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Wednesday 9 March 2011

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Mercredi 9 mars 2011

**Standing Committee on
Regulations and Private Bills**

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

Chair: Michael Prue
Clerk: Katch Koch

Président : Michael Prue
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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

Wednesday 9 March 2011

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Mercredi 9 mars 2011

The committee met at 0901 in room 151.

The Chair (Mr. Michael Prue): I call the meeting to order. The bills we're going to deal with today are in reverse order.

1312510 ONTARIO LTD. ACT, 2011

Consideration of Bill Pr45, An Act to revive 1312510 Ontario Ltd.

The Chair (Mr. Michael Prue): The first one is Bill Pr45, An Act to revive 1312510 Ontario Ltd. I'd ask Mr. Leal to come forward.

Mr. Jeff Leal: Mr. Chair, I'm pinch-hitting for Mr. Dickson this morning. Mr. Dickson advised me that he has to be away this morning.

This bill, to revive 1312510 Ontario Ltd., is kind of a housekeeping matter. There's nothing controversial about this. On Mr. Dickson's behalf, I hope it moves forward here in committee today. Anwar can certainly provide any additional background on this particular matter.

The Chair (Mr. Michael Prue): Okay. You are Anwar Sarwari?

Mr. Anwar Sarwari: Yes.

The Chair (Mr. Michael Prue): Just for the record; then, the floor is yours.

Mr. Jeff Leal: Go ahead, sir.

Mr. Anwar Sarwari: We had this corporation since 1998. I wasn't aware that the corporation had ever been cancelled. We did file all the taxes for the past 12 years. Just two years ago, when I went to change some names on the corporation, they told me the corporation had been cancelled. After that, I did all the processes that were required.

The Chair (Mr. Michael Prue): I thank you very much. Are there any other interested parties to this bill? Does anyone else wish to speak? No one? Parliamentary Assistant, any comments?

Mr. Lou Rinaldi: Yes, Chair. We're certainly not opposed to this particular bill moving forward.

The Chair (Mr. Michael Prue): Committee members, any questions? Mr. Miller.

Mr. Paul Miller: Yes, maybe you could help me with this, Mr. Sarwari. It says that the corporation was dissolved on August 31, 1998, for failure to pay the required fee on incorporation. Did you have a lawyer involved with this, or did you just not pay it?

Mr. Anwar Sarwari: Actually, the accountant did the incorporation. He was the one who wrote the cheques, so—

Mr. Paul Miller: Here we go again: accountants and lawyers screwing up for this committee again. So it wasn't your fault, basically?

Mr. Anwar Sarwari: No, I didn't even know for what reason they cancelled it.

Mr. Paul Miller: Thank you.

The Chair (Mr. Michael Prue): Any other questions? Seeing no other questions, are the members ready to vote? I don't have the sheet, so let's just do it this way. Okay. Thank you.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Agreed.

Thank you very much. The case is over.

ONTARIO BARBER
ASSOCIATION ACT, 2011

Consideration of Bill Pr44, An Act respecting The Ontario Barber Association.

The Chair (Mr. Michael Prue): We are next calling forward Bill Pr44, An Act respecting The Ontario Barber Association. Ms. DiNovo, the floor is yours.

Ms. Cheri DiNovo: Thank you, Mr. Chair and committee members. It's my pleasure to introduce Sean Gibson, who is program director here. We're dealing with the Ontario Barber Association. This is Bill Pr44, as you've just heard. I certainly haven't heard any controversy regarding this, but of course, we're open for questions.

The Chair (Mr. Michael Prue): Mr. Gibson, do you have any statements to make?

Mr. Sean Gibson: None other than that what we're requesting is just that barbers, through the association, be recognized as registered barbers and be able to use the names of registered barbers, student barbers and so forth, as in the bill.

The Chair (Mr. Michael Prue): Are there any other interested parties to this bill? Are there any other people who wish to speak in the room? Not seeing any, Parliamentary Assistant, any comments from the government?

Mr. Lou Rinaldi: Sure. Thanks very much for being here this morning. Just a question: You're probably aware that in 2009, the government passed some legislation to create an Ontario College of Trades. Did your organization take part in that process at all?

Mr. Sean Gibson: Actually, yes. We sat with Kevin Whitaker and Michael Uhlmann. That was on January 9, 2009. The Ontario Barber Association sat with him and represented as stakeholders of barbers in the province of Ontario, and gave them our findings. Actually, we were referred by Mr. Milloy to speak to Mr. Whitaker with respect to that.

Mr. Lou Rinaldi: So the discussions you had at that time, did that not satisfy your vision of what the barbers should be?

Mr. Sean Gibson: Actually, we didn't have any further correspondence with Mr. Whitaker since giving him the information for that. Thereafter, nothing really came of it, so it didn't have any teeth per se.

Mr. Lou Rinaldi: Were you able to make a presentation to the committee when the legislation was debated?

Mr. Sean Gibson: No, we weren't.

Mr. Lou Rinaldi: You weren't. Okay. Have you looked at the legislation, because that body is being created as we speak, as to whether that process satisfied the needs of your association?

Mr. Sean Gibson: Mr. Whitaker, in his words, said, "Giving industry a key role in governing the trades, from promotion to regulation, is vital to strengthening Ontario's apprenticeship and skilled trades system." That's something that we took into consideration, that embodies what we want or what we're looking for as a group or as an association.

Mr. Lou Rinaldi: I guess the point I'm trying to make here is—first of all, I commend you for taking this role to recognize your specific trade. I guess what I'm a bit confused by is that government—and I believe Ms. DiNovo's party supported it—put a structure in place to be able to deal with apprenticeships and trades, what we call the Ontario College of Trades and Apprenticeship Act. Does that act, which is now being delivered, not address what you're looking for?

Mr. Sean Gibson: The challenge with respect to that point is that barbers and hairstylists are completely under the exact same volume. That makes it extremely challenging for a tradesperson to have his identity. There's no anonymity amongst barbers as there is hairstylists. As you can appreciate, there's an extreme difference between the two.

Mr. Lou Rinaldi: I don't have to worry about that.

Mr. Sean Gibson: No, you're past that stage.

That's where we're trying to draw the light: There is a considerable difference.

Mr. Lou Rinaldi: I guess the point that I'm trying to make—to help you out in this scenario—is my understanding is that there are provisions through that piece of legislation to get the ball rolling to achieve it instead of doing something totally separate. My understanding is that there's a framework to try to achieve what you're

trying to achieve. I'm not here to argue against hair-stylists and barbers; I'm not an expert. But there might be an opportunity through that college to further what you're trying to accomplish.

Ms. Cheri DiNovo: May I say something, Mr. Chair? I'm hearing what you're saying, Lou, on this. What I would suggest is that that's an avenue that Mr. Gibson should certainly go down and check into and maybe get back in touch with the folks involved, but it doesn't really change this. This would then be the body that would be coming under that framework and would be involved in that initiative, but this private member's bill still needs to be in place for them to be able to do that, right? Certainly it's something that the organization should follow up on, but it doesn't negate the need for the organization itself.

0910

Mr. Lou Rinaldi: My understanding, though—

The Chair (Mr. Michael Prue): If I can, you were being recognized for comments from the government. There have been a lot of questions and I have to open up the floor, because there's going to be questions.

Mr. Lou Rinaldi: I'm sorry, Chair.

The Chair (Mr. Michael Prue): I did recognize you and you did ask a number of questions, but perhaps there are some other members who have questions. Whether the government has any formal position on this is really what was being asked.

Mr. Lou Rinaldi: Sure. The government's position is that we believe there is an avenue through that piece of legislation for them to try to get to where they're trying to go. That's the position we're taking, Chair.

The Chair (Mr. Michael Prue): Okay, then, questions? Others have questions. Mr. Miller.

Mr. Paul Miller: Obviously, you've been pursuing this for quite a while to get to this position through your organization. This isn't the first time you've tried to go this route?

Mr. Sean Gibson: No, we've been very persistent. Since 1999, I believe, we have tried to work and collaborate with the government on different areas, and it's just been a long, arduous process. So we thought it would be best that we kind of move forward.

Mr. Paul Miller: My opinion is that they have just recently formed this trades council. Being a former tradesman, I'm well aware of what's going on in different groups. There's no finality right at this point of who's going to sit on that committee. They're going back and forth on that. It's just a new thing. I assume that you took the right avenue by talking to the Ministry of Education. You also talked to two other people, I believe; I forget their names. So it's not like you sat in the background and weren't involved. You wanted some direction. You went to them and they gave you the advice at the time.

Mr. Sean Gibson: Yes.

Mr. Paul Miller: I don't think this is going to stop that process, because once it becomes law, the organization, if they require them to fill out further papers or do further investigation or further interviews, they can do

it as a body. They fall under the auspices of trades and crafts. So I think what they're doing here today is simply housekeeping and then they want to move on; the body will be able to put requirements on them as an organization if they so desire. But it seems like they were just put on the back burner by the minister at the time, and whoever they were dealing with, and it didn't seem to be important to those people at the time. So why should they be held up? I think this should move ahead.

The Chair (Mr. Michael Prue): Further questions?

Mr. Lou Rinaldi: If I may.

The Chair (Mr. Michael Prue): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, if I just might comment on Mr. Miller's position, and I fully understand. I think the process—and I don't want to use the words “held up.” The whole apprenticeship in trades has been not very clear in a lot of trades, and you and I agree on that, I think. That's why the government moved, back in 2009, to put a framework in place. So, now that we have a framework in place to try to achieve some of those things, obviously at their request—I don't believe it fell on deaf ears, but there was a process being established, and while the process was being established, obviously there haven't been any decisions on any other trades when it came to apprenticeships and all those other things that were left up in the air. So you're right: We're not quite there yet. As a matter of fact, one of my suggestions was that as we're implementing that board for the Ontario College of Trades and apprenticeships, there might be an opportunity for them to solicit and talk to those folks, or even become a board member or try to become a board member as the process comes to fruition.

The challenge for government is, why would we do something singular while a process is being established?

Mr. Sean Gibson: Well, we still look forward to working with the government on this. It's just this is indicative of itself as a specific issue. We're still open to working together, but we'd like to move forward in this direction with respect to this specific bill.

Mr. Paul Miller: Mr. Chair?

The Chair (Mr. Michael Prue): Further question, Mr. Miller?

Mr. Paul Miller: With all due respect to the government, they're trying to establish a system here. They're trying to have their own identity. That's what they are doing here. They're not challenging the government. They're not saying, “We won't follow the rules that the trades and craft put down.” They've been looking for a designation for a long time, and that's all this is. They want to be able to—who better to administer any disciplinary action than the barbers' association itself? Because I certainly wouldn't know when a barber screwed up, until I looked in the mirror, I guess, unless he cut me. But the bottom line is, they should be able to govern their own organization. Even the board of trades and crafts are not going to—they are going to report to them, but they're not going to make the final decision. Like you said, Lou, whoever sits on the board representing the barbers will probably lead that committee on any

decision. They're simply looking for designation, and they've been after it for a long time. I don't think that's a problem, because it is a craft, and I really feel that they deserve this.

The Chair (Mr. Michael Prue): Okay. We're tending now to debate. Are there any further questions of the applicants?

Ms. Cheri DiNovo: Yes. Further to the comments made by the parliamentary assistant, who would be part of the negotiation process if not this barbers' association? If you don't have the barbers' association, who is going to take part in the negotiations with the government? Essentially what you're doing here is step one, so that this can then move forward so that there is an entity to negotiate regarding any framework that the government sets up. Otherwise, how is the government going to deal with barbers, period? Just pick a barber they happen to like and make them the spokesperson? It seems to me that this is the first step before you can have even a negotiation, and clearly Mr. Gibson has already engaged in that, so he is already being recognized by the powers that be and the bureaucrats involved as being that spokesperson. This is just giving him the right to continue to do so.

The Chair (Mr. Michael Prue): Okay. Those being the questions, we can proceed to the vote, unless there's general discussion. Is there—

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): Then let's proceed to the vote and see what happens.

Shall section 1 carry?

Interjection: Carried.

The Chair (Mr. Michael Prue): Carried? I didn't hear—

Mr. Lou Rinaldi: No, no.

The Chair (Mr. Michael Prue): Okay. You have to say no, like up in the House. If you don't want it to carry, I have to hear a no.

Shall section 1 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): I heard some noes. All those in favour of having section 1 carry? Opposed? That is defeated.

Shall section 2 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): I heard some noes. All those in favour? Opposed? That is defeated.

Shall section 3 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): I heard some noes. All those in favour? Opposed? That is defeated.

Shall section 4 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): I heard a no. All those in favour? All those opposed? That is defeated.

Shall section 5 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): Okay. All those in favour? Opposed? That does not carry.

Shall section 6 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): I heard a no. All those in favour? Opposed? That is defeated.

Shall section 7 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): I heard a no. All those in favour? Opposed? That is defeated.

Shall section 8 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): All those in favour? Opposed? That is defeated.

Shall section 9 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): All those in favour? Opposed? That is defeated.

Shall section 10 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): All those in favour? Opposed? That is defeated.

Shall section 11 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): All those in favour? Opposed? That is defeated.

Shall section 12 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): All those in favour? Opposed? That is defeated.

Shall section 13 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): All those in favour? Opposed? That is defeated.

Shall section 14 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): All those in favour? Opposed? That is defeated.

Shall section 15 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): All those in favour? Opposed? That is defeated.

Shall section 16 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): All those in favour? Opposed? That is defeated.

Shall section 17 carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): All those in favour? Opposed? That is defeated.

Shall the preamble carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): I heard a no. All those in favour? Opposed? That is defeated.

Shall the title carry?

Mr. Lou Rinaldi: No.

The Chair (Mr. Michael Prue): All those in favour? Opposed? That is defeated.

Everything's been defeated, so I don't think I have to ask, "Shall the bill carry?" It can't carry; there's nothing there. Do I report the bill, that it didn't carry? Shall I recommend that this not be reported?

0920

Mr. David Caplan: No.

The Chair (Mr. Michael Prue): I have to do something with the bill. I'm supposed to report what happens in committee to the House. What is the exact wording, Madam Clerk? This happens rarely in this committee.

Mr. Sean Gibson: I saw this coming a long time ago. It's not a problem.

The Chair (Mr. Michael Prue): Shall the bill not be reported to the House?

Mr. Paul Miller: No, you can't do that.

The Chair (Mr. Michael Prue): I have to do this. I'm advised by the Clerk, and I know that—I'll just ask it the other way.

Shall I report the bill to the House? And if you don't want me to, then you have to say no.

Interjections.

The Chair (Mr. Michael Prue): I heard a yes.

All those in favour of me reporting this bill to the House? Opposed? Okay, I will not report it to the House.

Sorry, sir.

Mr. Sean Gibson: Not a problem. God bless you guys. Thank you for your time, and I'll definitely see you soon. Take care.

COMMITTEE BUSINESS

The Chair (Mr. Michael Prue): Item number 3 on the agenda is the consideration of the draft correspondence to the Municipal Property Assessment Corp., MPAC, that we discussed at our last—

Mr. Gerry Martiniuk: Chair?

The Chair (Mr. Michael Prue): Mr. Martiniuk.

Mr. Gerry Martiniuk: I'm just going to suggest—it asks them to clarify it, but it doesn't say to whom. I would prefer, in the very end paragraph, rather than saying, "I thank you in advance for your attention to this matter," that we say, "We look forward to receiving your reply." That's polite enough.

The Chair (Mr. Michael Prue): So we don't thank him. We just say, "We look forward to receiving your reply"? Or do we add the "thank you"?

Mr. Gerry Martiniuk: You can thank him—if he wants. It just fits in nicely to ask him for his reply.

The Chair (Mr. Michael Prue): Okay.

Mr. Rick Johnson: "Prompt reply"?

Mr. Gerry Martiniuk: No. I don't think this committee can order anybody like that, so that's why I framed it in a very polite manner.

The Chair (Mr. Michael Prue): Any other changes or recommendations to the letter?

Mr. Jeff Leal: I think it's excellent. I think it captures the points made by Mr. Miller and Mr. Martiniuk and myself last week.

Mr. Kim Craitor: I have one comment. I thought the intent was to tell them we want something done, so why don't we just tell them that we want them to find a solution so that it doesn't come back here? Otherwise they'll just come back and say, "This is the way it goes. Thanks

for the letter. Nice talking to you.” That would be my comment.

Mr. Gerry Martiniuk: Hopefully he’ll refer to the bill and say, “I’m bound to do it because of such-and-such,” and then we can write to the minister. Wouldn’t that be the procedure?

The Chair (Mr. Michael Prue): I think Mr. Martiniuk said that the motion be made requesting clarification from MPAC—and their problem. What we need to find out is why MPAC has this particular problem, first.

Mr. Leal?

Mr. Jeff Leal: Yes, I think Mr. Martiniuk is absolutely right: We send it in and if we get the response back, Mr. Isenburg will identify the particular section that he’s dealing with. I’ve dealt with Carl before. He may suggest, as a follow-up to the Minister of Finance, where a change needs to be made to look after this par-

ticular situation for religious orders in the province of Ontario. That’s the scenario that I see as to how this should be handled.

Gerry, is that—

Mr. Gerry Martiniuk: Yes, that’s exactly what I see.

The Chair (Mr. Michael Prue): Okay, we’re getting into discussion here. Can I have a motion for me to sign the letter as amended and send it off? Mr. Leal?

Mr. Jeff Leal: So moved.

The Chair (Mr. Michael Prue): So moved? Okay, any discussion on that? It will contain that amendment, as suggested by Mr. Martiniuk.

All those in favour? Opposed? That’s carried. It will be sent today.

This brings us to the last item, which is now into closed session, so anybody who’s not supposed to be here will have to leave—the one poor gentleman at the back.

The committee continued in closed session at 0928.

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