



---

ISSN 1180-5218

Legislative Assembly  
of Ontario  
Second Session, 38<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario  
Deuxième session, 38<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Wednesday 7 June 2006**

**Journal  
des débats  
(Hansard)**

**Mercredi 7 juin 2006**

**Standing committee on  
general government**

Residential Tenancies Act, 2006

**Comité permanent des  
affaires gouvernementales**

Loi de 2006 sur la location  
à usage d'habitation

Chair: Linda Jeffrey  
Clerk: Susan Sourial

Présidente : Linda Jeffrey  
Greffière : Susan Sourial

---

### **Hansard on the Internet**

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

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

### **Index inquiries**

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

### **Copies of Hansard**

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

### **Le Journal des débats sur Internet**

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

### **Renseignements sur l'index**

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

### **Exemplaires du Journal**

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

---

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



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

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Wednesday 7 June 2006

Mercredi 7 juin 2006

*The committee met at 1534 in room 151.*

**RESIDENTIAL TENANCIES ACT, 2006**

**LOI DE 2006 SUR LA LOCATION  
À USAGE D'HABITATION**

Consideration of Bill 109, An Act to revise the law governing residential tenancies / Projet de loi 109, Loi révisant le droit régissant la location à usage d'habitation.

**The Chair (Mrs. Linda Jeffrey):** Good afternoon. The standing committee on general government is called to order. We're here today for clause-by-clause consideration of Bill 109, An Act to revise the law governing residential tenancies.

I'm going to read from the time allocation motion passed by the House on May 16, 2006, just to refresh everybody's memory:

"That the deadline for filing amendments to the bill with the clerk of the committee shall be 12 noon on June 7, 2006. On that day, at not later than 5 p.m. those amendments which have not been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond the normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a); and

"That the committee shall report the bill to the House not later than Thursday, June 8, 2006. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House."

Just so members of the committee understand, after 5 o'clock the amendments are deemed moved, which means the members do not read them into the record, there is no debate on any of the amendments and any recorded votes have to be deferred until all the remaining questions have been put. The deferred votes must be taken in succession, and only one 20-minute recess is allowed.

Are there any comments, questions or amendments to the bill and, if so, which schedules and which sections?

**Mr. Ernie Hardeman (Oxford):** Madam Chair, on your comments: I don't disagree that those are the rules set down by the House, and thoroughly debated, so we're somewhat obligated to live by them, except that, having said that, I notice that the House, when the debate was taking place, did not realize that there were going to be 86 recommended amendments, many from the government side. We'll see a major change, hopefully, in the bill that, since it will not get further debate in the House, would require debate in this committee.

I think it makes somewhat of a mockery of the process when we go through that tight a timeline and then expect the House to deal with this as it goes back. If the Chair had read further on the recommendation from the House, when it goes in for third reading it will be called and only in the time left on that day will there be any further debate; then it will be third reading vote and that will be the end of the bill.

One of our presenters pointed out during the presentation that there will be some 38 days between the time the bill was introduced, all the public hearings held, the bill gets clause-by-clause and third reading debate, and is entered into law. I think that's really unacceptable for this type of bill that's going to have this type of impact on our community, and particularly all the people who made presentations and who have a right to expect their presentations to receive due consideration and due discussion as to whether that should or shouldn't become the law of the land. At this point, it's a nice way of saying I condemn the government for not putting this legislation forward—obviously, that's an obligation of government, but it's put in such a time frame that what people come in and say and do in the public presentation really becomes irrelevant because there isn't sufficient time to deal with the discussions as they've been made.

Secondly, it takes away the real purpose of this committee if we just sit here listening to 10-minute presentations, the vast majority of which have no room for questions or comments, and at the end of the presentation there's no time for discussing that which has been put before the committee.

I noticed as I was coming in the door a deputant who actually made a presentation to the committee and had some real concerns about the impact on a certain sector of our population—those living in condo rental units. Because of what he suggested, he would like an amendment to deal with that. I don't believe that we've had

sufficient time or sufficient information from the government side in order to deal with that issue. Recognizing that it's at the end of the bill, it will not be dealt with when 5 o'clock arrives and, in fact, it will go by the wayside, because government has decided that not only does it want this bill passed but it wants it back in the House tomorrow.

I just don't think that's providing the type of consultation with the public that they have a right to expect from government. I can say that I'm happy to be sitting on this side, where I don't have to take the wrath of the public for making such a mockery of the whole process in coming forward with this legislation.

**Mr. Rosario Marchese (Trinity–Spadina):** I just want to say briefly that I will have an opportunity in third reading debate, in our leadoff, to explain the deficiencies of the bill. So I'd rather get on with the amendments that we have.

**Mr. Brad Duguid (Scarborough Centre):** Just by way of a short response, Mr. Hardeman indicated that in his view the hearings were irrelevant. I take offence at that. I just look at the amendments that we have in front of us today, many of which, if not most, came as a result of those deputations. I think those who appeared before our committee gave terrific deputations, both in writing and in person, that we listened long and hard to and paid close attention to. As a result, we've come in with some amendments we think will make the legislation better. I can assure my opposition friends as well that there are some amendments they've brought forward that we're going to support too.

So in the interests of working together, we'll certainly look forward to the amendments. But after two and a half years of consultation, I think we've heard amply from the public at this point in time. It's time for us to make some decisions, and we will certainly move forward in that light.

1540

**The Chair:** No further debate? We're at part I, the introduction. Mr. Marchese, you have the first motion.

**Mr. Marchese:** I move that section 1 of the bill be amended by striking out "to provide protection for residential tenants from unlawful rent increases and unlawful evictions" and substituting "to provide protection for residential tenants".

Madam Chair, I'm going to skip the commentary where I can, where I think it might be self-evident, so I just move it.

**The Chair:** Thank you. Any further comments or debate?

**Mr. Duguid:** We will not be supporting that.

**The Chair:** Any further comments? Seeing none—

**Mr. Marchese:** Recorded vote.

**Ayes**

Hardeman, Marchese.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That motion is lost.

Shall section 1 carry? All those in favour? All those opposed? That's carried.

Committee, there are no amendments to sections 2 to 4. Shall sections 2 to 4 carry? All those in favour? All those opposed? That's carried.

Government motion on section 5, Mr. Rinaldi.

**Mr. Lou Rinaldi (Northumberland):** I move that clause 5(c) of the bill be struck out and the following substituted:

"(c) living accommodation that is a member unit of a non-profit housing co-operative."

**The Chair:** Comments or questions?

**Mr. Hardeman:** Can I get an explanation for that, please?

**Mr. Duguid:** It's just a wording change that brings this act in line with the co-operative housing act. It's here at the request of the Co-operative Housing Federation of Canada. You'll see another one somewhere later on similar to it.

**The Chair:** Any other comments or questions? Seeing none, all those in favour of the motion? All those opposed? That's carried.

Shall section 5, as amended, carry? All those in favour? All those opposed? That's carried.

Section 6, government motion, Mr. Jean-Marc Lalonde.

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** I move that subsection 6(1) of the bill be amended by striking out the portion before clause (a) and substituting the following:

"6. (1) Paragraphs 6, 7 and 8 of subsection 30(1) and sections 51, 52, 54, 55, 56, 104, 111 to 115, 117, 119 to 134, 136, 140 and 149 to 166 do not apply with respect to."

**The Chair:** Mr. Lalonde, could you repeat that last line? You've got one of the numbers wrong.

**Mr. Lalonde:**—"111 to 115, 117, 119 to 134, 136, 140 and 149 to 167 do not apply with respect to."

**The Chair:** Thank you. Comments or questions? Do we want to provide—

*Interjection.*

**The Chair:** A request has been made for some clarification.

**Mr. Duguid:** This is actually consequential to an amendment we'll be moving later on removing subsection 87(6), which is a section that provides that the board must dismiss the rent increase portion of rent arrears and eviction applications if serious maintenance issues or outstanding work orders exist. We're removing it not because we don't support it, but it's somewhere else in the bill, so it's redundant. This is consequential to that.

If you follow me on that, Mr. Hardeman, I'm very surprised.

**Mr. Hardeman:** Yes.

**Mr. Marchese:** It's redundant; move on.

**The Chair:** Any further comments or questions? Seeing none, all those in favour of the motion? All those opposed? That's carried.

Mr. Marchese, you have the next motion.

**Mr. Marchese:** I move that subsection 6(2) of the bill be struck out.

This removes the exemption of post-1991 units and post-1998 buildings.

**The Chair:** Any comment?

**Mr. Marchese:** That's it.

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

**Mr. Duguid:** We will not be supporting that.

**Mr. Marchese:** Recorded vote.

### Ayes

Marchese.

### Nays

Duguid, Flynn, Hardeman, Lalonde, MacLeod, Rinaldi, Sergio.

**The Chair:** That motion is lost.

Shall section 6, as amended, carry? All those in favour? All those opposed? That's carried.

Section 7, government motion.

**Mr. Mario Sergio (York West):** I move that subsection 7(1) of the bill be amended by striking out "sections 51, 52, 54, 55 and 56, subsection 87(6), sections 95 to 99" in the portion before paragraph 1 and substituting "sections 51, 52, 54, 55, 56 and 95 to 99".

I so move.

**The Chair:** Comments or questions?

**Mr. Hardeman:** I accept that.

**The Chair:** No further comments or questions? All those in favour of the motion?

Sorry, Mr. Marchese, were you asking a question?

**Mr. Marchese:** I guess I'll speak to it in my next—I'm voting against this, obviously.

**The Chair:** All those in favour of the motion? All those opposed? That's carried.

Mr. Flynn.

**Mr. Kevin Daniel Flynn (Oakville):** I move that paragraph 4 of subsection 7(1) of the bill be struck out and the following substituted—

**Mr. Marchese:** Are you reading section 8?

**The Chair:** We're on 7; page 6.

**Mr. Flynn:** Let me start over.

I move that paragraph 4 of subsection 7(1) of the bill be struck out and the following substituted:

"4. A rental unit that is a non-member unit of a non-profit housing co-operative."

**The Chair:** Comments or questions? Seeing none, all those in favour of the motion? All those opposed? That's carried.

Mr. Marchese, I believe the next item is actually not a motion and it's out of order, but will let you speak.

**Mr. Marchese:** Exactly. Given the ruling, my point here is that we're voting against section 7 of the bill because it exempts social housing from any of the bill's provisions. We think a lot of these people who are so vulnerable and won't have the opportunity to go and appeal issues as they relate to rent subsidies—it's going to hurt a whole lot of those people.

**The Chair:** Any comments or questions? No? Shall section 7, as amended, carry? All those in favour? All those opposed? That's carried.

Section 8, a government motion, Mr. Rinaldi.

**Mr. Rinaldi:** I move that subsection 8(1) of the bill be amended by striking out "paragraph 6 of subsection 30(1), subsection 87(6) and part VII" and substituting "paragraph 6 of subsection 30(1) and part VII".

**The Chair:** I'm seeing a quizzical look. Could you explain this, Mr. Duguid?

**Mr. Duguid:** You've heard this explanation before. It's consistent with the government motion to eliminate subsection 87(6).

**The Chair:** Any further comments or questions? Seeing none, all those in favour of the motion? All those opposed? That's carried.

Shall section 8, as amended, carry? All those in favour? All those opposed? That's carried.

There are no changes to section 9. Shall section 9 carry? All those in favour? All those opposed? That's carried.

Part II, which is the tenancy agreements—there are no changes from sections 10 through 19. Shall they carry? All those in favour? All those opposed? That's carried.

1550

**Mr. Duguid:** On a point of order, Chair: The next item, I think, is a government motion. There's an NDP motion that's identical to it, which we're happy to support. On your advice—

**The Chair:** Thank you. We're not quite there yet.

**Mr. Duguid:** Oh, I'm sorry.

**The Chair:** But I will get to you. I'm trying to do my sections in order, otherwise I'll be in trouble.

In part III, which is "Responsibilities of landlords," sections 20 through 26, there are no changes. Shall they carry? All those in favour? All those opposed? That's carried.

So we are now at section 27. Mr. Duguid, I will let you finish your statement.

**Mr. Duguid:** The next motion is a government motion but it's identical to an NDP motion that follows. I'm asking your advice. If we can change the order, we'd be happy to vote in favour of the NDP motion. We could withdraw our motion, but my preference would be just to change the order and take the NDP motion first.

**Mr. Marchese:** The government can move it and I'll support it.

**The Chair:** I appreciate when people are being nice. They're going to let you go first. So, Mr. Marchese, I'm going to let you go first.

**Mr. Marchese:** I move that paragraph 4 of subsection 27(1) of the bill be struck out and the following substituted:

“4. To carry out an inspection of the rental unit, if,

“i. the inspection is for the purpose of determining whether or not the rental unit is in a good state of repair and fit for habitation and complies with health, safety, housing and maintenance standards, consistent with the landlord’s obligations under subsection 20(1) or section 161, and

“ii. it is reasonable to carry out the inspection.”

This section, we argued, was, as many of the tenants said, ripe for abuse. The ability to inspect must be qualified by the word “reasonable,” which is the language we support.

**The Chair:** Any comments or questions? Seeing none, all those in favour of the motion? All those opposed? That’s carried.

**Mr. Duguid,** I understand you’re going to withdraw the next motion.

**Mr. Duguid:** We’ll withdraw our motion, Madam Chair.

**The Chair:** That’s withdrawn.

Shall section 27, as amended, carry? All those in favour? All those opposed? That’s carried.

Sections 28 and 29 have no changes. Shall they carry? All those in favour? All those opposed? That’s carried.

Section 30: There is a Conservative motion.

**Mr. Hardeman:** I move that paragraphs 6, 7 and 8 of subsection 30(1) of the bill be struck out.

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

**Mr. Duguid:** We cannot support that. That would remove the OPRI provisions. It would water down our efforts to try and improve maintenance. So we won’t be supporting it.

**The Chair:** Any further comments or questions? Seeing none, all those in favour of the motion? All those opposed?

**Ms. Lisa MacLeod (Nepean–Carleton):** Recorded vote.

**The Chair:** Sorry, you’re going to have to say it a little earlier than that. That’s lost.

The next motion, Mr. Hardeman.

**Mr. Hardeman:** I move that subsection 30(1) of the bill be amended by,

- (a) striking out subparagraph 6ii;
- (b) striking out subparagraph 7ii; and
- (c) striking out subparagraph 8ii.

I request a recorded vote.

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

**Mr. Duguid:** Simply to say we will not be supporting that.

**The Chair:** A recorded vote has been requested.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That vote is lost.

Mr. Hardeman, you have the floor.

**Mr. Hardeman:** I move that section 30 of the bill be amended by adding the following subsections:

“Order under par. 6 of subs. (1)

“(3) Once the landlord has completed the items in work orders under subparagraph 6i of subsection (1), and completed the specified repairs or replacements or other work under subparagraph 6ii of subsection (1), as applicable, the landlord may charge a new rent to the new tenant, provided the landlord gave notice to the new tenant of the new rent prior to entering into the new tenancy agreement.

“Order under par. 7 of subs. (1)

“(4) Once the landlord has completed the items in work orders under subparagraph 7i of subsection (1), and completed the specified repairs or replacements or other work under subparagraph 7ii of subsection (1), as applicable,

“(a) the landlord may give notice of rent increase for the rental unit; and

“(b) despite section 120, the landlord may increase the rent to the amount the landlord could have charged if the prohibition order under paragraph 7 of subsection (1) had not been made, and the landlord had taken all allowable rent increases.

“Order under par. 8 of subs. (1)

“(5) Once the landlord has completed the items in work orders under subparagraph 8i of subsection (1), and completed the specified repairs or replacements or other work under subparagraph 8ii of subsection (1), as applicable,

“(a) the landlord may take the rent increase for subsequent rent periods, and for the purposes of section 119 the rent increase shall be deemed to have taken place as if the prohibition order under paragraph 8 of subsection (1) had not been made; and

“(b) despite section 120, the landlord may increase the rent to the amount the landlord could have charged if the prohibition order under paragraph 8 of subsection (1) had not been made, and the landlord had taken all allowable rent increases.”

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

**Mr. Duguid:** A question: I thought we had this covered under subsections 117(1) and (2). I guess I don’t need a detailed explanation, but are you of the view that that may not be covered off elsewhere?

**Mr. Hardeman:** My understanding is that it’s required here in order to proceed in an orderly fashion for the continuation after the work order has been complied with, to go back and do the rent increases as what would have been eligible prior to the increases.

**Mr. Duguid:** My information is that we have this covered off already, and as a result we won’t be supporting this.

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

**Mr. Hardeman:** A recorded vote.

**The Chair:** A recorded vote has been requested.

### Ayes

Hardeman, MacLeod.

### Nays

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That's lost.

Shall section 30 carry? All those in favour? All those opposed? That's carried.

There are no changes to section 31. Shall it carry? All those in favour? All those opposed? That's carried.

Section 32, a government motion.

**Mr. Lalonde:** I move that section 32 of the bill be amended by striking out "that the tenant be evicted on the date that the tenancy is ordered terminated" at the end and substituting "that the tenant be evicted, effective not earlier than the termination date specified in the order."

**The Chair:** Comments or questions?

**Mr. Duguid:** Just to clarify, this is fixing a drafting error. It came through our legal department.

**The Chair:** Any further comments or questions? Seeing none, all those in favour of the motion? All those opposed? That's carried.

Shall section 32, as amended, carry? All those in favour? All those opposed? That's carried.

There are no changes in part IV, "Responsibilities of tenants," section 33. Shall it carry? All those in favour? All those opposed? That's carried.

Section 34. We have a government motion.

**Mr. Duguid:** Madam Chair, on a point of order: We'd be happy to hold off on this and allow the next motion, the NDP motion, to carry.

**The Chair:** Okay. Mr. Marchese, you have the floor.

**Mr. Marchese:** I move that section 34 of the bill be amended by striking out "caused by the conduct" and substituting "caused by the wilful or negligent conduct."

I think this is an important addition that we're adding here. Otherwise, "caused by the conduct" could have many reasons as to why some disrepair would happen. We believe that the language of "wilful" and/or "negligent" should be there, which was consistent under the old TPA. We think that is a higher threshold to subscribe to.

**The Chair:** Any further comments or questions? Seeing none, shall the motion carry? All those in favour? All those opposed? That's carried.

Mr. Duguid, I'm understanding you're going to withdraw that government motion?

**Mr. Duguid:** Yes, I'll withdraw the government motion.

**Mr. Hardeman:** Madam Chair, If I could, if we're going to have more of these, I would suggest that the original one be withdrawn before the second one comes

forward. It seems inappropriate to say, "We will support yours, but we don't know for sure whether you're going to bring it forward, so we want to hold this one in abeyance." It seems to me if this is the order we're dealing with, then just withdraw it. I'm sure that the New Democratic member would not then proceed with his because you had withdrawn yours.

**Mr. Duguid:** I'm sure of that as well, Madam Chair, but I'm much more comfortable with the way we're doing it. I think it works fine.

1600

**The Chair:** Shall section 34, as amended, carry? All those in favour? All those opposed? That's carried.

There are no changes to section 35 or 36. Shall they carry? All those in favour? All those opposed? That's carried.

Part V, "Security of Tenure and Termination of Tenancies": There are no changes within sections 37 through 40. Shall they carry? All those in favour? All those opposed? That's carried.

Section 41: We have an NDP motion.

**Mr. Marchese:** I move that section 41 of the bill be amended by,

"(a) striking out 'before 72 hours have elapsed' in subsection (2) and substituting 'before seven days have elapsed'; and

"(b) striking out 'within the 72 hours' in subsection (3) and substituting 'within the seven days.'"

We recognize the government has increased the time for a tenant to be able to retrieve property once an eviction order has been enforced. We think that many tenants need a little more time and that a week would be a little more appropriate. Many of the organizations that have come before us have asked for two weeks. We think a week is reasonable.

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

**Mr. Duguid:** We understand the arguments being put forward for this, but we won't be supporting it. We think the 72 hours is acceptable, given the fact that most tenants, in fact all tenants, would have had at least a couple of more weeks' notice of this happening, so we think moving from 48 hours to 72 hours will work sufficiently.

**Mr. Marchese:** A recorded vote.

**The Chair:** Any further comments or questions? Seeing none, all those in favour of the motion? A recorded vote has been requested.

### Ayes

Marchese.

### Nays

Duguid, Flynn, Hardeman, Lalonde, MacLeod, Rinaldi, Sergio.

**The Chair:** That's lost.

A government motion, Mr Sergio.

**Mr. Sergio:** I move that section 41 of the bill be amended by adding the following subsection:

“Enforcement of landlord obligations

“(6) If, on application by a former tenant, the board determines that a landlord has breached an obligation under subsection (2) or (3), the board may do one or more of the following:

“1. Order that the landlord not breach the obligation again.

“2. Order that the landlord return to the former tenant property of the former tenant that is in the possession or control of the landlord.

“3. Order that the landlord pay a specified sum to the former tenant for,

“i. the reasonable costs that the former tenant has incurred or will incur in repairing or, where repairing is not reasonable, replacing property of the former tenant that was damaged, destroyed or disposed of as a result of the landlord’s breach, and

“ii. other reasonable out-of-pocket expenses that the former tenant has incurred or will incur as a result of the landlord’s breach.

“4. Order that the landlord pay to the board an administrative fine not exceeding the greater of \$10,000 and the monetary jurisdiction of the small claims court.

“5. Make any other order that it considers appropriate.”

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

**Mr. Hardeman:** I have a question on the penalty. Is this the first that the penalty appears in the bill?

**Mr. Duguid:** I can’t answer that. I can explain what this is here for. Right now, there is no remedy other than small claims court if a landlord doesn’t dispose of a tenant’s goods in the way they should when a tenant has been evicted. This gives them a remedy to apply to the board so they don’t have to go to small claims court to seek justice or to seek compensation.

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

**Mr. Hardeman:** My concern is that, if this is a new section, it’s a penalty section and something that I really think should have been discussed during the public hearings process. We now have the new board that’s being structured having the authority to fine someone \$10,000 for something there was a dispute over, whether the landlord or the tenant was responsible. All of a sudden this board has the power to levy a fine of up to \$10,000. I think that’s quite a big issue as it relates to the landlord-tenant relationship. I really have a concern that that would come in during the short term of the clause-by-clause we’re dealing with now, as opposed to having had that as part of the debate. We may very well have heard a lot of discussion from either party on whether that was an appropriate remedy or whether the amount was appropriate or things like that. I wonder if this is just the same situation, only a different board, or is this a new penalty clause?

**Mr. Duguid:** This would be a new remedy. It did come out of the deputations. The Advocacy Centre for Tenants Ontario made a deputation that requested this

change. It only applies to landlords who illegally dispose of tenants’ property when an eviction has taken place. It’s not something your average landlord is going to have to worry about, but it’s something that ensures they have to comply with the act and the law, and it’s something we’re quite happy to support.

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested.

### Ayes

Duguid, Flynn, Lalonde, Marchese, Rinaldi, Sergio.

### Nays

Hardeman, MacLeod.

**The Chair:** That’s carried.

Next motion, Mr. Marchese.

**Mr. Marchese:** I’ll withdraw mine.

**The Chair:** Shall section 41, as amended, carry? All those in favour? All those opposed? That’s carried.

There are no changes for sections 42 through 47. Shall they carry? All those in favour? All those opposed? That’s carried.

We’re at section 48: We have a government motion, Mr. Flynn.

**Mr. Flynn:** I move that clause 48(1)(d) of the bill be struck out and the following substituted:

“(d) a person who provides or will provide care services to the landlord, the landlord’s spouse, or a child or parent of the landlord or the landlord’s spouse, if the person receiving the care services resides or will reside in the building, related group of buildings, mobile home park or land lease community in which the rental unit is located.”

**The Chair:** Comments or questions? Seeing none, all those in favour of the motion? All those opposed? That’s carried.

Mr. Marchese, you have the next motion.

**Mr. Marchese:** I’ll withdraw mine.

**The Chair:** Shall section 48, as amended, carry? All those in favour? All those opposed? That’s carried.

Section 49: Government motion, Mr. Rinaldi.

**Mr. Rinaldi:** I move that clause 49(1)(d) of the bill be struck out and the following substituted:

“(d) a person who provides or will provide care services to the purchaser, the purchaser’s spouse, or a child or parent of the purchaser or the purchaser’s spouse, if the person receiving the care services resides or will reside in the building, related group of buildings, mobile home park or land lease community in which the rental unit is located.

**The Chair:** Comments or questions?

**Mr. Hardeman:** Could I get, from the parliamentary assistant, an explanation of the need for this? This seems to be the same as the previous one. It must deal with a different part of it.

**Mr. Duguid:** Yes, it is. It's the same as the previous one, and it provides clarity with regard to who is actually in the unit, ensures that the person is in the unit and ensures that future intent is included as well. It's largely a technical amendment.

**Mr. Hardeman:** Thank you.

**The Chair:** Any further comments or questions? Seeing none, all those in favour of the motion? All those opposed? That's carried.

Mr. Marchese, you have the next motion.

**Mr. Marchese:** I'll withdraw mine.

**The Chair:** Thank you.

Government motion, Mr. Lalonde.

**Mr. Lalonde:** I move that clause 49(2)(d) of the bill be struck out and the following substituted:

“(d) a person who provides or will provide care services to the purchaser, the purchaser's spouse, or a child or parent of the purchaser or the purchaser's spouse, if the person receiving the care services resides or will reside in the building, related group of buildings, mobile home park or land-lease community in which the rental unit is located.”

1610

**The Chair:** Comments or questions? Seeing none, all those in favour of the motion? All those opposed? That's carried.

Mr. Marchese, you have the next motion.

**Mr. Marchese:** I'll withdraw mine.

**The Chair:** Thank you. Shall section 49, as amended, carry? All those in favour? All those opposed? That's carried.

Committee, there are no changes from sections 50 through 56. Shall they carry? All those in favour? All those opposed? That's carried.

We're at section 57, a government motion.

**Mr. Sergio:** I move that subsection 57(1) of the bill be struck out and the following substituted:

“57. (1) The board may make an order described in subsection (3) if, on application by a former tenant of a rental unit, the board determines that,

“(a) the landlord gave a notice of termination under section 48 in bad faith, the former tenant vacated the rental unit as a result of the notice or as a result of an application to or order made by the board based on the notice, and no person referred to in clause 48(1)(a), (b), (c) or (d) occupied the rental unit within a reasonable time after the former tenant vacated the rental unit;

“(b) the landlord gave a notice of termination under section 49 in bad faith, the former tenant vacated the rental unit as a result of the notice or as a result of an application to or order made by the board based on the notice, and no person referred to in clause 49(1)(a), (b), (c) or (d) or 49(2)(a), (b), (c) or (d) occupied the rental unit within a reasonable time after the former tenant vacated the rental unit; or

“(c) the landlord gave a notice of termination under section 50 in bad faith, the former tenant vacated the rental unit as a result of the notice or as a result of an application to or order made by the board based on the

notice, and the landlord did not demolish, convert or repair or renovate the rental unit within a reasonable time after the former tenant vacated the rental unit.”

**The Chair:** Thank you. Any comments or questions? Seeing none, all those—sorry, Mr. Hardeman.

**Mr. Hardeman:** Just a question on the wording in it, if the tenant vacated the unit as a result of the notice or the application. My question would be, if they got the notice and the tenant moved out, what's the time frame for the point they could say that they hadn't fulfilled their obligations and it was a wrongful notice given, that it never got to the order part?

**Mr. Duguid:** It would be the same in either case. There are two ways a tenant can vacate: One is that they'll vacate upon receiving notice and just go, or they'll vacate upon an application and receiving an order and have to go. What this does is ensure that under both of those circumstances, rather than just one of them, if there's an eviction on bad faith, the tenant would have the same remedies either way.

In terms of the time frame, I don't want to guess. I think a year is what I've heard, but I think we'd better check with staff to see if there is a particular time frame, because I don't have that. Is it one year?

*Interjection.*

**Mr. Duguid:** One year; 12 months.

**Mr. Hardeman:** I guess my concern is that if it's done just on notice—we'll use the example that we have a family member moving into the apartment and that doesn't happen. If it was under the application process, that would come out during the application hearing. The hearing officer could decide whether they thought it was appropriate and given in good or bad faith. But if it's given in bad faith and the family member doesn't move in, how long could the former tenant challenge that?

**Mr. Duguid:** The answer would be one year.

**The Chair:** Any further comments or questions? All those in favour of the motion? All those opposed? That's carried.

Mr. Marchese, you have the next motion.

**Mr. Marchese:** I'll withdraw mine

**The Chair:** Thank you. Next government motion?

**Mr. Flynn:** I move that section 57 of the bill be amended by adding the following subsection:

“Previous determination of good faith

“(4) In an application under subsection (1), the board may find that the landlord gave a notice of termination in bad faith despite a previous finding by the board to the contrary.”

**The Chair:** Any comments or questions? Seeing none, all those in favour of the motion? All those opposed? That's carried.

Shall section 57, as amended, carry? All those in favour? All those opposed? That's carried.

Committee, there are no changes in sections 58 through 64. Shall they carry? All those in favour? All those opposed? That's carried.

We're at section 65, a government motion.

**Mr. Lalonde:** I move that subsection 65(1) of the bill be amended by striking out “a building containing not more than six residential units” and substituting “a building containing not more than three residential units.”

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

**Mr. Hardeman:** Obviously, this is going to put a greater onus on a number of residential developments. I’m just wondering, in preparing this amendment, whether there are any numbers available that would tell us how big an impact this is going to have on the rental market. What portion of the rental market is actually going to be covered by reducing the number from six to three units?

**Mr. Duguid:** I don’t have, off the top of my head, numbers that would suggest that. I don’t think there will be any impact at all, other than—the reason why we’ve reduced it from six to three is that when we’re dealing with landlords who are residing in units, if there are six units, obviously one of six units is probably going to be a lot less, and you’re looking at a larger residential rental accommodation in that case. With three, you sort of picture the basement apartment, the main floor and maybe an upper floor being rented out, with the landlord living in one of the three. So we just thought it would probably better apply to three. I believe ACTO had asked for two units and I think the NDP had a motion for four. We thought three was the appropriate number.

**Mr. Marchese:** You guys are great.

**Mr. Duguid:** Thank you. We may use that down the—

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

**Mr. Hardeman:** Recorded vote.

#### Ayes

Duguid, Flynn, Lalonde, Marchese, Sergio.

#### Nays

Hardeman, MacLeod.

**The Chair:** That’s carried.

Mr. Marchese, you have an equally good motion, which is a duplicate.

**Mr. Marchese:** Thank you, Madam Chair. You’re very kind. I’ll withdraw mine.

**The Chair:** Thank you.

Shall section 65, as amended, carry? All those in favour? All those opposed? That’s carried.

Committee, there are no changes to sections 66 through 72. Shall they carry? All those in favour? All those opposed? That’s carried.

We’re at section 73. Mr. Marchese.

**Mr. Marchese:** I move that clause 73(b) of the bill be amended by striking out “or” at the end of subclause (i) and by striking out subclause (ii).

I’ll simply read out the explanation offered by one of the presenters, which says that the proposed section allowing an eviction to be granted when a permit has not

been issued will undermine municipal bylaws that are designed to protect rental housing. Some municipalities have passed valid bylaws that only permit demolition or conversion on buildings not occupied by residential tenants. This section effectively allows landlords to circumvent such municipal bylaws by permitting them to evict tenants when the city refuses to issue permits. My amendment would prevent that from happening.

**1620**

**The Chair:** Any further comments or questions? Seeing none, all those in favour of the motion?

**Mr. Marchese:** Recorded vote.

#### Ayes

Marchese.

#### Nays

Duguid, Flynn, Hardeman, Lalonde, MacLeod, Sergio.

**The Chair:** That’s lost.

Shall section 73 carry?

All those in favour? All those opposed? That’s carried. Committee, there are no changes to sections 74 through 79. Shall they carry?

All those in favour? All those opposed? That’s carried.

We’re at section 80, on eviction orders. Government motion, Mr. Sergio.

**Mr. Sergio:** I move that clause 80(2)(b) of the bill be amended by striking out “notice of termination under clause 63(1)(b)” and substituting “notice of termination under clause 63(1)(b) or subsection 66(1)”.

**The Chair:** Any comments or questions? Mr. Hardeman, would you like an explanation?

**Mr. Hardeman:** Yes, please.

**Mr. Duguid:** Quickly, what this does is ensure that the fast-track eviction process can also be utilized for safety issues as well as wilful damage and reasonable enjoyment provisions.

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

All those in favour of the motion? All those opposed? That’s carried.

Mr. Marchese.

**Mr. Marchese:** I move that subsection 80(2) of the bill be struck out.

Again, I’ll read another explanation which I think very clearly states why. This section provides that an order can be enforceable prior to the termination date in the notice under subsection 80(2), where the notice is given for wilful damage or if the premises are being used in a manner inconsistent with residential use and the use has caused or may cause significant undue damage to the premises. The greatly expedited procedure may be subject to abuse by bad landlords, who may be able to obtain and enforce an eviction order based on the mere allegation before an innocent tenant may even be aware that eviction proceedings have been commenced. The fast-track provision may also have an adverse impact on

tenants with disabilities, particularly where the case involves mental illness, who are unable to respond in the short time frames.

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

**Mr. Marchese:** On a recorded vote, Madam Chair.

#### Ayes

Marchese.

#### Nays

Duguid, Flynn, Hardeman, Lalonde, Sergio.

**The Chair:** That's lost.

Shall section 80, as amended, carry?

All those in favour? All those opposed? That's carried.

There are no changes to section 81. Shall it carry?

All those in favour? All those opposed? That's carried.

We're at section 82. Mr. Hardeman, you have a motion.

**Mr. Hardeman:** I move that subsection 82(1) of the bill be amended by adding at the end "provided the tenant has given the landlord notice of the tenant's intention to raise the issue and particulars of the issue at least five days before the hearing, and has met any other prescribed condition."

This is to add in there the great concern we heard from a lot of people—the landlords—that bringing it up at the last minute is not called "natural justice." Everyone needs the ability to be able to defend the situation they have to deal with. Secondly, we do feel that there's going to be, as was presented to us, an awful lot of backlog. Every time a new item is brought up at the hearing, natural justice would say that the landlord would have the ability to have a deferral and have it go back again so they could defend that. We think this would provide the ability to have it so that if it was mandatory that they give five days' notice of that, at least everyone would know what was going to be appearing at the hearing.

**The Chair:** Any comments or questions? Seeing none, all those in favour of the motion?

**Mr. Hardeman:** Recorded vote.

#### Ayes

Hardeman, MacLeod.

#### Nays

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That motion is lost.

Mr. Hardeman, I'm going to rule your next motion out of order, but you can speak to it.

**Mr. Hardeman:** Madam Chair, if it's out of order, I wouldn't want to speak to it.

**The Chair:** Thank you.

Shall section 82 carry? All those in favour? All those opposed? That's carried.

Section 83, Mr. Marchese.

**Mr. Marchese:** I move that subsection 83(3) of the bill be amended by,

(a) striking out "the reason" at the beginning of clause (b) and substituting "a reason";

(b) striking out "the reason" at the beginning of clause (c) and substituting "a reason";

(c) striking out "the reason" at the beginning of clause (d) and substituting "a reason"; and

(d) striking out "the reason" at the beginning of clause (e) and substituting "a reason".

The LTPA changed the mandatory evictions from the previous legislation, which provided that one of the items listed be "a reason," as opposed to "the reason." The use of the word "the" sets too high a threshold in these cases. I think that's a good argument.

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

**Mr. Marchese:** On a recorded vote, Madam Chair.

#### Ayes

Marchese.

#### Nays

Duguid, Flynn, Hardeman, Lalonde, MacLeod, Rinaldi, Sergio.

**The Chair:** That motion is lost.

Shall section 83 carry?

All those in favour? All those opposed? That's carried.

Sections 84 through 86 have no changes. Shall they carry?

All those in favour? All those opposed? That is carried.

Section 87: government motion, Mr. Rinaldi. Nobody's looking at me. I'm going to just choose.

**Mr. Rinaldi:** I move that subsection 87(6) of the bill be struck out.

**The Chair:** Any comments or questions? Mr. Hardeman, did you want an explanation?

**Mr. Hardeman:** I need an explanation as to why that's being removed.

**The Chair:** Yes. Mr. Duguid.

**Mr. Duguid:** I'll read it out, because it's pretty technical. The provision for dismissing the rent increase portion of rent arrears would be redundant, as tenants under section 82 would be allowed to raise any claim in response to applications based on rent arrears. Tenant remedies would include an abatement of rent, an order requiring repairs, an order prohibiting rent increases or any other remedy considered appropriate by the board. In short, it's already in there; it's redundant.

**Mr. Hardeman:** Much clearer now, Madam Chair.

*Laughter.*

**The Chair:** Clear as mud, right?

**Mr. Duguid:** Mr. Hardeman is such a quick study.

**The Chair:** Any other further comments or questions?

Seeing none, all those in favour of the motion? All those opposed? That's carried.

Shall section 87, as amended, carry? All those in favour? All those opposed? That's carried.

Section 88 has no changes. Shall it carry? All those in favour? All those opposed? That's carried.

Section 89: government motion.

**Mr. Duguid:** Chair, we're happy to hear the NDP motion prior to this one.

**The Chair:** Okay. Mr. Marchese, you have the floor.

**Mr. Marchese:** They're too magnanimous, Madam Chair.

**The Chair:** They are. You're playing so nicely. This is going really well.

**Mr. Marchese:** I move that subsection 89(1) of the bill be amended by striking out "causes undue damage" and substituting "wilfully or negligently causes undue damage."

It's self-explanatory.

**The Chair:** Thank you. Any further comments or questions? Mr. Hardeman.

**Mr. Hardeman:** I'm just wondering, on the legal term, whether "undue" is any different from "wilful or negligently undue." Undue damage is not normal damage, so it would seem to me the descriptive term is just that. I don't object to it being there. So for the sake of time, I'll leave it at that.

**Mr. Marchese:** There you go.

**The Chair:** That's nice.

All those in favour of the motion? All those opposed? That's carried.

I presume, Mr. Duguid, you're going to withdraw the next motion, which is 38, right?

**Mr. Duguid:** Let me just check to make sure. I believe so—38?

**The Chair:** Which was the one that you just said was exactly the same.

**Mr. Duguid:** Yes.

**The Chair:** Thank you.

Shall section 89, as amended, carry? All those in favour? All those opposed? Carried.

Committee, there are no changes from sections 90 through 94. Shall they carry?

All those in favour? All those opposed? That's carried.

We're at part VI. Sections 95 through 97 have no changes. Shall they carry?

All those in favour? All those opposed? That's carried.

We're at section 98: government motion. Mr. Flynn.

**Mr. Flynn:** I move that subsection 98(6) of the bill be amended by striking out "that the tenant be evicted on the date that the tenancy is ordered terminated" at the end and substituting "that the tenant be evicted, effective not earlier than the termination date specified in the order."

**The Chair:** Comments or questions? Mr. Hardeman.

**Mr. Hardeman:** An explanation, please.

1630

**Mr. Duguid:** It just fixes a drafting error to ensure that these orders are effective on the eviction dates set out in the order.

**The Chair:** No further comments or questions? Shall it carry? Those in favour? All those opposed? That's carried.

Shall section 98, as amended, carry? All those in favour? All those opposed? That's carried.

Sections 99 through 104 have no changes. All those in favour? All those opposed? That's carried.

We're at Part VII, Rules relating to rent. Section 105 has no changes. Shall it carry? All those in favour? All those opposed? That's carried.

Section 106; Mr. Marchese.

**Mr. Marchese:** I move that section 106 of the bill be amended by,

(a) striking out "at a rate equal to the guideline determined under section 120 that is in effect at the time payment becomes due" at the end of subsection (6) and substituting "at the rate of 6% per year;" and

(b) striking out subsection (8).

What this does is to restore the 6% rule. You will recall that Mr. McIntyre—who was one of the tenant activists here, along with many others—reminded the government members in particular and others that the 6% rule has been in effect for 35 years or longer. The revolutionary move made by the Liberals is incomprehensible to some of us. This will be of great benefit to the landlord. I can guarantee this does nothing for the tenant. Many of the big landlords will be very happy that the Liberals have accommodated them in this way, but we think that it's incredibly generous to the landlord and it ought not to be the case. The rule should continue to be as it was. If Mr. Duguid is not going to speak, I'm going to ask for a recorded vote right now.

**The Chair:** Mr. Duguid, did you want to speak?

**Mr. Duguid:** Sure. We considered this very carefully in going through the consultations and we just couldn't justify having landlords pay this nominal fee of 6% when it's got nothing to do with the rate of interest or anything like that. We thought it was fair for landlords if they are holding tenants' money—which they are, with their first and last months' rent—that the amount of interest they're paying on that have some relationship with a fair interest rate. This is part of our efforts. We know we've swung the pendulum back towards tenants in this legislation. We feel we've reached a fair and balanced place with this legislation, but we felt this is one of the areas that we should improve the legislation for landlords.

**Mr. Marchese:** I'm not sure how the government could claim that—they simply cannot justify this. This is making it fair for the landlords, he argues. He says that they're just holding the money of the tenant. Sorry, Mr. Duguid, but they're investing this money that they're taking from the tenant, and they're investing at a higher rate of return than they will actually pay out based on what you're doing. I'm not sure how you could argue this is fair to the landlord. This has not swung back to the

tenants, that some of the amendments you've made are much further than they used to be. I will be attacking your government on the fact that you've maintained vacancy decontrol, which is the biggest violation of your promise, which is to come further down in terms of the debate. But to justify this on the basis of your remarks is just terrible.

**The Chair:** Further comments or questions? Seeing none, a recorded vote has been requested on this item.

### Ayes

Marchese.

### Nays

Duguid, Flynn, Hardeman, Lalonde, MacLeod, Rinaldi, Sergio.

**The Chair:** The vote is lost.

Shall section 106 carry? All those in favour? All those opposed? That's carried.

Committee, there are no changes in sections 107 through 112. Shall they carry? All those in favour? All those opposed? That's carried.

We're at section 113. Mr. Marchese.

**Mr. Marchese:** I move that section 113 of the bill be struck out and the following substituted:

"Lawful rent for new tenant

"113. The lawful rent for the first rental period for a new tenant under a new tenancy agreement is the lesser of the following amounts:

"1. The lawful rent payable by the previous tenant, plus any lawful increases permitted by this part.

"2. The rent first charged to the new tenant."

This would have the effect of eliminating vacancy decontrol. This is an opportunity to speak to it because, for me, this is one of the most important things about what this government has not done.

The way the Conservative government eliminated rent control was to institute vacancy decontrol. That's how they did it. Without ending rent control they simply instituted vacancy decontrol. You will recall that I've argued in the debates in the Legislature that 75% of all tenants, according to a study done by the previous Conservative government by Monsieur Lampert, I believe it was, move within a five-year period. What that means is that this is where the landlord has an opportunity to increase its rent or their rent as high as they can go, and they have done so. They have increased rents all over Ontario. There is no exception in terms of where you've had landlords where you've had landlords taking advantage of a tenant moving and not taking the opportunity to increase their rents. They have done so, and why wouldn't they? That's what vacancy decontrol was all about, to allow the landlord to increase rents.

We know that there are a whole lot of people who can't afford these rents. Some who might be blessed to be able to have good incomes can accommodate the higher

increases; many people of modest income, and that includes most immigrants who come to this country, who work on minimum wage and who work at two or three jobs to make ends meet, simply cannot afford these rents. Many of the tenants are paying beyond the 30% limit of what is reasonably expected of them to be paying from their income. Many are paying 50% of their income on rent. We are putting an incredible burden on a whole lot of tenants in terms of their ability to pay the rents.

You are continuing with what the Conservative government did. You promised to bring back real rent control. This included the whole notion of getting out of vacancy decontrol. You will argue about what kind of rules you had about vacancy decontrol, but your promise was that you would bring back real rent controls, and you haven't done that. Ending vacancy decontrol was one of the ways to do it. You have brought nothing back that would give tenants some measure of control or some protection from higher increases that they've been hit by on a regular basis.

This is one of the most egregious violations of your promises prior to the 2003 election. I think we're going to hold you accountable to that. In third reading we will remind the citizens watching the program about that broken promise, and we will do that on a regular basis till the next election.

On a recorded vote, Madam Chair, when the time comes up.

**The Chair:** Yes. Any further comments or questions?

**Mr. Duguid:** I appreciate the comments of Mr. Marchese. This was a tough decision for us and one of the things that we had to consider very carefully as a caucus, as a cabinet, as a government.

Our original proposal, which was drafted while we were in opposition, was to replace vacancy decontrol with a system of regional decontrol at about a 3% threshold for vacancy rates, which would have had the effect, given the current vacancy rates, of doing away with rent controls entirely through a good part of the province, certainly in Toronto and most urban areas, given the vacancy rate now in most of Ontario is above 3%. I think even Howard Hampton at one time used this proposal in a speech, the possibility that he would support something like this.

A couple of things: First, the change in the rental housing market, both the change in the vacancy rate, which was a very substantial and a very abrupt change that's taken place over the last two years, as well as the health of the rental housing market and the investment taking place in terms of units. That's something we've seen over the course of the last couple of years that led us to conclude that had we done away with vacancy decontrol and replaced it with a system of regional decontrol, there may well have been some impact in terms of investment in the market. The last thing we would want to do for tenants is negatively impact what is, at the moment, a relatively healthy rental market. That's something that would not do tenants any favours; obviously it wouldn't do landlords any favours either. So we

concluded that it's in the public interest and in the best interests of all involved, tenants and landlords, to not move in that direction. It was a tough decision for us to make—we had a considerable amount of internal debate about it—but we concluded that we would act in what we felt were the best interests of the tenants overall in not impacting that healthy rental market.

**1640**

We also heard from landlords and tenants through the two-and-a-half-year period where we did consult vigorously. Neither landlords nor tenants supported the concept of vacancy decontrol. Both had concerns about it for different reasons. As a result of the consultations—what we heard from landlords and tenants—the changing rental housing market and our desire to ensure that we maintained a healthy rental housing market, we determined that the best thing we could do for both landlords and tenants was to not impact vacancy decontrol and not implement a system of regional decontrol.

**Mr. Hardeman:** I just want to say that I was part of the government and part of the committee that dealt with the Tenant Protection Act, where in fact vacancy decontrol was put in place, so I'm not going to be here today to say that I would support this motion to remove it. Having said that, I do think it becomes very important that everyone realizes, as the mover of this motion suggested, that this is contrary to what was said.

I accept the explanation of the parliamentary assistant that the circumstances looked different when you arrived in government than before you were in government, but I guess I have some concern with not investigating that before you were in government and making promises which, after you were in government, you decided were not in the best interest of the system to keep. I think there's an obligation on behalf of governments to make commitments that they're willing to keep when they're elected.

So I agree with the principle of the reason for this motion coming forward, because we heard from almost all the deputants that in their opinion leaving vacancy decontrol in this bill was not keeping the McGuinty promise that was made prior to the election, that you were going to put in real rent control that worked. Having said that, I do from time to time commend people for making a mistake and then correcting it. In that case, I suppose I'm not going to support this motion to remove it from the bill, but I do think it's important that we all recognize that it becomes important that politicians make decisions before the election that they can implement after, if they are so fortunate as to be elected.

**Mr. Marchese:** I just want to say that it doesn't take a lot of courage to break a promise; it really doesn't.

Mr. Duguid, I don't know where you got the idea that Howard Hampton expressed the possibility that he could or would support, under what circumstances—I don't know where you got that. Please, you must do me the favour of finding that reference, because to simply say it like this in front of us and some tenants and those who might be watching is a serious allegation, right? It creates

the impression that somehow he might have said this. So for the record, at some point, obviously not today, you might enlist the support of the thousands of assistants you've got to go and find it right away before the proceedings are over, so you might correct yourself.

You talk about having made huge investments in the rental market. I don't know how you could say that with a straight face. I used to worry that the Tories could do that and not be moved by whatever they said that might not have been altogether truthful, possibly. But for the Liberals to say these things and not have a little flutter when they say them, I don't get it. You guys created so very few affordable units that if you convince yourselves that it's true, it's a problem. The reality is—and these people here know it—you created very few affordable units. As of 2003-04, we used to have the Conservative government publish how many units they built. You guys stopped that in 2004. And the reason you stopped that is because you couldn't bear the criticism of having to publish that so very few affordable units were created. While it is true that there has been the creation of rental units at the high end, you didn't create them. Rental units have come on board, much of it condominium and, yes, high-end rental units, but not affordable units. So how can you say that you made investments in the building of units—although you didn't say “affordable,” I don't think—I don't know.

There's been no investment in affordable housing by your government, the Liberal government—none. Some trickle of housing is being announced, because I'm now getting it. You've got 12 housing units here, 20 units there. It sounds oh, so very nice. I'm getting it for the first time. So you're beginning to see a trickle of some units with the help of the federal government, God bless, but you guys have made no investment whatsoever.

Then you point out that tenants do not support the end of vacancy decontrol. I'm amazed at that. All of the people who have come before you have spoken against. True, they're organizations representing tenants, but your survey that you sent out, as made so painfully obvious by two people who came here, Mr. Robert Levitt—you would know him—and Mr. Dale Ritch—you probably all remember him as well—talks about when you institute vacancy decontrol. There was no option for people to say to you, “Do you think we should get rid of it altogether?” So my assumption is that you're basing the facts around what tenants may or may not have said on the survey you sent out to people, which they may or may not have gotten, may or may not have read, but I can't imagine that where you've had meetings, the tenants or their organizations said to you, “We love you, Liberals. Keep vacancy decontrol because we think it's good for the tenants that we speak for.” I don't know where you get that kind of stuff and how you could say that in a public way with a straight face.

Therefore, I just wanted to make fun of the Liberal government as much as I could today. I will do that in the hour lead that I will have when this bill is introduced for third reading. With all due respect to you, Madam Chair,

I did want to say that for the benefit of those who are here today to listen to this.

**The Chair:** We'll look forward to that.

**Mr. Duguid:** In the interests of time, I'm sure we'll have plenty of time in third reading to discuss the thousands of housing units that have been built and will be built under this government's commitment, a commitment that is probably stronger than that of any government we've seen in certainly the last decade for sure, but it probably goes well beyond that.

*Interjections.*

**The Chair:** Committee, can I stop the heckling, please? Can I just let one person speak at a time, please? Thank you.

Mr. Duguid, are you finished?

**Mr. Duguid:** Yes.

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

**Mr. Hardeman:** I was just sitting here listening to this great debate, and of course I too have some concerns about the comments made by the parliamentary assistant relating to what they had to do once they got into office because circumstances were not the way they thought they would find them in the marketplace. It would seem to me that his argument that the vacancy rate was much higher than was envisioned when they made the statement that they were going to put in real rent control does not recognize that the present act, the Tenant Protection Act, is the act that helped create that vacancy rate, the rate that went up. So it would seem to me, if you couldn't keep the promise—and I've said this in the House—I don't know why we're dealing with this bill at all. The Tenant Protection Act was working fairly well for the protection of the tenants.

But I really wanted to just comment on process. I have some real concerns. I've heard the member from the New Democratic Party mention a number of times that when he has his hour in the House, he will explain these things to us. I'm very interested in these things that he's going to explain, and from what you read, Madam Chair, prior to us starting this debate on clause-by-clause, it points out quite explicitly that there will not be an hour in the House for the member of the New Democratic Party to speak to this issue.

1650

**Mr. Marchese:** On third reading there will be.

**Mr. Hardeman:** No, on third reading there will be what is left of the day that it's introduced, to be split equally among three parties. If you look at the time frame, it is very seldom—

**The Chair:** Mr. Hardeman, could I ask you to speak to the motion. That's really what we're here—

**Mr. Hardeman:** I'm speaking to the motion because I want to hear his comments on the motion.

**The Chair:** I hear you, but I need you to speak to the motion that we have before us. I need to keep people on task.

**Mr. Hardeman:** Yes, speaking to the motion, if I can find it here, on the lawful rent for new tenants, section 113; the lawful rent for the first rental period. The New

Democrat introduced this motion, "the lawful rent payable by the previous tenant." It's removing vacancy de-control, and the member, in explaining why this was being put forward, put forward his case but he left out a number of issues that he said he was going to explain at a later date. I just wanted to make sure that we were all privy to that information because, from what I heard from the Chair, that later date will not arrive and he will not have that time to tell us that. I just wanted to bring that up.

**The Chair:** Thank you, Mr. Hardeman, I appreciate that.

**Mr. Hardeman:** The shortness of the time, that is.

**The Chair:** I believe when we began debate on this motion the member did ask for a recorded vote.

**Mr. Marchese:** Yes, we did.

**The Chair:** Thank you. I was trying to recall what we did. Mr. Marchese has asked for a recorded vote.

#### Ayes

Marchese.

#### Nays

Duguid, Flynn, Hardeman, Lalonde, MacLeod, Rinaldi, Sergio.

**The Chair:** That's lost.

Shall section 113 carry? All those in favour? All those opposed? That's carried.

Section 114, a government motion.

**Mr. Lalonde:** I move that section 114 of the bill be amended by adding the following subsections:

"Order takes effect after tenancy agreement

"(4) If an order made under paragraph 6, 7 or 8 of subsection 30(1) takes effect in respect of a rental unit after a new tenancy agreement relating to the rental unit takes effect, the landlord shall promptly give to the new tenant written notice about the lawful rent for the rental unit in accordance with subsection (5), unless the order was made on the application of the new tenant.

"Contents of notice

"(5) A notice given under subsection (4) shall be in the form approved by the board and shall set out,

"(a) information about the order made under paragraph 6, 7 or 8 of subsection 30(1); and

"(b) such other information as is prescribed."

**The Chair:** Any comments or questions? Seeing none, all those in favour of the motion? All those opposed? That's carried.

Shall section 114, as amended, carry? All those in favour? All those opposed? That's carried.

Committee, there are no changes to sections 115 through 125. Shall they carry? All those in favour? All those opposed? That's carried.

Landlord application for rent increase: a government motion.

**Mr. Sergio:** I move that subsection 126(7) of the bill be amended by striking out “Subject to subsection (8)” at the beginning and substituting “Subject to subsections (8) and (8.1).”

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

**Mr. Hardeman:** Can I have an explanation of what the impact is?

**Mr. Duguid:** It’s just a technical change. It’s a subsection numbering issue.

**The Chair:** Further questions or comments? All those in favour of the motion? All those opposed? That’s carried.

Mr. Hardeman, you have the next motion.

**Mr. Hardeman:** I move that subsection 126(8) of the bill be amended by striking out “did not require replacement” in the portion before clause (a) and substituting “did not require major repair or replacement”.

**The Chair:** Comments or questions?

**Mr. Duguid:** After sitting hour upon hour with Mr. Hardeman on a number of different bills this session, I’m really happy to be able to support one of his motions.

**The Chair:** This is a red-letter day.

**Interjection:** There goes the shutout.

**The Chair:** This is a special day.

Any further comments or questions? Seeing none—

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested, under the wire. You just got it.

### Ayes

Duguid, Flynn, Hardeman, Lalonde, MacLeod, Rinaldi, Sergio.

**The Chair:** That’s carried.

A government motion, Mr. Flynn.

**Mr. Flynn:** I move subsection 126(8) of the bill be amended by striking out “resulted in an improvement in” in the portion before clause (a) and substituting “promotes”.

**The Chair:** Any comments or questions? Seeing none, all those in favour of the motion? All those opposed? That’s carried.

I believe the next motion is a duplicate so—

**Mr. Hardeman:** It would be out of order.

**The Chair:** —you withdraw it. Thank you.

Next, a government motion.

**Mr. Rinaldi:** I move that section 126 of the bill be amended by adding the following subsection:

“Same

“(8.1) A capital expenditure is not an eligible capital expenditure with respect to a rental unit for the purposes of this section if a new tenant entered into a new tenancy agreement in respect of the rental unit and the new tenancy agreement took effect after the capital expenditure was completed.”

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

**Mr. Duguid:** Very quickly, I just want to thank the Federation of Metro Tenants’ Associations and Dan

McIntyre. This is an idea that they brought forward. It makes sense. It’s something that we’re happy to support and take this opportunity to thank him for his input into this legislation.

**The Chair:** Any further comments or questions? All those in favour of the motion? All those opposed? That’s carried.

Next, a government motion.

**Mr. Lalonde:** I wish that one was written in French, it would be a lot easier for me.

**Mr. Sergio:** Can we dispose of that without reading it?

**The Chair:** Not yet.

**Mr. Lalonde:** I move that subsections 126(9), (10) and (11) of the bill be struck out and the following substituted:

“Order

“(10) Subject to subsections (11) to (11.2), in an application under this section, the board shall make findings in accordance with the prescribed rules with respect to all of the grounds of the application and, if it is satisfied that an order permitting the rent charged to be increased by more than the guideline is justified, shall make an order,

“(a) specifying the percentage by which the rent charged may be increased in addition to the guideline; and

“(b) subject to the prescribed rules, specifying a 12-month period during which an increase permitted by clause (a) may take effect.

“Limitation

“(11) If the board is satisfied that an order permitting the rent charged to be increased by more than the guideline is justified and that the percentage increase justified, in whole or in part, by operating costs related to security services and by eligible capital expenditures is more than 3 per cent,

“(a) the percentage specified under clause (10)(a) that is attributable to those costs and expenditures shall not be more than 3 per cent; and

“(b) the order made under subsection (10) shall, in accordance with the prescribed rules, specify a percentage by which the rent charged may be increased in addition to the guideline in each of the 12-month periods following—”

**The Chair:** Mr. Lalonde, can you read that last line one more time? You missed a word, I’m sorry.

**Mr. Lalonde:** “—in addition to the guideline in each of the two 12-month periods following the period specified under clause (10)(b), but that percentage in each of those periods shall not be more than 3 per cent.

“Serious breach

“(11.1) Subsection (11.2) applies to a rental unit if the board finds that,

“(a) the landlord,

“(i) has not completed items in work orders for which the compliance period has expired and which are found by the board to be related to a serious breach of a health, safety, housing or maintenance standard,

“(ii) has not completed specified repairs or replacements or other work ordered by the board under paragraph 4 of subsection 30(1) and found by the board to be related to a serious breach of the landlord’s obligation under subsection 20(1) or section 161, or

“(iii) is in serious breach of the landlord’s obligations under subsection 20(1) or section 161; and

**1700**

“(b) the rental unit is affected by,

“(i) one or more items referred to in subclause (a)(i) that have not been completed,

“(ii) one or more repairs or replacements or other work referred to in subclause (a)(ii) that has not been completed, or

“(iii) a serious breach referred to in subclause (a)(iii).

“Same

“(11.2) If this subsection applies to a rental unit, the board shall,

“(a) dismiss the application with respect to the rental unit; or

“(b) provide, in any order made under subsection (10), that the rent charged for the rental unit shall not be increased pursuant to the order until the board is satisfied, on a motion made by the landlord within the time period specified by the board, on notice to the tenant of the rental unit, that,

“(i) all items referred to in subclause (11.1)(a)(i) that affect the rental unit have been completed, if a finding was made under that subclause,

“(ii) all repairs, replacements and other work referred to in subclause (11.1)(a)(ii) that affect the rental unit have been completed, if a finding was made under that subclause, and

“(iii) the serious breach referred to in subclause (11.1)(a)(iii) no longer affects the rental unit, if a finding was made under that subclause.”

**The Chair:** You read that magnificently. I’m at the point in my meeting where I have to inform the committee that we’re at 5 o’clock and I have to reread the time allocation motion: “That the deadline for filing amendments to the bill with the clerk of the committee shall be 12 noon on June 7, 2006. On that day, at not later than 5 p.m. those amendments which have not been” yet “moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond the normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a); and

“That the committee shall report the bill to the House not later than Thursday, June 8, 2006. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House.”

We’re at section 126. Shall the motion carry? All those in favour? All those opposed? That’s carried.

**Mr. Hardeman:** Madam Chair, do you not have to put all the amendments for votes?

**The Chair:** I am. I’m in the process of doing that.

**Mr. Hardeman:** Oh, okay. Individually, not as—

**The Chair:** Yes, I’ll do them all individually. I just passed the one that Mr. Lalonde read. The next section is a PC motion. Shall it carry? All those in favour—

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested. All those in favour? I’m sorry; we’re going to do that at the end. That’s how that would work. So we’ll do that one at the end of this section. Is that right? At the complete end, okay.

The next one—I’m just getting guidance; I haven’t done this before.

The next motion: Shall it carry?

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested. We’ll do that at the end.

The next motion, page 52.

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested.

So those three, we’ll go to later.

Sections 127 through 135 have no changes. Shall they carry? All those in favour? All those opposed? That’s carried.

Section 136: an NDP motion. It’s out of order, Mr. Marchese, just so you know.

Shall 136 carry? All those in favour? All those opposed? That’s carried.

Part VIII, “Smart Meters and Apportionment of Utility Costs,” is a PC motion. All those in favour?

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested.

The next one is a PC motion.

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote.

The next motion, page 56: All those in favour? All those opposed? That’s carried.

**Mr. Marchese:** Where are you?

**The Chair:** Sorry. Let me do that again. I was looking down.

This is a PC motion on page 56, in part VIII. All those in favour?

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote.

Next is a PC motion, page 57.

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested.

Page 58, a government motion: All those in favour? All those opposed? That’s carried.

Page 59, a PC motion.

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested. We’ll do that later.

Next is a PC motion. It’s out of order, so we can’t vote on that one.

Page 61, an NDP motion: That one is out of order as well. So that's the end of part VIII, but we'll be coming back to it.

Section 138: a PC motion.

**Ms. MacLeod:** Recorded vote.

**The Chair:** A recorded vote has been requested.

Next, page 63.

**Ms. MacLeod:** Recorded vote.

**The Chair:** A recorded vote has been requested.

Next, page 64, a government motion: All those in favour? All those opposed? That's carried.

Page 65, a PC motion.

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested.

The next motion is page 66. It's an NDP motion. It's out of order. We'll be dealing with section 138 again.

Part IX, "Care Homes": Sections 139 through 143 have no changes. Shall it carry? All those in favour? All those opposed? That's carried.

Section 144, a government motion, page 67: Shall it carry? All those in favour? All those opposed? That's carried.

Shall section 144, as amended, carry? All those in favour? All those opposed? That's carried.

Sections 145 through 151 have no changes. Shall they carry? All those in favour? All those opposed? That's carried.

Part X, "Mobile Home Parks and Land Lease Communities": Sections 152 through 161 have no changes. Shall they carry? All those in favour? All those opposed? That's carried.

Section 162, a government motion, page 68: All those in favour of the motion? All those opposed? That's carried.

Shall section 162, as amended, carry? All those in favour? All those opposed? That's carried.

Sections 163 through 167 have no changes. Shall they carry? All those in favour? All those opposed? That's carried.

We're at part XI, "The Landlord and Tenant Board": There are no changes in sections 168 through 182. Shall it carry? All those in favour? All those opposed? That's carried.

Part XII, "Board Proceedings": There are no changes in sections 183 through 188. Shall it carry? All those in favour? All those opposed? That's carried.

**1710**

Section 189, government motion, page 69: Shall it carry? All those in favour? All those opposed? That's carried.

There's an NDP motion, page 70. Shall it carry? All those in favour? All those opposed? That's lost.

Section 189: Shall it carry, as amended? All those in favour? All those opposed? That's carried.

Section 190: There are no changes. Shall it carry? All those in favour? All those opposed? That's carried.

Section 190.1, PC motion, page 71—

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested.

Sections 191 through 202: There are no changes. Shall it carry? All those in favour? All those opposed? That's carried.

Section 202, Mr. Marchese's motion, page 72: Shall it carry?

**Mr. Marchese:** I thought it was section 203.

**The Chair:** Sorry, 203. I'm reading the wrong number.

**Mr. Marchese:** Recorded vote, Madam Chair.

**The Chair:** A recorded vote has been requested.

Section 204 is a government motion, page 73. Shall it carry? All those in favour? All those opposed? That's carried.

Section 205.1, a PC motion—

*Interjection.*

**The Chair:** Sorry. I have to go back. I jumped ahead.

Section 204, as amended: Shall it carry? All those in favour? All those opposed? That's carried.

Section 205 has no changes. Shall it carry? All those in favour? All those opposed? That's carried.

Section 205.1 is a PC motion.

**Ms. MacLeod:** Recorded vote.

**The Chair:** A recorded vote has been requested.

Second motion, page 75—

**Mr. Sergio:** Madam Chair, can we go back? Section 205.1—

**The Chair:** Yes.

**Mr. Sergio:** What was the vote on the one there?

**The Chair:** It's on page 74. A recorded vote has been requested on the first motion.

**Mr. Sergio:** Oh, a recorded vote. Okay.

**The Chair:** On the second motion, which is an NDP motion—

**Mr. Marchese:** Recorded vote.

**The Chair:** A recorded vote has been requested on that one.

Section 206 is a government motion, page 76. Shall it carry? All those in favour? All those opposed? That's carried.

Shall section 206, as amended, carry? All those in favour? All those opposed? That's carried.

Sections 207 through 208 have no changes. Shall it carry? All those in favour? All those opposed? That's carried.

Section 209, government motion, page 77: Shall it carry? All those in favour? All those opposed? That's carried.

Shall section 209, as amended, carry? All those in favour? All those opposed? That's carried.

Sections 210 to 214 have no changes. Shall it carry? All those in favour? All those opposed? That's carried.

Part XIII, "Municipal Vital Services Bylaws": Sections 215 through 223 have no changes. Shall it carry? All those in favour? All those opposed? That's carried.

Part XIV, "Maintenance Standards": Sections 224 through 226 have no changes. Shall it carry? All those in favour? All those opposed? That's carried.

Part XV, “Administration and Enforcement”: Sections 227 through 232 have no changes. Shall it carry? All those in favour? All those opposed? That’s carried.

Part XVI, “Offences”: Section 233 has no changes. Shall it carry? All those in favour? All those opposed? That’s carried.

Section 234, government motion, page 78: Shall it carry? All those in favour? All those opposed? That’s carried.

The next motion is page 79, a Conservative motion. Shall it carry?

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested.

Sections 235 through 240 have no changes. Shall it carry? All those in favour? All those opposed? That’s carried.

Part XVII, “Regulations,” PC motion, page 80—

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested.

Page 81, a PC motion—

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested.

Government motion, page 82: All those in favour of that motion? All those opposed? That’s carried.

Part XVIII, “Transition,” government motion, page 83: All those in favour of the motion? All those opposed? That’s carried.

Shall section 242, as amended, carry? All those in favour? All those opposed? That’s carried.

Sections 243 through 246 have no changes. Shall it carry? All those in favour? All those opposed? That’s carried.

Section 246.1, NDP motion, page 84—

**Mr. Marchese:** Recorded vote.

**The Chair:** A recorded vote has been requested.

Part XIX, “Other Matters”: Sections 247 through 260 have no changes. Shall it carry? All those in favour? All those opposed? That’s carried.

“Access to Justice Act, 2006 (Bill 14)”: There are no changes to section 261. All those in favour? All those opposed? That’s carried.

Section 262: There’s a government motion, which is out of order. So shall section 262 carry? All those in favour?

**Mr. Duguid:** I just want to clarify. This is 262?

**The Chair:** We’re on 262.

All those in favour of the motion? All those opposed? That’s lost.

Section 263, NDP motion, page 86: All those in favour of the motion? All those opposed? That’s lost.

Shall section 263 carry? All those in favour? All those opposed? That’s carried.

Section 264, short title: Shall section 264 carry? All those in favour? All those opposed? That’s carried.

I have to go back now. These are all the recorded votes, committee, if you’re following along.

I believe the first one is part VIII, “Smart Meters and Apportionment of Utility Costs.” Is that right?

**Mr. Marchese:** What page, again, Madam Chair?

*Interjections.*

**The Chair:** We’re at page 50. A recorded vote has been requested.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That’s lost.

Page 51, a PC motion: A recorded vote has been requested.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That motion is lost.

Page 52: A recorded vote has been requested.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That motion is lost.

Shall section 126, as amended, carry? All those in favour? All those opposed? That’s carried.

Now I’m where I was, at part VIII, “Smart Meters and Apportionment of Utility Costs,” on page 54. It’s a PC motion. A recorded vote has been requested.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That motion is lost.

Page 55, a PC motion: a recorded vote.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That motion is lost.  
Page 56.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That vote is lost.

**Mr. Hardeman:** On the previous one, 155, I hope the record shows that it is page 55 and 55b. There are two pages to that same resolution. We went from 55 to 56, but there are two pages for the 55 motion.

1720

**The Chair:** Thank you. Page 57, PC motion. A recorded vote has been called for.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That's lost.

The next motion we're voting on is page 59. A recorded vote.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That vote is lost.

Shall section 137, as amended, carry?

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested.

**Ayes**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**Nays**

Hardeman, MacLeod.

**The Chair:** That's carried.

Section 138, "Apportionment of utility costs," PC motion, page 62. A recorded vote.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That's lost.  
Page 63, PC motion.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That vote is lost.  
PC motion, page 65.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That vote is lost.

Shall section 138, as amended, carry? All those in favour?

**Mr. Hardeman:** Recorded vote.

**The Chair:** It's too late to ask for a recorded vote. You have to start before I get to the end of it. I've already finished reading it. Please ask a little bit earlier. All those in favour? All those opposed? That's carried.

The next section is 190.1, "File dispute," PC motion, page 71.

**Mr. Hardeman:** Recorded vote.

**The Chair:** It is a recorded vote. Do you want it for later on? Okay.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That's lost.

Section 203, an NDP motion. A recorded vote has been requested.

**Ayes**

Marchese.

**Nays**

Duguid, Flynn, Hardeman, Lalonde, MacLeod, Rinaldi, Sergio.

**The Chair:** That's lost.

Now that we've dealt with that section, shall section 203 carry? All those in favour? All those opposed? That's carried.

We're on section 205.1, a PC motion, page 74.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That's lost.

NDP motion, page 75. A recorded vote has been requested.

**Ayes**

Marchese.

**Nays**

Duguid, Flynn, Hardeman, Lalonde, MacLeod, Rinaldi, Sergio.

**The Chair:** That's lost.

Section 234, page 79, there's a PC motion.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That's lost.

Shall section 234, as amended, carry? All those in favour? All those opposed? That's carried.

We're at section 241, "Regulations," PC motion, page 80.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That's lost.

Page 81, PC motion.

**Ayes**

Hardeman, MacLeod.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That's lost.

Shall section 241, as amended, carry? All those in favour? All those opposed? That's carried.

We're at section 246.1, page 84, NDP motion. A recorded vote has been requested.

**Ayes**

Hardeman, MacLeod, Marchese.

**Nays**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**The Chair:** That's lost.

Committee, we've reached that point in the bill that I like: the end. Shall the title of the bill carry? All those in favour?

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested.

**Ayes**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**Nays**

Hardeman, MacLeod.

**The Chair:** That's carried.

Shall Bill 109, as amended, carry? All those in favour?

**Mr. Hardeman:** Recorded vote.

**The Chair:** A recorded vote has been requested.

**Ayes**

Duguid, Flynn, Lalonde, Rinaldi, Sergio.

**Nays**

Hardeman, MacLeod.

**The Chair:** That's carried.

Shall I report the bill, as amended, to the House? All those in favour? All those opposed? That's carried.

This concludes the committee's consideration of Bill 109. It has been a pleasure. I would like to thank all my colleagues on the committee for their work on the bill. The committee also thanks the committee and ministry staff and the members of the public who made their contribution to this committee's work. This committee now stands adjourned.

*The committee adjourned at 1727.*





## CONTENTS

Wednesday 7 June 2006

**Residential Tenancies Act, 2006, Bill 109, *Mr. Gerretsen* / **Loi de 2006**  
sur la location à usage d'habitation, projet de loi 109, *M. Gerretsen* ..... G-611**

### STANDING COMMITTEE ON GENERAL GOVERNMENT

#### **Chair / Présidente**

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

#### **Vice-Chair / Vice-Président**

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

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh L)  
Mr. Brad Duguid (Scarborough Centre / Scarborough-Centre L)  
Mr. Kevin Daniel Flynn (Oakville L)  
Mrs. Linda Jeffrey (Brampton Centre / Brampton-Centre L)  
Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell L)  
Mr. Jerry J. Ouellette (Oshawa PC)  
Mr. Lou Rinaldi (Northumberland L)  
Mr. Peter Tabuns (Toronto–Danforth ND)  
Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

#### **Substitutions / Membres remplaçants**

Mr. Ernie Hardeman (Oxford PC)  
Ms. Lisa MacLeod (Nepean–Carleton PC)  
Mr. Rosario Marchese (Trinity–Spadina ND)  
Mr. Mario Sergio (York West / York-Ouest L)

#### **Clerk / Greffière**

Ms. Susan Sourial

#### **Staff / Personnel**

Mr. Doug Beecroft, legislative counsel