talk about a lot of issues that everyone else has been talking about. I think what I find interesting about your presentation is that, in one way or another, almost every presentation that we've heard dealt with that same issue, and I think even the legislation is somewhat in that vein: It's about empowering local government to do what it's supposed to do. Of course, the main thing that we've been hearing a lot about is its ability—lack of ability, I guess, is a better word—to pay for doing what it's supposed to do. That's been the big debate of what should be allowed to be taxed, what shouldn't be allowed, what kind of power the city should have.

1720

You were here, I believe, for the previous presenter, who spoke about the need to transfer services to the upper tier of government. What I found interesting in comparing the two presentations was that the previous presenter pointed out that those issues you're talking about in your presentation should be moved back to the provincial level, with no local input, and you're saying completely the other. I wonder if you would comment on that.

Mr. Rourke: I've got to wonder about somebody who actually wants to continue with the "obstruct metropolises board." That's ridiculous. Somebody a little earlier than that was talking about how city government is getting in the way and we're conspiring to have a province of Toronto. That's basically what the city needs: equivalent powers to a province. Once we have local government sorted out in a way that would work, then it's the time to negotiate with the province on exactly how revenues and powers should be split. First of all, you can't negotiate from a position of absolute disadvantage, where there's one side that can do and impose what it wants anyway.

Mr. Hardeman: The other thing I was wondering about was that you mentioned that local government seemed to be the one, in your opinion, that was at least somewhat influenceable, that you had some say there, that you could somehow get some results. The difference, living in Toronto, to get that connection to a local councillor or a MPP: Could you describe to me what you find is the difference between the two, why it's easier to get through to city government than it is to the provincial government?

Mr. Rourke: Lately it hasn't been as easy to get through to city government, but traditionally, and in many of the other cities I've been in, if you're trying to do something, you can simply get through to local councillors and local governments a lot more easily. I can go into city hall in Toronto and I don't have to put up with this nonsense. I can usually just sit down and wait and talk at the end if I haven't got on the list already. Here, I'm surprised I didn't have to go through a freaking scanner or something. It's a little forbidding.

The Chair: Thank you. Mr. Tabuns.

Mr. Tabuns: First question: Have you had a chance to discuss your proposals, your perspective, with members of Toronto city council? Where are they standing on them?

Mr. Rourke: I've been up in front of city council a couple of times. They've not said anything in particular about it, but they seem to understand what I'm saying, which is basically that we should have some sort of united voice toward the province to stay out our business, especially to tell the province to take this four-year term and strong mayor thing and shove it back up wherever it came from. It didn't come from the city. It seemed to be some idea that came out of the province. It sounds like it was influenced somehow by business interests that like the idea of having one person they can deal with. This is why they hate local governments. They actually have to justify what they're going. They can't just cut deals behind closed doors. They have to get up and be examined in front of people for what they're doing.

Mr. Tabuns: The other question: Mr. Sewell, when he made his presentation, embodied a number of the concerns you have. How did you feel about his more technical document?

Mr. Rourke: Here just isn't really the place for technical stuff. Here's more or less to create some kind of a process whereby we can set up a more appropriate local government. After that, once we get that going and we have something that can more legitimately speak for the whole city, then we can work out all these technical details. There's this tendency in Toronto for these small groups of people to act like they're speaking for the whole city when there is actually just a little group of about four or five of them.

I come here and I never make any pretence that I'm speaking for anybody but myself. This is something that I don't really like too much about city government, and it's simply because of the way it's set up, the way it's restricted. There are limited chances for people to talk, usually, except in a few areas where we have very well-organized community associations, neighbourhood associations. There's great effort to try to discourage that, to try to make city government more like a provincial government, more inaccessible. They're not really successful on that. Democracy is not about little groups of people saying they want this or that. It's about electing people to actually decide, not everybody coming in, wheedling dispensation from the powers, but people electing ordinary people like themselves to decide these things and have the stuff filter up from the bottom.

The Chair: Thank you. Mr. Duguid.

Mr. Rourke: Ran out of time?

Mr. Duguid: Pretty much, Mr. Rourke. I just want to thank you for being here. It's good to see you again. I've seen you at many committees in my days at the city. It's good to see you're still active and involved, and bringing your thoughts and views to both the city and now the province. It's good to have you here.

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

DAVID HANNA

The Chair: Our next delegation is Mr. Hanna. Mr. Hanna, do you have a handout or anything?

Mr. David Hanna: Not presently, no.

The Chair: Okay. Great. If you could identify yourself at the beginning for Hansard, and then you'll have 15 minutes.

Mr. Hanna: David Hanna, citizen of Toronto. You'll have to excuse my cold. I'd like to read something from a book just as an introduction. It's called *Utopia: Towards a New Toronto*. You may be familiar with the book, but perhaps not. There's an interesting chapter by Deanne Taylor, who's a famous Toronto playwright and actress:

"To live in Toronto is to live in two cities at once: one real, one virtual.... Toronto's most amplified mythmakers are the oracles of media, business, politics and city planning.... [most publishers and broadcasters are faithful to] Toronto's colonial tradition of emulating or importing, rather than creating, and derive the bulk of their advertising and content from the American infotainment empire."

Basically, she's talking about how business and media seem to have a higher hand than citizenry: A "City That Goes Ka-Ching. For these corporate utopians, Toronto is real estate and ad space, citizens are consumers, city hall is a business facilitator, and politics an extension of deal-making. To make their dreams come true, they groom political candidates"—

The Vice-Chair (Mr. Jim Brownell): Sir, I wonder if I could ask you to move back from the mike a bit, or move it up.

Mr. Hanna: —"finance and run election campaigns, write and promote public policy for private profit... Hollywood North or the City That Goes Ka-Ching...."

"On one side are the corporate lobbyists and strategists, paid by the year, friendly with politicians and bureaucrats, fluent in laws and loopholes, armed with the civic goods of Progress, Growth, Development, Investment, Tourism, Intensification, Renewal...."

"City hall's enthusiastic support for the theft of the waterfront (and for other deals equally scandalous....)" I'm skipping around quite a bit in her chapter, but I'm trying to make a point. "...foes of the public interest are too powerful to be reformed by one election.

"Their narrow, kleptocratic vision of the virtual city is entrenched in city budgets and bylaws, and enshrined in the latest official plan, a utopian blueprint seemingly guided not by city planners but by accountants. The plan describes an imminent Torontopia that does not aspire to be a greater society or more civilized city, but a bigger and cheaper tax base, a magical place where a million new taxpayers can be acquired for 'free' by wedging them into the already-paid-for public infrastructure...."

1730

I guess the point I'm trying to make is that I'm not sure that Bill 53 addresses the aspects of certain characteristics that are mentioned in this; for example, lobbying. Right now, with the new City of Toronto Act,

it's not necessary to penalize lobbyists who break the rules. Just to have a new lobbyist rule that says, "We hope you follow it," I don't think is sufficient. It makes no mention—I'm quoting John Barber somewhat here. The new City of Toronto Act doesn't give the city "authority to ban so-called success fees—bonuses lobbyists collect when they succeed in influencing policy."

The next point would be the aspect of the four-year term. I understand that that is being dealt with in the budget, but I think it's worth a mention here, because it is mentioned in the bill. The city of Toronto, or any city or municipality, is not a provincial government or a federal government, obviously. Those upper two levels of government can have minority governments and be washed out in a year, in a day. If we change this to four years for the city, that won't hold. The city doesn't have a party system, at least not a formal party system, so there are great differences. I think that was part of the reason to extend it to four years also. The Association of Municipalities of Ontario apparently wanted it, but it's a self-serving feature. It does nothing for democracy, I don't believe.

Some of the aspects of the bill are great, giving more autonomy and authority to the city. However, I realize that there are provisions in it, right in the introduction, that say, "We can take it back whenever we want," as well. Those are my words, but I think it's clear in the introduction that the Lieutenant Governor and cabinet have that prerogative. Maybe it should be; if we get an all-powerful mayor, it might be needed.

That is part of the problem with Bill 53: the aspect of the strong mayor system. I understand that Mr. Miller has backtracked on that. At first he didn't want it; now he's just saying a "stronger" mayor. Basically, the aspect hasn't changed, just his spin on it. I understand that a lot of this bill is basically a carbon copy of the board of trade's proposal. I think it lacks in that aspect, as did some of the city-run meetings with the public on it. In fact, it's referred to in the press as a "fortified" mayor. I don't think that's what Mr. Miller or any mayor wants to be. I think he wants to be open and inclusive. Being all-powerful, in a certain sense, is not a good thing.

I'm from Windsor originally. I've been in Toronto since 1980, but I went to school in Detroit. I know that city quite well. I grew up around it. Detroit surrounds a city on three sides: Dearborn; it also surrounds two other cities, Hamtramck and Highland Park. It is surrounded itself by various other cities as well. They never had a metro model per se, not a functional one. In my youth, Dearborn had a mayor for around 35 years, I think. It must be a North American record. It turns out he was a racist, a bigot and various other things. Even in his last campaign, he used the posters and billboards from his first campaign, but the people voted him in. The point I'm trying to make in that extreme example is that when you don't have term lengths, you can get people who can stay there forever, because the incumbent always has an advantage. When you have a so-called strong mayor system, the American model, I think the citizenry loses. You need to be able to have the council as a whole vote

for the chair heads. The aspect of an executive committee makes it kind of an elitist forum.

There have been some proposals to amend that somewhat. Paul Bedford had some good examples; I don't know whether he's already spoken before you or not. The aspect of having a councillor-at-large elected to the executive council, if that had to be, would be one way of considering it. But I think that more power does have to go to community councils and there has to be something looked at, either increasing the number of community councils or else looking at a different system, something referring back to what we had before, pre-amalgamation. I don't see that coming, but we can take elements of it.

I don't think it's a good idea for the mayor to appoint the CEO. It has to be a decision of council. The mayor has a great deal of say; he is elected across the city on his own. Nonetheless, that shouldn't make him king. We elect councillors and they represent individual communities and the city as a whole. They need that vote for those kinds of decisions.

I understand that there have been proposals for advisory panels for community councils to get citizen involvement. I don't know how those would pan out in any plan yet, but I think they're a good idea. I think there are problems with favouritism and discrimination at city hall. I could name numerous examples I won't go into, but that's definitely still there. There are proposals to have more accountability, but it doesn't seem like all the enforcement aspects of that accountability are necessarily there. I'm wondering what improvements could be looked at there.

I do think that a decentralized model is important, and that gets back to community councils and the aspect of giving people time to speak with their councillors. In fact, you give more time here than they do at city hall. It's five minutes there, as some of you know. This aspect of standing committees not referring back to community council: I don't know if that would be a good idea, because it lessens by one more chance citizenry input.

I know there has been a lot of study of various other cities—Vancouver; London, England etc.—and there are benefits from those models, but there is still a need for improvement in this particular bill. I'm hoping that this committee can look into that with other people from the city and perhaps even regular citizens, not just look at the input that was gained here. Perhaps other people who have given good suggestions could be called upon again to look at things in greater detail.

1740

That's most of the gist of what I had to say. But I'd also refer to one article that was written by Ruth Grier recently, when she mentions a skateboard park in the Etobicoke area that was pushed through. It was a decision by parks and the councillor. The citizens weren't given proper input. The same thing has happened recently with a waterfront issue that you may be aware of, the Palais Royale, but at least the councillor has given it second thoughts now. But the fact that often the community is not informed properly—these things occur, and they shouldn't. Part of that is because there isn't a proper

system of planning offices in neighbourhoods, as we used to have. We don't have a planning advisory committee, which the old city of Toronto used to have. I understand that there's input in this bill to allow for a design review panel, but it sounds more like a recommendation than being able to give as much input as there should be.

I do agree with the changes in the OMB act and giving the city more power in that area, but I would also caution that it has to have overview so that it doesn't get abused as well.

That's basically what I had to say: just the fact that we need to empower community councils, that we need to have a greater degree of citizen input, and that we shouldn't move forward with this aspect of the strong mayor. The mayor has a lot to say with who is appointed now, and I think that's sufficient; it shouldn't be formalized in that sense. It doesn't do anything good for the citizenry. For example, Mayor Miller is one mayor, but we could have a totally different mayor. Even Mr. Miller isn't perfect—nobody is—but we could—

The Chair: Mr. Hanna, you have one minute left, if you want to summarize.

Mr. Hanna: Thank you.

It does take about \$1 million to run for mayor; \$30,000-plus to run for councillor. This aspect of changing the terms gives the incumbent further advantage, and so we don't get fresh blood and new insights when we've seen these extended terms of some councillors.

Thank you.

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

HAMISH WILSON

The Chair: Our last delegation today is Mr. Wilson. Welcome. Do you have a handout for us today?

Mr. Hamish Wilson: No, not really, thank you. I appreciate the asking.

The Chair: All right. I just wanted to make sure if you did or not. Welcome. If you could identify yourself for Hansard, and when you begin, you'll have 15 minutes. If you leave some time at the end, we'll be able to ask you questions.

Mr. Wilson: Hamish Wilson. Thanks for the opportunity to be here before you. I hope I can offer some constructive suggestions.

Certainly there's a lot of work here and many good things, yet there are things of some concern and a few areas that could be tweaked, if not radically reformed. The scope of the bill certainly indicates that cities are horrendously complex. It's a very huge bill, and yet some things still could be better.

For instance, we don't really see direct reference to energy policy. I think that's a major oversight. There's a hint of environmental protection, and yet I'd like to see a lot more of it, please.

There's a huge change in attitude and approach from the deemed shift and shaft of the Harristocracy. Many of us still resent the forced "amalgamation," as Don Harron termed it, that we endured and are still coping

with the after-effects of. The city is in rough shape, arguably, in many, many areas, and the financial stresses are real, as well as administrative ones.

I note one of Mr. Sewell's comments in his online bulletin 63 in localgovernment.ca: "Toronto and other municipalities have no defence to a provincial government which wants to impose itself...." It may not be as bad as what Mr. Sewell is worried about, yet he does have perhaps a legitimate concern about the length of time in which reviews of this sort of legislation can occur. So may I suggest that we include a review of this legislation after, say, six or seven years, that you make sure there is actually a built-in review clause, please, to see if it is in fact working? The cities are important.

There are still a lot of limits upon the city, and it's not as if we're really getting full status as an equal member of our three governments, shall we say. We're still a creature of the province. I think there are still a lot of limitations and that other cities in other jurisdictions may fare better in other parts of the world and other parts of Canada.

I would stress that cities are key to striving toward environmental sustainability, but I don't think we're getting to that point from here, from this legislation, in part because our financial sustainability is still an issue. More on that later. Certainly Toronto is not as green as it purports to be, I'm afraid. Some internal indications are that we're at least 20% above the 1990 levels of stabilization of greenhouse gases and nowhere near the 20% trimming that was represented and agreed to as the Toronto target, and that's a real concern.

I also worry that we don't really have environmental stewarding as a major goal of the city. In section 131, we could—and should, I feel—add some function of environmental well-being in terms of the purpose and goal of the council. It's part of the mayor's job in subsection 134(d); why not of council? Can we add "environmental well-being" and even refer to the Toronto target, which again, many parts of the world, including Germany, have taken seriously?

The tree references in the act are good. I appreciate that you're working to preserve our tree bylaw. That's good, but we could also tweak the legislation to say, "may plant trees regardless of wishes of adjacent property owners," because it's sort of if the property owner doesn't want to have a tree in their front yard, they don't have to have a tree; that's my understanding. But, believe me, we need to have trees; in fact, more of them, please, everywhere.

The mention of green roofs in section 108 is very good. I'm concerned about the repealed reference. I don't really understand that. I don't know my way around the processes here terribly well.

Our transport sector leads greenhouse gas emissions growth, but how much of this bill actually addresses these problems? I think there are some things that are helpful, but I think we should be doing more.

It's good that the traffic calming is being removed from the EA process. It doesn't merit that degree of scrutiny, I feel, when the overall nature of the smog-

creating mess of daily travel isn't given the same degree of scrutiny. So that's good.

Some things could be done to leverage the tax system to reflect a changed set of priorities. In the tax exemption—I think it's 247(6)—instead of exempting all public institutional areas from taxes, what about only exempting, say, four parking spots and the rest of a parking lot being taxed? Now, that would probably bother a lot of union people, politicians and other people, but I think in terms of moving ourselves towards sustainability, we have to tweak the financial things that encourage free parking. If we taxed parking lots, I think we'd be in better shape. Not paying the full cost of parking is an incentive to drive.

Similarly, railways have to be taxed. In section 275, there's the use of the word "shall." But I don't believe that we can tax incoming trucks, because roads can't be taxed. That's another embedded inequity that tends to favour the more polluting modes.

I certainly can understand why there's a lot of sensitivity towards road tolls, given the 407 experiences, but we've got to start charging for the limited access freeways, turning the freeways into feeways. The sets of hurdles that must be overcome in sections 41 and 46 are substantial. It's certainly an indication that cars vote, or at least the domination of the city by the car-driving suburban politicians of all levels still keeps the compact urban form in check, as it were.

There is a real inequity of transport and paying for some facilities—well, it's inequitable. Even though some of my rent money goes to pay for the Gardiner, for instance, I can't ride my bike on it. I don't think that's fair. An analogy is that the city is providing a free electricity source for people, so it's not really a surprise that they plug in the mobile heaters whenever they can, even though the city offers a fairly good sweater package, though they have to pay for it. By "sweater," I mean you can take the TTC, but you have to pay for it.

The limits of liability on the city when it comes to the transport sector—that's the roads. I feel it's too generous when it comes to cycling conditions. What is "reasonable in the circumstances" when we have a climate crisis and when cycling in the city is really pretty rough? The roads are in very rough shape if you're a cyclist, Wellesley nearby here being an excellent example. It's supposed to be a major bike route, yet just behind Queen's Park here, it has degraded to the point of being unsafe to ride on.

1750

I don't think it's okay to let the city off the hook so much. There is money for some things. I have written specifically to the city hall legal department, saying, "Hey, we have a problem here." A year later, there is no action. I think there are a lot of problems here. I certainly won't defend all cyclists. There are some who are dangerous dorks. There are real problems with some cycling behaviour, but there is a whole raft of problems. It could be money. Again, there are reasons for concern here.

I think we could get more financial room. Why can't we have some direct tax on gasoline? Why can't we have

a 1% sales tax? We have to dispose of much of the stuff that gets bought in the city, so why don't we have some indirect support for disposal and recycling? Why can't we have a tax on advertising? Or an asphalt tax? Or registration fees for any vehicle registered in the city? Again, what about an energy tax, some tax on the energy that's consumed in the city? There's no taxing of natural gas, but we pass huge amounts of gas into our common atmosphere, to the point of lethality. We have a smog crisis and there is a known enhanced mortality rate from our bad air. What about a chewing gum tax? That's a bit of a problem for our city, too. The blobs of black on our sidewalk are unattractive and very hard to get rid of.

I have had a long-held concern about wasting the embodied energy of our built heritage, which could be addressed through a demolition tax. Our built environment is an enormous storehouse of resources and energy. Every demolition is an urban oil spill, basically, and it can be a huge waste. Sometimes the public institutions are as bad as the private ones, I'm afraid. I'd note the gross waste of the half-round Riverdale hospital building. It's a sound structure; it could and should be reused. A demolition tax might help nudge it the other way. The city itself sold the old Jarvis Street police headquarters. So some sort of measuring of the embodied energy of a building and then applying a tax to its demolition would be a start. I prefer stronger measures such as outright prohibition of demolition when there is enough space around a building and a lot of embodied energy within it. We have provisions for stopping the demolition of residential rental and its conversion, but we also really need to stop other demolitions, please.

Tax systems are very problematic and complex, and I'm not exactly sure what the status is of the education portion of the property taxes, but my sense is that we still have a lot of inequities within the GTA region. Certainly in the core, we've had a doubling of the property tax in many areas, while suburban property is stabilizing or declining, I believe. I know it's a minefield and sometimes there's too much protest about high taxes etc., but I believe there can be solutions such as in California, where property tax hikes are limited to the inflation rate until the time of sale. And you know that there are problems with MPAC as well.

I am opposed to the four-year terms contemplated, even though it isn't part of this particular bill. I also have a problem with the executive committee proposals in section 151. I don't think that things are that broken, though they are messed up.

I also have a worry about allowing referral to the OMB within 30 days, in subsection 114(14). That could well undermine planning in the city, which is very challenged as it is. There's the joke about the role of the planning department here because of the automatic recourse to the OMB. The role of the planning department: Could you take a few storeys off of that?

There are some sensible tweakings that will improve revenue, such as in section 364 where the owner of a car

must be paying for all fines from its operation within the city and any tickets.

Please don't presume that the city's official plan covers the opportunity for transit rights-of-way, as in subsections 114(11) and (12). I've had a long concern about missing an opportunity for a Front Street transitway instead of a car-based Front Street extension. There's a chunk of land at the northeast corner of Spadina and Front that really needs a reservation for a right-of-way, and no action on it. All through Mr. Miller's term, I've been waiting for civic initiative in solving this car-based problem and converting it to a transit-based opportunity—there are about six transit options that are being unexplored here. I don't know, maybe a four-term might help them get the message through, but it's been a while yet.

As for accountability, I think we have a bit of a problem when we're supposed to get maybe \$200 million from the province for transit—thank you very much for that and for other extra revenues; it's definitely a help. The TTC chair said we only needed \$16 million to avert a fare hike, and yet we got a fare hike. So there's a bit of slipperiness sometimes when money goes from here down the street, and that's a bit of a problem.

I think part of all this is probably not wanting to look at what the cars cost. That's perhaps a \$400-million-a-year expenditure within the city. Again, from being "amalgamated" in our motoropolis, I don't think we want to look there.

Regrettably, I don't think we need the Spadina subway nearly as much as new buses and other equipment for the TTC, and we also have a big project out in Scarborough. I know this is not really related to this particular bill—but

To really enhance accountability, it's too bad we can't somehow legislate three meetings a year with all the elected representatives from an area in attendance. I think we might get a lot more done. So every four months, civic, provincial and federal representatives have to meet in public in their own wards or constituencies.

The Chair: Mr. Wilson, you have one minute left.

Mr. Wilson: Wonderful.

So it's a pass here. Thank you very much for it, but we're still limited in a number of ways. It's much better than where we've been at. It misses financial and environmental sustainability, and I would say, let's tweak it in another six years. Thank you.

The Chair: Thank you very much for being here. We appreciate your time and your ability to finish despite the distraction of the bells.

Committee, this brings to a close our hearings for the day. I'm told that you will have an interim summary available tomorrow, which will capture the first three days of our hearings. I would like to thank all of our witnesses, our members and the committee staff for their participation in the hearings.

This committee now stands adjourned until 3:30 p.m. on Monday, May 15, 2006.

The committee adjourned at 1757.

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