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Thursday 24 March 2011

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Jeudi 24 mars 2011

**Standing Committee on
Justice Policy**

Strong Communities through
Affordable Housing Act, 2011

**Comité permanent
de la justice**

Loi de 2011 favorisant
des collectivités fortes
grâce au logement abordable

Chair: Lorenzo Berardinetti
Clerk: Trevor Day

Président : Lorenzo Berardinetti
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON JUSTICE POLICY

COMITÉ PERMANENT DE LA JUSTICE

Thursday 24 March 2011

Jeudi 24 mars 2011

The committee met at 0830 in committee room 1.

COMMITTEE BUSINESS

The Vice-Chair (Mr. Reza Moridi): Ladies and gentlemen, welcome to the Standing Committee on Justice Policy. Good morning, everyone. I understand that we have a motion on the floor from Mr. Ted Chudleigh. We have 30 minutes to debate this motion today, so I would invite Mr. Chudleigh to move his motion, please.

Mr. Ted Chudleigh: I would like to ask for a recorded vote when the time comes, please.

I would move that the Standing Committee on Justice Policy undertake a comprehensive study that summarizes the revenues and expenditures from the victims' justice fund since 2003 and identifies performance measures to be used to assess the effectiveness of the victims' justice fund's financial allocations in the future.

The Vice-Chair (Mr. Reza Moridi): Mr. Chudleigh, would you like to speak to this motion, please? We have 10 minutes for each party.

Mr. Ted Chudleigh: Ten minutes for each party? That's agreed to?

The Vice-Chair (Mr. Reza Moridi): Agreed? Agreed.

Mr. Ted Chudleigh: The PC Party has a strong record in supporting victims of crime. We continue that record with this motion today, which calls for a review of the victims' justice fund, for today and in the future. Indeed, this motion echoes recommendations made by the Chief Justice, Roy McMurtry, in 2008 and the Ombudsman in 2007.

In 1995, the PC government introduced the Victims' Bill of Rights, which states that victims "should be treated with compassion and fairness," and that "the justice system should operate in a manner that does not increase the suffering of victims of crime." This is not happening under this government.

In 1996, the PC government established the victims' support line and the victim notification system. In 1997, the PC government created the domestic violence court program. In 1998, the PC government created the Office for Victims of Crime and the support link program. In 1999, the PC government created the partner assault response program. In 2000, the PC government introduced the victims' justice action plan, which enhanced

measures ensuring respect for victims' rights and needs. It also established the victims' services division within the Ministry of the Attorney General, which is now called the Victim Services Secretariat. In 2002, the PC government created the bail safety pilot project in a community projects grant program.

This current government, the government of Dalton McGuinty, has not reflected these commitments to crime—in fact, in February of 2011, Dalton McGuinty indicated that crime is not a priority of his government or for Ontarians. This followed on comments by the public safety minister for Canada, Vic Toews, who indicated that the federal government is fulfilling its promise to make criminals pay their full debt to society and to ensure that crooks stay locked up as long as possible. In response to his building more jails, Dalton McGuinty was saying, "When I talk to Ontarians, their first concern is not keeping people in jail longer." The Premier needs to listen harder. The PC caucus is hearing that Ontarians want their families to be safe. Ontario families want to live in safe communities.

Further, the Liberal government was very slow to respond to the horrific experiences of parents affected by the testimonies of Dr. Charles Smith after Justice Goudge released his report on pediatric forensic pathology. There are still over 20 cases before that ad hoc committee, and there has only been one settlement that I'm aware of. After these victims have had such horrendous experiences because of Dr. Charles Smith, I think more effort could be made in that regard to come to some conclusions for the people affected by those decisions.

In March 2011, the Toronto Star reported that three mothers were denied compensation by the Criminal Injuries Compensation Board because they did not meet the mental or nervous shock criteria.

In his 2008 report on assistance for victims of crime, the Honourable Roy McMurtry recommended that the term "mental or nervous shock" be broadened to "emotional harm." He wrote, "It is absolutely clear that victims of violent crime very often suffer significant emotional injury. However, such emotional injury does not necessarily mean that they have suffered the kind of psychiatric injury that 'mental or nervous shock' connotes."

It is appalling that changes have not been made and mothers—such as Liz Hoage—whose children have been murdered, are not treated as victims of crime by the Criminal Injuries Compensation Board. We believe that

this must change and change soon. The government should reflect on the values of Ontario families, and I have no doubt how Ontario families feel about compensation for mothers who lose a child to violent crime, and this government is not reflecting those values. Despite reports in 2007 and 2008, the Liberal government has not done enough to ensure that parents whose children are murdered but who do not witness the crime are treated with respect.

In the Ombudsman's report of 2007, he noted, "The Criminal Injuries Compensation Board is in deplorable shape.... As a result, instead of providing relief, the Criminal Injuries Compensation Board too often adds insult to injury."

The Ombudsman noted, "The province has proclaimed a grandiose program of support through the Compensation for Victims of Crime Act, but then imposed fiscal control so tightly that it has choked off not only the Criminal Injuries Compensation Board's effectiveness, but its compassion as well. Today, the primary responsibility for this lies with the present government, and urgent action is needed."

Further, he recognized that, "In Ontario, the practice has evolved of treating the victim justice fund as exclusively for existing and enhanced services for victims of crime. This has been inexplicably interpreted to mean projects other than the Criminal Injuries Compensation Board.... As a result, the victim justice fund takes on the character of a paper promise to victims; its funds sit largely unused while the Criminal Injuries Compensation Board struggles on, choked for funds." That's from the Ombudsman.

In former Chief Justice Roy McMurtry's report, the chief justice recognizes the victims' justice fund "is posing as money expended on victims' rights, when in fact it sits, with its large surplus, as a little-used line item on the government books."

In so doing, he recommended that the ministry should publish an annual report for victim services, which has not been done. He also recommended that the ministry should conduct a review at least every four years of the needs of crime victims and how to best address these needs and the availability and use of victim services. Again, this has not been done. And he recommended that the ministry should "establish performance measures for both financial assistance programs and should regularly evaluate the programs against these measures." Again, this has not been done.

The victims of crime act was established, and under that act, the Criminal Injuries Compensation Board was established. The Liberal government in council has the authority to make regulations prescribing rules of practice and procedure in respect of applications to the board and proceedings of the board. No regulations have been made under this act.

0840

Compensation for victims of crime is taken from the consolidated revenue fund. However, the ministry had regularly supplemented the CICB's budgets with funds transferred from the victims' justice fund.

The Vice-Chair (Mr. Reza Moridi): Mr. Chudleigh, you have two minutes.

Mr. Ted Chudleigh: Thank you, Mr. Chairman.

The victims' justice fund was continued in the PC Party's Victims' Bill of Rights. Regarding the victims' justice fund, the Victims' Bill of Rights says, "The money paid into the victims' justice fund account shall be used to assist victims, whether by supporting programs that provide assistance to victims, by making grants to community agencies assisting victims...."

Under the PC government, under the leadership of Tim Hudak, we'll act to support victims of crime. As Premier, he will release the victims' justice fund surplus to victims and law enforcement agencies. He will ensure that the definition the Criminal Injuries Compensation Board uses to determine compensation reflects the needs of victims and the values of Ontario families. He will ensure that the representation on the Criminal Injuries Compensation Board includes victims.

In summary, despite the Ombudsman's report of 2007 and the Honourable Roy McMurtry's report of 2008, this Liberal government, under Dalton McGuinty, has done nothing to improve the accessibility of funds, fix shortfalls in the compensation scheme for mothers like Liz Hoage or to ensure victims' representation on the Criminal Injuries Compensation Board.

I hope, to strengthen Ontario's support for victims of crime, that the Liberal members of this committee will support my motion today.

Thank you very much, Mr. Chair.

The Vice-Chair (Mr. Reza Moridi): Thank you very much, Mr. Chudleigh, for your presentation.

Now it's time for the NDP. Mr. Kormos.

Mr. Peter Kormos: On the contrary, it's time for the government. Mr. Chudleigh has put his motion forward. I suspect the parliamentary assistant to the Attorney General is going to respond. I know him to be a fair-minded person, a judicious person. I know him to be a caring person. I anticipate that he may well be endorsing the proposition because of his nature, as I've just described it, in which case there will be no need for me to address the matter, will there?

The Vice-Chair (Mr. Reza Moridi): Thank you very much, Mr. Kormos.

Now it's time for the government members. Mr. Zimmer.

Mr. David Zimmer: Just a couple of introductory comments. The VJF is a fund dedicated to assist victims of crime. The money in the VJF is collected from the court-imposed fines under the Provincial Offences Act, the Criminal Code and the federal offences act. The Victims' Bill of Rights specifies that the money paid into the fund is to be used to assist victims, whether by supporting victim programs that provide assistance to victims or by making grants to community agencies assisting victims or otherwise.

The premise of Mr. Chudleigh's motion is that there is a big chunk of money sitting there that is not being used for the purposes of the VJF, so here are the facts on that:

First of all, the act requires that we maintain a contingency amount in the amount of \$6 million, so that's there. Secondly, there is \$25 million there that is to be spent on program commitments already made on an ongoing basis, and thirdly, the uncommitted funds are actually, then, in the amount of \$3 million.

Those are the facts, and they don't in any way jive or connect in any way with Mr. Chudleigh's premise that there's a huge amount, somewhere in the order of \$30 million or so, sitting there. The amounts are, again, for the record: You're required to have a \$6-million contingency amount there, and that's required by the governing act. There is \$25 million for ongoing program commitments, and there's an uncommitted amount of \$3 million—

Interjection.

Mr. David Zimmer: Just let me finish—uncommitted funds of actually \$3 million there that are used by the board for awards and so forth—so, no idea where you got your numbers from, Mr. Chudleigh. For that reason, we will not be supporting your motion.

The Vice-Chair (Mr. Reza Moridi): Thank you, Mr. Zimmer, for your presentation. Mr. Kormos, do you have any comments?

Mr. Peter Kormos: What is the matter with you people? There was a time when the standing orders provided for an individual member to bring a matter before the committee as of right. That member didn't require two thirds of the committee to support that proposition.

Take a look at 126(b). It's one of the few standing orders left that give individual members some opportunity to raise matters in the appropriate committee, the committee that has jurisdiction. Nobody's arguing that this committee doesn't have jurisdiction over the issues raised in Chudleigh's motion. Take a look at 126(b), and you'll see that the discussion of the matter cannot take precedence over any government business, so the discussion of the matter can't be used to block government business; that's number one. Two, the committee retains control of its process not with a two-thirds majority but with a simple majority; it takes a super-majority, a two-thirds majority, for this motion to pass.

The government, by its very presence on the committee, controls the process; that means the number of witnesses who are called, the amount of time that's spent discussing it and the nature and tone of the final report, for Pete's sake.

If you dispute the proposition by Mr. Chudleigh—and look, I dearly wish that he had not invoked the Victims' Bill of Rights; that was the weakest part of his argument because we know what the courts said about the Victims' Bill of Rights, but that's a separate issue—then let's lay the numbers out. Quite frankly, his motion is rather turgidly phrased but nonetheless, I submit, worded in such a way that it would permit a broad consideration of the existing approach to compensation of victims.

It would give an opportunity for this committee to make comment on the McMurtry recommendations, on the Ombudsman recommendations and on what every-

body agrees is a sordid state of affairs, when mothers of slaughtered children can't get compensation because they didn't witness it. Good God. Does that reduce the impact or the pain or the trauma? I think not. I suspect that nobody here would disagree with me in that regard.

The Premier promises action, but he has been promising that for a good chunk of time. I understand that these things don't happen overnight. If this committee were to have the chance to consider the matters spoken of in the Chudleigh motion, it could then file a report and table it with the House. That could well spur the government, by virtue of giving the Attorney General himself some authority, the ability in cabinet—because it's all about the pecking order; it's all about getting your matter prioritized, isn't it? This committee's report would give the Attorney General a little bit of ammunition when it comes to the Premier's office and the gates that control the business flowing through the government to say, "Look, the committee has recommended that we look at this," or, "The committee had recommended that we do (a), (b), (c) or (d)."

Chudleigh's submissions were engorged with partisan rhetoric. So be it. We're in the midst of a federal election campaign and we're looking forward to a provincial one. But at the end of the day, this truly is—even the Chudleigh motion—a non-partisan matter. All of us care about these things. We should. And we should care about seeing them addressed.

My fear is that nothing will happen but for the possibility of a mere announcement prior to October 6. I say to you, I suspect the parliamentary assistant will be back here after October 6; he may be the opposition critic for justice—

Interjection.

Mr. Peter Kormos: These things happen. I'm not suggesting that October 6 is going to completely eliminate the Liberal caucus. There are some good members who are going to return. As I say, the parliamentary assistant is probably going to be one of them. In the event that Ms. Horwath is not the Premier, I look forward, should I be blessed with re-election, to working with Mr. Zimmer as the NDP justice critic of the government.

0850

This is an opportunity for this committee, in relatively short order and inexpensively, to have an impact and to help push the agenda along in a way that everybody agrees should happen. To deny this modest proposal undermines what little is left of the opportunity for individual members to bring matters before committees for committees to consider them. That, I say, is a sad, sad thing, because then this committee becomes nothing more than the imprimatur, the rubber stamp, of the government of the day, and none of us should want that, especially in view of the fact that the government of the day will not always be the government of the day. That's a given.

So I urge the government to support this motion, one, on the very substantive grounds that it's a valid matter for the committee to consider and that the committee can

do some useful work. The government needn't fear about it being protracted, because the government will control, by virtue of its numbers on the committee, the process around the consideration of the motion. Secondly, and in a far broader way and perhaps even more importantly, to underscore that committees control their own process. I want the record to note that I'm being very sarcastic when I suggest that government House leaders don't control what their members do in a committee when it comes to deciding what bills to consider or whether private members' business should be considered even when there's no government business that would take precedence over it. The sarcasm is underscored.

Stand up. Let the Premier know that that's not how you believe the committee process should be determined; that you believe in the traditional, democratic and parliamentary role of committees; you believe in the principle that committees control their own process. You can declare that today by supporting this motion. Oh, the people in the Premier's office will be scurrying. The BlackBerry's will just be buzzing. You'll be able to microwave a chicken on all of the radiation that's being emitted by those BlackBerry's and the twittering and the cellphone calls that go on between all the little functionaries—and there are big ones—and the Premier's office and the Ministry of the Attorney General. But so what? So be it.

You've got six months left here—eight and a half weeks of sitting. This is your last chance to have a kick at the can. It is. You may find yourself in the opposition ranks, next go-round. If you deny this, you are certainly setting yourselves up to never be successful in your own right as an opposition member should you seek a 126(b) consideration before this or any other committee.

Thank you, Chair.

The Vice-Chair (Mr. Reza Moridi): Thank you very much, Mr. Kormos, for your presentation. We still have some time. Would any member like to make comments? Mr. Zimmer, please.

Mr. David Zimmer: I just want to pick up on a comment that Mr. Kormos made. I entirely agree with that. The comment that I agree with is, "Mr. Chudleigh's motion is engorged with rhetoric."

Here are the facts that counter Mr. Chudleigh's engorged rhetoric in his motion: First of all—I have five points here—this government has spent three times as much from the victims' justice fund as the previous government. That means that there has been a whole lot of money going directly to the victims of crime.

Point number 2: The previous government had no plan for how the VJF funds would be used. They sat on a pot of money and allowed it to grow, year after year after year. When we inherited the VJF back in 2003, that unused balance that should have been flowing to victims stood at \$77.7 million. Today, as I said in my earlier comments, the uncommitted funds in the victims' justice fund stand at approximately \$3 million. We've spent \$74 million on assistance to victims. Let me just lay out those numbers again: There's \$3 million in uncommitted funds;

there's a \$6-million statutorily required contingency fund; and there's \$25 million sitting there that is committed to existing and ongoing programs.

Mr. Chudleigh's motion, again, is just engorged with rhetoric for the mischievous purposes of the months leading up to the election. For those reasons, we will not be supporting his motion.

The Vice-Chair (Mr. Reza Moridi): Thank you, Mr. Zimmer, for your presentation. We still have some time left, so we can have some discussion on this. Ms. Cansfield.

Mr. Peter Kormos: On a point of order, Chair: In the interests of rotating, Ms. Elliott, who had her hand raised, would be considered.

Mrs. Donna H. Cansfield: Actually, I'm speaking in terms of the fact that we had a scheduled meeting with a number of scheduled guests who have arrived. My clock, and I see the clock in front of me, indicates that it is 9 of the hour, and I think we should continue on with government business.

The Vice-Chair (Mr. Reza Moridi): We had 30 minutes for the debate on this motion, and we still have time.

Mr. Kormos, on your point of order, we had 10 minutes for each party, and the government members didn't use their 10 minutes. That's why I'm going to ask Ms. Cansfield to make any comments—if you do have any.

Mrs. Donna H. Cansfield: No, just on the time.

The Vice-Chair (Mr. Reza Moridi): You don't. Okay. We'll go to Ms. Elliott, please.

Mrs. Christine Elliott: Thank you very much, Chair. I will just make a few brief comments.

Quite the contrary: Mr. Zimmer had indicated that he thought this motion was being brought for purely partisan purposes. Absolutely not. In fact, the wording of the motion was taken directly from former Chief Justice McMurtry's report. It is an issue that all of us are concerned with or, as Mr. Kormos indicated, should be concerned with.

I think this is something that does concern people in Ontario. People are outraged that mothers of children who have been killed are not receiving compensation from this fund. They're not receiving compensation; the Criminal Injuries Compensation Board is still dysfunctional, despite two reports.

This is what gives politics and politicians a bad name, quite frankly—that we aren't dealing with the issues that matter to people. This is a golden opportunity for us to be seized of this, as members of the justice committee. I'm frankly really disappointed that we're not taking this opportunity to have meaningful input, as members, on issues that are important to all of our constituents.

The Vice-Chair (Mr. Reza Moridi): Thank you very much, Ms. Elliott, for your presentation.

Mr. Kormos, do you have any—

Mr. Peter Kormos: No. And I don't want to criticize Mr. Zimmer's note-taking, but when I talked about partisanship, I didn't speak about the motion as being partisan; I spoke about some of the arguments presented by Mr. Chudleigh. I'm sure that Mr. Zimmer understood

that, because he's a fair-minded person, and a reasonable person and an intelligent one.

The Vice-Chair (Mr. Reza Moridi): Thank you very much, Mr. Kormos, for your presentation. Is there any further discussion?

Mr. David Zimmer: Do we have a couple of minutes left here?

The Vice-Chair (Mr. Reza Moridi): Yes, just a minute and a half—a minute.

Mr. David Zimmer: I just wanted to add the comment that former Chief Justice McMurtry has, from time to time, recognized that Ontario has been and is a leader in victim services, compensation and attending to the needs of victim services. I have a list of programs that we've developed since 2003 that are recognized by the justice community as really sort of leading-edge programs, and it's those programs to which the figure of \$25 million that I used has been committed. So for the third time, to drive it home, Mr. Chudleigh, the numbers are \$3 million in uncommitted funds sitting there, \$25 million committed to programs and a \$6-million contingency fund required by the statute.

0900

The Vice-Chair (Mr. Reza Moridi): Thank you, Mr. Zimmer, for your presentation. Now it's time for putting this to a vote. I've been requested to have a recorded vote.

Ayes

Chudleigh, Elliott, Kormos.

Nays

Balkissoon, Cansfield, Colle, Rinaldi, Zimmer.

The Vice-Chair (Mr. Reza Moridi): That motion is lost.

SUBCOMMITTEE REPORT

The Vice-Chair (Mr. Reza Moridi): Our next business is the subcommittee report on committee business. Mr. Balkissoon.

Mr. Bas Balkissoon: Your subcommittee met on Thursday, March 10, 2011, to consider the method of proceeding on Bill 140, An Act to enact the Housing Services Act, 2010, repeal the Social Housing Reform Act, 2000 and make complementary and other amendments to other Acts, and recommends the following:

(1) That the committee meet in Toronto on Thursday, March 24 and Thursday, March 31, 2011, for the purpose of holding public hearings.

(2) That the committee clerk, with the authorization of the Chair, post information regarding public hearings on the Ontario parliamentary channel, the Legislative Assembly website and the Canada NewsWire.

(3) That the committee clerk, with the authorization of the Chair, place an advertisement regarding public hear-

ings in the Toronto Star, Metro and L'Express during the week of March 14, 2011.

(4) That interested parties who wish to be considered to make an oral presentation contact the committee clerk by 5 p.m. on Tuesday, March 22, 2011.

(5) That witnesses be scheduled on a first-come, first-served basis.

(6) That groups and individuals be offered 15 minutes for their presentation. This time is to include questions from the committee.

(7) That the deadline for written submissions be 5 p.m. on Thursday, March 31, 2011.

(8) That the research officer provide the committee with a summary of the presentations by Tuesday, April 5, 2011.

(9) That, for administrative purposes, proposed amendments be filed with the committee clerk by 5 p.m. on Tuesday, April 5, 2011.

(10) That the committee meet for the purpose of clause-by-clause consideration of the bill on Thursday, April 7, 2011.

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

That's the report of your subcommittee, Mr. Chair.

The Vice-Chair (Mr. Reza Moridi): Thank you, Mr. Balkissoon. Any debate? There being none, all in favour? Carried.

STRONG COMMUNITIES THROUGH AFFORDABLE HOUSING ACT, 2011

LOI DE 2011 FAVORISANT DES COLLECTIVITÉS FORTES GRÂCE AU LOGEMENT ABORDABLE

Consideration of Bill 140, An Act to enact the Housing Services Act, 2011, repeal the Social Housing Reform Act, 2000 and make complementary and other amendments to other Acts/ Projet de loi 140, Loi édictant la Loi de 2011 sur les services de logement, abrogeant la Loi de 2000 sur la réforme du logement social et apportant des modifications corrélatives et autres à d'autres lois.

ONTARIO NON-PROFIT HOUSING ASSOCIATION

The Vice-Chair (Mr. Reza Moridi): Now I would like to invite the first presenter to come to the table, please. Please introduce yourselves for Hansard. You have 15 minutes.

Mr. Keith Ward: I will. Thank you, Mr. Vice-Chair.

My name is Keith Ward. I am the president of the Ontario Non-Profit Housing Association or ONPHA. With me here today is Sharad Kerur, ONPHA's executive director.

The Vice-Chair (Mr. Reza Moridi): Thank you, Mr. Ward. You have 15 minutes to make your presentation, and if there is any time left at the end, there will be questions.

Mr. Keith Ward: Thank you, Mr. Vice-Chair. We would like to thank the committee for inviting ONPHA to make a presentation on what is a historic piece of legislation that is premised on assisting local communities to address their housing needs.

For over 20 years, we in ONPHA have been the voice of non-profit housing across Ontario. We now have 760 member organizations with more than 160,000 units and over 400,000 people living in those, and that comprises every possible type of household: low-income families, people requiring supports to live independently, seniors and so on.

Our members do constitute the largest group by far—aside from our residents, of course—of those who are impacted by this legislation, so it's perhaps appropriate that we're the first among equals to be before you today.

One of the key goals we sought in both the long-term affordable housing strategy and this legislation was to ensure local flexibility for communities in the design of housing and homelessness solutions. We really encourage that; we applaud it. We recognize that this goal has been attained in Bill 140. However, we are concerned it has gone too far at the expense of a strong and effective stewardship role for the province.

We believe that the surest way to develop a robust housing and homelessness system that works uniformly across Ontario is by balancing provincial stewardship with local flexibility. These roles are not quite balanced in the current legislation, and if that imbalance is not addressed, it will lead to an excessively fragmented housing system and delivery across the province. We don't believe that has been this government's intention.

We are pleased to see in the legislation a vision that acknowledges that it is a matter of provincial interest for there to be a role for community-based non-profit housing and non-profit housing co-operatives. Non-profit housing was developed in response to local necessity and as a way to stimulate economic recovery while meeting the needs of people not served by private housing markets. This government has clearly demonstrated a commitment to the non-profit housing sector with its investment over the past eight years in both new housing and capital repairs.

I'll ad lib; there's a budget coming up.

Although we are tabling a series of key amendments to Bill 140, in the limited time I have, I would like to highlight four areas we believe will strengthen Ontario's housing system.

First, while we agree that the 10 areas of provincial interest under subsection 4(1) are important, we see some obvious omissions. We recommend that this section refer to the direct link between housing and the province's related interests in health, education and the economy. Studies have documented the dramatic, positive impact of safe, decent and affordable housing. These confirm

what we all know intuitively: Without a real place to live, it is next to impossible to make everything else in your life come together as it's supposed to. This section should reflect the province's interest in contributing to positive health and education outcomes for Ontarians and to economic growth.

Among the other interests we have listed, we also recommend that it is in the provincial interest to expand the permanent supply of affordable and subsidized housing under the control of non-profit corporations. Studies have shown that the non-profit model is an efficient delivery mechanism to deal with limited dollars and to help various tenant populations with distinct and unique needs beyond income support. Given the current economic reality and limited government resources, this bill and the provincial interests must prepare Ontario for the future.

Second, we recommend a strengthened role for the Minister of Municipal Affairs and Housing related to local housing and homelessness plans. The minister must not just review and make comment, but should actually approve such plans. As part of this requirement, the minister should be given the power and duty to consult with ministries, such as MOHLTC and MCSS, which have direct support service roles to play. They are active in our projects. Local plans will include a supportive housing component for seniors, the homeless and hard-to-house, and persons with developmental disabilities and mental health or other issues. These support services are critical to the Housing First principle which the government has recognized in both the housing strategy and the legislation, and they require coordination at the provincial level, as well as the municipal level.

Third, we recommend that Bill 140 be amended to require ministerial consent when dealing with receiver-ship remedies involving the sale of assets. The province has recognized that it is in their interest to have a role for the community-based non-profit sector and, as such, must ensure that this sector is preserved. Ministerial consent will ensure that due consideration is given, from a business case standpoint, to all the complications that asset sale uniquely entails, including the province's own liabilities. It will also ensure that respect for the taxpayer is demonstrated, given that these assets have been built and maintained over a series of decades with investments of billions of taxpayer dollars.

Fourth, we recommend that the province strengthen the supervisory management provisions of the bill for projects in difficulty. Within that, the province should play a key role in dealing with the appeal of decisions in disputes between service managers and housing providers. The express goals of the legislation should be to take all courses of action possible to ensure projects do not get into difficulty, or if they are in difficulty, ensure that they are returned to a state in which they can maintain their originating mandate.

In closing, we would like to reiterate our conviction that this legislation must be amended to ensure a responsible and effective balance between provincial

stewardship and local flexibility. It is in the best interests of all Ontarians, and of low-income and vulnerable citizens in particular, that this balance be achieved.

While this legislation provides a framework for communities to address local housing problems with local housing solutions, the province must also retain its leadership role to ensure housing solutions for the province as a whole. In other words, it must establish a clear baseline from which local communities can work. An amended Bill 140 will be the key to making this happen.

0910

Again, Mr. Vice-Chair, thank you for the opportunity to speak with you this morning.

The Vice-Chair (Mr. Reza Moridi): Thank you very much, Mr. Ward, for your presentation. Now we have some time for questions, starting with the PC Party.

Mrs. Christine Elliott: Thank you very much for your presentation. I was particularly interested—I notice that you have a number of amendments that we'll be dealing with later—in the many issues that you deal with: people with developmental disabilities, mental health issues and so on. Is there anything in particular that you think needs to be addressed with respect to your amendments to make sure that this bill responds to the needs of those populations?

Mr. Keith Ward: Generally, we're looking for that coordination amongst all of the ministries because, again, the housing and support funding has to come together to work effectively. People are working, frankly, in silos still. It is very challenging: Different rules apply to different types of housing, even though they're all doing the same thing, depending upon who's providing that funding. That's the underlying principle of what we're putting forward in that area. The underlying principle is just to get some coordination and consistency.

Mrs. Christine Elliott: Thank you.

The Vice-Chair (Mr. Reza Moridi): Mr. Kormos, please.

Mr. Peter Kormos: Thank you, gentlemen. You submit that this legislation must be amended. And if it's not?

Mr. Keith Ward: We believe that a few years from now, we will be sitting down and crafting some new legislation because we will have failed.

Mr. Peter Kormos: What are you advising the members of this committee? Are you advising the members of the committee that if the legislation isn't amended, this committee should not report the bill back to the House?

Mr. Keith Ward: No, sir. That's your prerogative as a committee, of course. We believe the legislation, the bill, should be amended, but most of what it does is the right thing.

Mr. Peter Kormos: That's all I was trying to learn from you. You didn't say "should be amended"; you said "must be amended."

Mr. Keith Ward: Fair enough.

The Vice-Chair (Mr. Reza Moridi): Government members?

Mrs. Donna H. Cansfield: Thank you for your presentation. It's been a pleasure to be able to work with you in the last year. It's 400,000 people, I think, you serve.

Mr. Keith Ward: Yes.

Mrs. Donna H. Cansfield: And you should be commended for the work that you do in the non-profit sector in housing. I know that it has been a challenge in the past, and as we move forward into the future—I think we've invested some \$2.5 billion—hopefully, we can continue to work together.

One of the challenges you've identified is there are some things that you believe have been omitted or omissions within that need some amendment. I think it's also important to recognize that maybe you identified some of that just previously in your comments, that we have actually come a long way—

Mr. Keith Ward: Definitely.

Mrs. Donna H. Cansfield: We have been doing something. My question to you: Is there anything that had been done previously that is not here or that we could improve upon as we move forward?

Mr. Sharad Kerur: Let me answer that. I think one of the things we've always noticed—and it's not unique to the housing sector; we see this in many industries and many sectors as well—is trying to determine whether a decentralized method of operation that meets local needs is a better way to move forward as compared to a centralized means. Naturally, a decentralized situation allows you to address local needs in a very specific way, but in some cases, that might be at the expense of, say, economies of scale. There tends to be a swing to and fro between a centralized system and a decentralized system. The housing sector is one example where we had a centralized form of housing delivery, essentially, for a number of decades. We have now moved it down to a local level. It has worked well.

Perhaps the bill goes a little too far, as we've said, in terms of giving the local flexibility at the expense of not having some centralized stewardship. So I think what we're trying to do is find that balanced tipping point between centralization and decentralization. A lot of what we're talking about in amending the bill is just to bring it back from swinging too far at a local level.

Mrs. Donna H. Cansfield: Thank you very much.

The Vice-Chair (Mr. Reza Moridi): Thank you for your presentation.

REGIONAL MUNICIPALITY OF YORK

The Vice-Chair (Mr. Reza Moridi): We invite our next presenter, please. Thank you for coming. Could you please introduce yourself for Hansard, please?

Ms. Sylvia Patterson: Good morning. My name's Sylvia Patterson. I'm the general manager of housing and long-term care for the regional municipality of York. I have with me today Kerry Hobbs, who's our manager of housing administration. Thank you for the opportunity to speak with you.

The Vice-Chair (Mr. Reza Moridi): Thank you. You have 15 minutes for your presentation. If we have extra

time at the end, then we'll have questions. Ms. Patterson, please go ahead.

Ms. Sylvia Patterson: As you may know, the region of York is made up of a confederation of nine municipalities and provides services to over one million residents. The region provides services for its residents and businesses that include transportation, transit, water, waste water, emergency services, policing, human services and growth management. The region is the consolidated municipal services manager for housing and homelessness programs as designated by the province. The region's social housing portfolio exceeds 6,000 units and is delivered in partnership with more than 40 community-based housing providers.

The region applauds the progress the province has made in supporting local planning and program delivery by moving forward with this bill, but we also appreciate the opportunity to suggest some improvements and comment on some areas where key concerns are not addressed.

This bill is a significant step forward.

As a service manager responsible for funding and administration of housing and homelessness programs, the region commends the province for the commitments made to consolidate programs and support local system planning. This redefined relationship, with the province as the system steward and the service manager responsible for local planning and program delivery, effectively completes the local services realignment exercise that began more than a decade ago.

We applaud the province for the process that we've engaged in. It has been meaningful. As well, we believe that we've had an effective stakeholder engagement process to inform the bill. We acknowledge and appreciate the province's commitment to developing thoughtful, well-informed public policy, and to that end propose this submission.

You will hear similar perspectives from our Association of Municipalities of Ontario colleagues and Ontario Municipal Social Services Association later today. I would like to say that I think on the municipal side we've had an effective process of working together with the province through this piece.

Unfortunately, the bill does not speak to several vital policy issues. We need legislative provisions to require that public investment in social housing is protected. Taxpayers have invested billions of dollars in social housing stock, and we need provincial leadership to ensure that this investment is protected for the long term.

At present, there's no legal provision requiring that social housing assets be maintained for social housing purposes once the first mortgages have been discharged. Some housing providers will be in a position to sell their buildings beginning as early as 2015, when the oldest programs reach maturity. For municipalities that have made and continue to make major investments in this portfolio, this is an unacceptable risk. This is a critical issue that could be addressed by way of this new act with a requirement providing that social housing assets must

be maintained for housing purposes unless the service manager is satisfied that it is no longer practical to do so.

There are no funding programs or financing tools to sustain the existing housing portfolio. I'll start this by saying that we've been extremely grateful in the housing sector for the support we've received through the Canada-Ontario infrastructure program and through the social housing repair and retrofit program as both an economic support program but also as a short-term infusion into a system that desperately needed it.

However, our housing is a critical component of the human services infrastructure system and, like any other infrastructure, must be appropriately maintained to ensure that the useful life of those assets is maximized. Most importantly, ongoing investments are essential to ensuring that our residents enjoy safe, well-maintained homes.

Historically, social housing programs were not designed to build the necessary reserves to maintain buildings for their lives. Many housing providers will soon or have already depleted their reserves. Once the stimulus funding programs end, those providers will have no access to financing or funding programs to support further building repairs. Service managers have limited capacity to address these concerns through the municipal tax levy. New options are needed.

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Unfortunately, the strategy and this act are silent with respect to the repair funding deficit, which is arguably the greatest threat to the sustainability of the system. We need access to new funding and financing programs and we need better regulatory tools as service managers to support redevelopment of buildings that are reaching the end of their useful lives.

The success of local housing and homelessness plans depends on long-term sustainable provincial investments. We recognize we're operating in a context of economic constraint. However, we would be remiss if we did not acknowledge that the lack of long-term, sustainable funding to meaningfully address local housing need is the greatest barrier to the success of local planning. It's helpful to have more flexibility, but without additional investment, the thousands of people on our waiting lists will continue to wait.

Since the onset of the most recent recession, the waiting list for rent-geared-to-income housing in York Region has grown by 40%. There are currently 7,700 households on our waiting list. In recent years, only about 400 applicants have been housed each year. This year, it has been worse than ever. At that rate, it will take more than 19 years, if we just stopped today, to house everyone. There's an urgent need to address housing need in Ontario.

As well, there are technical issues with the act that should be addressed to improve our ability to effectively deliver housing programs. We would ask that section 157 be removed in favour of new procedural fairness guidelines.

Our relationship has evolved over time provincially and municipally, and has become more sophisticated.

The province has acknowledged that municipalities are a mature, accountable level of government. Section 157 is inconsistent with the provincial recognition of the competence of local government. As currently proposed, it would require service managers to create local systems to respond to housing provider requests for a review of our decisions.

The decisions for which reviews are most likely to be sought are those that have been made by municipal councils in their service manager capacity. Requiring a council to empower a local, unelected body to overturn its decisions is untenable. The common interest in ensuring that housing providers benefit from well-informed decisions would be better met by incorporating new procedural fairness guidelines in the act.

The enforcement provisions proposed would be problematic as well. We would suggest that they're excessively prescriptive and, in some cases, impractical, and require amendment. We've made some suggestions as to revisions that would support that to create a better-balanced accountability framework that allows a more proactive approach.

We agree that service managers should be accountable to fulfill prescribed obligations. However, section 42 should be amended. Section 42 directly imports service level standard language set out in the Social Housing Reform Act which reflects an outdated perspective on service managers' role in the system. The current standards have no relationship to the waiting list or the RGI system rules and, as such, they require work that really is of no value.

A transition strategy is required to ensure that any new rent-geared-to-income system does not disadvantage vulnerable tenants. The existing rent-geared-to-income system is complicated and difficult to navigate. We support the government's work in looking at a transition to an income tax-based system. However, we would urge you to ensure the transition is made in a thoughtful, measured way.

The current system is complicated in part because the lives of the people involved are complicated. Any new system has to be modelled and tested to ensure that those vulnerable households are not disadvantaged. Moving forward too quickly with an untested system could destabilize the system and create hardship for families. An effective transition will take time, and we hope that the new bill could incorporate provisions to allow that.

Thank you for the opportunity to provide comments today.

The Vice-Chair (Mr. Reza Moridi): Thank you, Ms. Patterson, for your presentation. Now we have some time for questions. We'll start with the NDP. Mr. Kormos, please.

Mr. Peter Kormos: Thank you very much. Your submission had a clarity that I appreciate.

Ms. Sylvia Patterson: Thank you.

Mr. Peter Kormos: I have no questions.

The Vice-Chair (Mr. Reza Moridi): Any questions from the government members? Mr. Colle.

Mr. Mike Colle: Thank you for the very insightful presentation. I guess the question I have is this: The region of York is one of the fastest-growing regions probably in North America, with so much construction and housing of all sorts. How is it possible that we've only got 6,000 units? Is there something that we should be doing as a provincial government or the region of York so that, while this building is going on, housing is also provided for the vulnerable and people on marginal incomes? What's missing? I remember that when I went up to the city of Vaughan, it used to be 30,000 or 40,000 people. It's now 250,000 people and 6,000 units. What have we done wrong?

Ms. Sylvia Patterson: Thank you for that very insightful question. You're correct. I think the reason is historic; it had to do with growth patterns. At the time when the province and the federal government were making huge investments in social housing in the 1960s and 1970s and again in the late 1980s, early 1990s, the region of York's growth pattern wasn't where some other municipal growth patterns were. We also didn't have the infrastructure, such as sewage, to support significant multi-residential development. That has now changed.

You're quite correct: We are growing at an amazing pace. I think it points out the unevenness in the system delivery today. One of the problems for high-growth municipalities is equity in the system, because we get funding based on historical growth patterns. We need funding based on today's growth patterns, and we need funding that recognizes our need to catch up.

Our council has been investing significantly, but they need help; we need help. We are reaching a point of crisis. We can't house our low-income workers. We've surveyed our waiting list, we've surveyed the people who live in our housing, and we know that most of those households are living on under \$20,000 a year. That means that the private sector doesn't have the capacity to house those people; the dollars simply don't work.

What do we need? We need sustainable funding year over year so that we can get programs in place. We need Planning Act provisions. We again applaud the work that you've done in this bill around second suites; that's import work for our community to see. But we would also like to see progress on the Planning Act side to look at how we can meet the targets that we're setting very aggressively in our official plans—not just at the region, but in communities like Markham, Richmond Hill and Thornhill—to be able to start to meet some of those needs beyond the social housing sector.

Mr. Mike Colle: Thank you very much.

The Vice-Chair (Mr. Reza Moridi): Ms. Elliott?

Mrs. Christine Elliott: Thank you very much. I also truly appreciate your presentation. I have two quick questions. With the number of families that you have on the wait-list right now, what on earth are they doing? Are they living in market rent places and then having to do without?

Ms. Sylvia Patterson: They're struggling. What we see is a lot of families tripled, doubled, quadrupled up.

We see people living in very, very substandard housing: jury-rigged, garages, basements. We see a lot of people living on the edge, a lot of tremendous vulnerability of families.

We know what that means in our community: It means all of the effects of poverty. It means kids aren't getting the food they need. It means they aren't getting the educational opportunities they need. Certainly, we will see those impacts through the system.

Mrs. Christine Elliott: I did have another quick question, if I could, with respect to your comments about rolling in the new system to make sure that vulnerable people—I guess people with mental health problems, intellectual disabilities and otherwise disabled. Is there anything in particular that we should be mindful of with respect to that in rolling out the new rules?

Ms. Sylvia Patterson: I think there are two things, and I think my colleague from the Ontario Non-Profit Housing Corp. pointed it out earlier. The number one issue for all of us in the sector is better coordination. We need the central LHINs at the table. We need all of the ministries that support those households at the table. We can't individually create the best solutions. It is absolutely important, as we roll out any new rent-gear-to-income or waiting list system, that it be understandable, that people know what to expect and that it not be overly difficult to penetrate. We have many, many new Canadians, many people who are coming with interpreters and many people who have mental health challenges. They need to be able to navigate that system effectively.

Mrs. Christine Elliott: Thank you very much for clarifying that. I appreciate it.

The Vice-Chair (Mr. Reza Moridi): Thank you, Ms. Hobbs and Ms. Patterson, for your presentation.

ONTARIO HOME BUILDERS' ASSOCIATION

The Vice-Chair (Mr. Reza Moridi): Our next presenters are from the Ontario Home Builders' Association.

Mr. Bob Finnigan: Good morning.

The Vice-Chair (Mr. Reza Moridi): Good morning. Would you please introduce yourself for Hansard?

Mr. Bob Finnigan: Sure. Mr. Chairman and members of the committee, my name is Bob Finnigan, and I am the president of the Ontario Home Builders' Association. I'm also the chief operating officer of Heathwood Homes, which primarily builds multiple- and single-family homes in the GTA as an Energy Star builder. I am a volunteer member of the association, and in addition to my business and personal responsibilities, I'm very dedicated to serving the industry. Joining me is Michael Collins-Williams, OHBA's director of policy.

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The Ontario Home Builders' Association is the voice of the residential construction industry across Ontario. Our association includes 4,000 members organized into 29 local associations across the province. The residential construction industry is the largest and most important

industry in the province; our sector supports over 334,000 jobs here in Ontario, paying some \$17 billion in wages and contributing \$34.4 billion to the provincial economy. Putting those numbers aside, I think all you really have to do is look south of the border to understand just how important a healthy and strong housing market is to the broader economy.

I'm pleased to be here today to address the committee and to speak in strong support of Bill 140, the Strong Communities through Affordable Housing Act.

The three basic elements for human survival are food, water and shelter. As a home builder, I'm in the business of providing not only shelter, but a place of refuge, respite and sanctuary from life's storms. We provide a place called home, where people live, laugh, share their dreams, shape their traditions, create memories and, most of all, feel secure. Unfortunately, all of us are here today because, for many Ontario people, a simple roof over their head, let alone the distant dream of home ownership, is an unattainable proposition.

As a home builder and as an association, the adequate supply of quality housing for persons of all means is essential in our modern, compassionate society. Members of the Ontario Home Builders' Association construct a wide range of housing, and many of our members are actively involved in the affordable housing sector.

I can tell you from my own experience with Habitat for Humanity that turning those keys over to a family in need is something that you'll always cherish and remember, and I encourage everyone in the room to pick up a hammer one day and contribute. To that end, OHBA is actually organizing a humanitarian build this fall, in which we are taking a group of our members to an impoverished community in the Dominican Republic to construct six homes for a number of families in desperate need.

When the provincial government initially announced that it was committing to produce a poverty reduction strategy, OHBA immediately got involved and worked with a number of other organizations to produce joint recommendations to assist in improving the standard of living for many Ontarians. OHBA was again involved in the subsequent consultation on a long-term affordable housing strategy, and we put forward six key recommendations:

(1) Require municipalities to permit as-of-right secondary suites across Ontario.

(2) Remove government-imposed cost and regulatory barriers to the supply of land and new housing, which constrain housing opportunities to lower-income households.

(3) Create a long-term portable housing allowance program to provide immediate assistance to low-income households who have housing affordability problems.

(4) Stop the regressive taxation of tenants by equalizing residential and multi-residential property tax rates across Ontario.

(5) Address homelessness by focusing on special needs housing and services for the truly needy and in-

tegrating enhanced support services within housing projects.

(6) Make strategic investments to repair and upgrade Ontario's existing social housing stock.

I can state that during extensive province-wide consultations with a broad range of stakeholders, OHBA's primary recommendation was our strong support for measures to reduce the barriers for secondary suites in communities across Ontario. OHBA strongly endorses the inclusion of secondary suites in the strategy, and we applaud the province for their efforts to enhance affordable options for Ontarians.

Secondary suites offer a valuable opportunity to create a new supply of affordable housing in both new and existing communities for seniors, students and families, and make it happen quickly. Home builders believe that this is a broad-based solution that will create more equity and choice for renter households by providing access to communities in which they were previously excluded. Furthermore, secondary suites provide an important source of income for younger families and first-time homebuyers struggling to make mortgage payments. This really is a win-win situation in terms of affordability both for renters and for homeowners.

Secondary suites also present an opportunity to reduce the strain on the health care system when aging parents can move in with their children to provide them with security, care and privacy. We're only at the beginning of the baby boomers hitting the 65 age group, and in the next 20 years, we're going to see a huge influx of seniors.

My own personal experience: I have an aging widowed mother on a fixed income, and she lives in a secondary suite in my home and has for the past 10 years. She has her own privacy, but most importantly, she has a support network of family around her. She really just absolutely loves that option for her. I really don't know what the other option would have been had she not been able to move in with me.

Unfortunately, many Ontarians are not so lucky, as most municipalities have extremely constraining bylaws regulating secondary suites, if they allow them at all.

I can't tell you how many builders and renovators I've spoken with that have buyers who approach them regarding elderly parents or dependants with medical conditions that have requested an ensuite apartment in order to provide both affordable independence as well as care, only to be told that they are illegal.

Furthermore, many municipalities go so far as to make the builder and/or the homeowner sign an affidavit swearing that a secondary suite will not be constructed on the property.

There is something terribly wrong with that scenario, and I applaud the province in taking steps to correct the problem.

We have an issue in Ontario where some members of our own communities apply pressure on local councillors to put in place bylaws prohibiting secondary suites. This is NIMBYism at its worst. They just don't want "those" people living in their community. And who are "those"

people? They are our elderly parents; they are our sons and our daughters just getting a start on life; they are students who will one day be our leaders and they are the working poor just trying to get ahead.

It is in the opinion of the OHBA that this constitutes zoning for people rather than zoning for use and is a discriminatory practice that limits housing affordability and choice for a significant proportion of Ontarians.

OHBA is supportive of measures in Bill 140, specifically the amendments to the Planning Act in schedule 2, that ensure that municipal official plans contain policies that authorize the use of secondary residential units.

Furthermore, we are supportive of proposed policies that restrict appeal rights against secondary units. This is an important consideration given the apparent controversy and NIMBY attitudes that are prevalent against affordable secondary housing suites.

OHBA is also supportive of amendments to the Planning Act to create a more permissive framework for garden suites to support affordable housing in rural communities.

OHBA is a long-time supporter of secondary suites as an affordable option that also meets a number of other public policy objectives, including increased levels of intensification as well as allowing seniors to age in place with care from their families and loved ones rather than relying on public facilities.

Secondary suites are a method by which many Ontario households can participate in the affordable housing strategy without government funding. They meet a number of wide-ranging provincial objectives while serving a dual purpose in terms of both an affordable supply of rental accommodation while supporting affordable home ownership by providing a revenue stream for the owners.

Let me conclude by stating that we are supportive of the measures in the proposed legislation regarding secondary suites. OHBA also looks forward to continued future opportunities to provide the provincial government with advice and expertise regarding both affordable market housing as well as subsidized housing.

Lastly, I'll reiterate that as one of the key drivers of the provincial economy, OHBA members pour billions of dollars into the provincial treasury and allow for the expansion of the municipal property tax base. These tax dollars support many of the programs and capital works designed to improve living conditions for vulnerable Ontario families.

I would like to thank you for your attention. I look forward to hearing any comments or questions you have.

The Vice-Chair (Mr. Reza Moridi): Thank you very much, Mr. Finnigan, for your presentation. Now we have a couple of minutes for each party for questions. We'll start with the government members.

Mrs. Donna H. Cansfield: Thank you for your presentation and also for your work during the consultation period. You were virtually there at every event, and participated fully. We are very appreciative.

I say this sincerely. I had the opportunity to, as you know, go to a number of proposed developments to have

an understanding of the building industry. I just think it's important to say thank you for being green. You really have taken a major step forward in building. That too is very appreciated.

One of the far more controversial issues that we discussed was the whole issue around inclusionary zoning. I wondered if I could have your perspective for the committee as well on that particular issue.

Mr. Bob Finnigan: Absolutely. Inclusionary zoning is an interesting concept in the housing strategy. We agree, yes, that a few affordable housing units would have been made, but, in general, when you're having 5% or 10% of the units in the building to be subsidized under the inclusionary zoning provisions, the balance of the units are going to go up in cost. So for the provision of a very few number of units, the vast majority of housing costs go up.

It's also very tough to have a housing policy built on an inclusionary zoning policy where only 1% to 2% of the population, at any point in time, is contributing to a housing policy. It also essentially shifts the responsibility of housing the lower income from the broader tax base to just the new homebuyers.

The other problem we have with it is that, once the people are into these affordable units—and we don't know what that means, and we're not just talking about downtown Toronto; inclusionary zoning was to be rolled out province-wide, so single-family housing would have been contemplated as well—what happens when those people move in and then want to sell their units? What happens to the increased equity that they would get in a condo situation, and how it's dealt with at the board level, and things of that nature?

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I think that's really what I have to say about it: Very few pay for it.

Mrs. Donna H. Cansfield: I appreciate that. Thank you.

Mr. Bob Finnigan: The Vice-Chair (Mr. Reza Moridi): Thank you. Now Ms. Elliott.

Mrs. Christine Elliott: I don't have any specific questions. Your presentation was very clear and concise; thank you very much for that, and for your assistance with the consultations leading up to the bill. Best of luck to you in your charitable venture. It sounds very exciting.

Mr. Bob Finnigan: Thank you.

The Vice-Chair (Mr. Reza Moridi): Thank you, Ms. Elliott. Mr. Kormos, please.

Mr. Peter Kormos: No, thank you, Chair. Thank you, gentlemen. Mike, you can have my time.

The Vice-Chair (Mr. Reza Moridi): Yes, we have time.

Mr. Mike Colle: Mr. Finnigan, I just want to applaud the Ontario homebuilders for supporting inclusionary housing. I think that's long—

Mrs. Donna H. Cansfield: Secondary suites.

Mr. Mike Colle: Secondary suites, but not inclusionary?

Mr. Bob Finnigan: No.

Mr. Mike Colle: Can you explain that, then?

Mr. Bob Finnigan: Why we didn't support inclusionary zoning? The bottom line is that housing affordability is key. When 1% to 2% of the population is subsidizing certain buildings and a certain number of units, it's going to drive the cost of overall housing up. Resale follows new. You're creating a spiral effect of increased costs for the new homes—you increase the price for 95% of the units. That begets a resale pricing increase. You're starting a spiral effect, and it just continues.

There are also fabulous provisions under section 37 of the Planning Act, where any community need can be addressed in terms of housing.

Mr. Mike Colle: And why hasn't that been used enough, for instance, in York Region, like it's been used in Toronto for decades? Again, that's the area I'm trying to focus on. All this building is taking place, so I'm asking again: How can we change things so that opportunities through section 37 can be used so you can build and people can be housed?

The secondary suites are great, but we need centres and residential settings for seniors where they can talk to each other and have support services in place. There are all kinds of issues that can't be dealt with in an individual home setting.

Section 37: Why isn't it being used in these new regions?

Mr. Bob Finnigan: Do you want to comment on that, Mike?

Mr. Michael Collins-Williams: Sure. Section 37 is primarily being used in areas such as downtown Toronto, where you have a lot of the much higher density. Essentially, it sort of acts as a density bonus to provide a community benefit when larger developments with densities beyond what's envisioned come into a community.

Within section 37, there's a variety of different community benefits. It can range from affordable housing—

Mr. Mike Colle: Parks.

Mr. Michael Collins-Williams: It can range to parks and community centres. Often it comes down to that councillor in that community deciding what's most important to them.

We do find that in some communities, affordable housing is deemed to be important to that community. I'm sure people are familiar with the Minto buildings at Yonge and Eglinton. There was a large fund, through section 37, that went towards affordable housing. But other communities, for better or for worse, may decide that a daycare in a building is what's most important to that community.

We think that section 37 is an important part of the process and we'd encourage communities that have deficient amounts of affordable housing to take a look at that. I'm sure there will be other presentations where they discuss—

Mr. Mike Colle: But housing for seniors—why wouldn't the councillor support it? I've got Casa Caboto. Why haven't they sought section 37 provisions to do

housing for seniors? Who could be against that? That's what I can't—

Mr. Lou Rinaldi: You know a councillor. You can call them.

Mr. Michael Collins-Williams: It's not necessarily who's against it; there are always competing interests of what the community deems most important. In many situations, it would be better if the community and the councillors looked to that option.

The Vice-Chair (Mr. Reza Moridi): Thank you very much for your presentation.

Mr. Bob Finnigan: Thank you very much.

CO-OPERATIVE HOUSING FEDERATION OF CANADA, ONTARIO REGION

The Vice-Chair (Mr. Reza Moridi): Our next presenters are with the Co-operative Housing Federation of Canada, Ontario region.

You have 15 minutes for your presentation. If there's any time left at the end, we'll have questions. Please introduce yourself for Hansard.

Mr. Dale Reagan: Thank you very much. Good morning.

The Vice-Chair (Mr. Reza Moridi): Good morning.

Mr. Dale Reagan: My name is Dale Reagan. I'm the managing director of the Co-operative Housing Federation of Canada's Ontario region. With me today is someone I think most of you know is our manager of government relations, Harvey Cooper.

Thank you for the opportunity this morning to make a deputation on Bill 140. We're here on behalf of the more than 550 housing co-ops across the province, home to some 125,000 residents.

Since the Social Housing Reform Act was passed over 10 years ago, housing co-ops have struggled to succeed as member-controlled communities and have mounted a series of lobby campaigns to try to get the province to restore community control. Buttons, banners and T-shirts have declared, "We want our co-ops back: Fix the SHRA" and "Upload co-op housing." This has been an issue that has been very important to our members.

Our lobby efforts have resulted in some improvements in the SHRA regulations, but we have recognized that real change could only happen when the act itself was opened up. Bill 140 is the opportunity to restore balance between service managers' powers as regulators of the housing and co-ops' rights and authority as the owners of the housing.

We have submitted to you a brief, that has been circulated now, making a number of detailed recommendations on changes to Bill 140 that we believe would achieve this goal. As you've heard this morning, the Ontario Non-Profit Housing Association is calling for many of the same changes.

In the short time we have available today, we're going to focus our remarks on our overall concerns with the direction of Bill 140 and the critical changes that we feel are necessary. We'll look at the need to rebalance community and government control, concerns with the

default and remedy system that leaves co-ops more vulnerable, program rules that make the sale or takeover of the co-ops easier, and a system for review of service manager decisions that falls short.

Starting with the balance between community and government: In the affordable housing strategy, the Ontario government said it would introduce legislation to replace the Social Housing Reform Act that would "support a community-centred approach" to housing. A key concern identified in the strategy is "protecting non-profit and co-operative housing" and maintaining "community-based approaches to housing."

In Bill 140, the statement of purpose says that the act is designed to increase or "provide flexibility" for housing providers as well as service managers. The bill says that there's a provincial interest in ensuring that the housing system includes "a role for non-profit corporations and co-operatives."

In these three places where the government sets out its policy intent concerning social housing, it says that it is committed to a community-based model of housing, featuring independent co-operative and non-profit housing providers. Unfortunately, for the most part, the actual provisions in Bill 140 fail to deliver on this commitment. Far from creating more balance in the rights and authority of service managers and housing providers, the bill tilts the balance toward much more government control. There are many places in the bill—a great many—that give service managers more flexibility and authority than under the SHRA, but very few that give co-ops more protection and more latitude to run their affairs.

Here are some of the most obvious examples of how housing providers' rights and protections have been eroded under Bill 140: Most significantly, the bill removes the requirement for ministerial consent to sale or transfer of a housing project. We'll touch on this again in a few minutes. In many places, the requirements that the service manager act "reasonably" when making decisions and that a breach of a provider must be "material" or "substantial" have been removed. The rules in the act make it a "triggering event," or a breach, for a provider to incur an operating deficit—that's in one year. Under the SHRA, the test was an "accumulated deficit."

Now, to move to looking at the default and remedies system, a major concern of the housing co-ops is that the default and remedies sections of the act, Bill 140, make it relatively easy for service managers to move from an identified breach by a co-op, of whatever magnitude, to receivership and potential sale, with very limited opportunity for co-ops to protect themselves unless they have the means and the determination to go to court.

CHF Canada has funded several court challenges by co-ops of service manager decisions, and we have been largely successful. The courts have ruled that co-ops have a right to fair treatment and that that was being denied. The new case law has given co-ops some protections and rights that the SHRA itself does not provide.

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We have urged the government to ensure that co-ops receive in Bill 140 the fair treatment in legislation that

the courts have called for. Unfortunately, for the most part, the bill does exactly the opposite, significantly reducing provider rights and protections compared to the SHRA. As drafted, the bill will make it easier for service managers to put more providers into receivership and take them over, and unless amended, it will create an even more adversarial and litigious environment than now exists.

It should be noted that the bill does introduce an important new remedy called supervisory management, designed to reduce the number of receiverships. Service managers would, in some cases, be required to use supervisory management before resorting to receivership, but they can too easily avoid the remedy under the bill if they so choose. Unfortunately, the approach in the legislation is poorly conceived and it amounts to simply an extension of receivership.

Our suggested amendments would deal with these concerns and make sure that the remedy serves as a constructive alternative to receivership and that limits are placed on a service manager's ability to skip this step. We also recommend various amendments to restore protections for providers to ensure that they are treated fairly when a service manager is exercising a remedy.

I'm going to ask Harvey Cooper to conclude our remarks.

Mr. Harvey Cooper: On sale or takeover of co-ops made easier: Under the SHRA, the consent of the minister is required for any sale or transfer of a co-op. This requirement has been dropped from Bill 140. The consent of the minister offers co-ops a fundamental protection in the case of conflicts with the municipal authority. This helps to ensure protection of the public interest in the co-op's assets and the fair treatment of all parties involved. This was recognized in a unanimous decision of three Divisional Court judges in the Thornhill Green Co-op case, where the ruling stated: "The Legislature has given two separate governmental entities, the region and the minister, the power to control whether a proposed sale will take place. This ensures that the public interest in social housing and its availability will be taken into account in any proposed disposition of a 'housing project', as defined in the SHRA."

The Ontario system of community-based provision of non-profit housing works only if there is a reasonable balance between the rights and responsibilities of the government regulator and the provider that actually owns the housing and is legally responsible for its successful operation. We feel that the omission of the requirement for ministerial consent from Bill 140 will fundamentally erode the protection of community providers and therefore the public interest.

Without this protection, there is a much greater risk that municipalities could opt to privatize parts of the housing stock or rationalize the portfolio of housing under their administration by converting housing co-ops and community non-profits to municipal housing.

We are also concerned that for the first time, under any social housing legislation or project operating agree-

ment, the Housing Services Act legitimates the forced sale or transfer of community housing. This becomes effectively a remedy under the act to deal with operational issues, whereas previously, sale existed only as a standard power of a receiver to recover debt.

We recommend that the requirement for the consent of the minister for any sale or transfer of a housing project be restored in Bill 140 and appropriate and strict limits on when the use of this remedy is warranted.

The system for review of service manager decisions, we feel, falls short. Housing co-ops have been concerned that a fundamental gap in the SHRA is the lack of any mechanism for co-ops to seek an independent review of a service manager decision. The only option open to them has been expensive and time-consuming litigation. This is clearly not a fair system.

During the affordable housing strategy consultations, co-ops said to the minister that there is the compelling need to put in place a cost-effective and efficient system that housing providers can use to seek a review of a service manager decision. We were pleased to see that Bill 140 included a system for review of service manager decisions. Unfortunately, we do have serious concerns about the model that's outlined in the bill.

Together with ONPHA, we have used the services of Raj Anand, a senior administrative law and human rights lawyer, to review the approach proposed in the bill. His view is that "the protections provided by these sections are inadequate, indeed probably inferior to what presently exists under the common law and the SHRA."

He mentions that the model in the bill lacks independence, it lacks procedural safeguards, it lacks substantive protection and reduces housing providers' current remedies. He advises that a much less intrusive while at the same time more independent system can easily be achieved by providing for an ad hoc or a standing board of independent arbitrators to adjudicate disputes as they arise. The key is that the decision-makers must have the perception and the reality of impartiality. We recommend that Bill 140 be amended to introduce an arbitration system for a review of service manager decisions, and our brief sets out those details.

In closing, co-operative housing in Ontario is a well-documented success story. For over four decades, co-ops have provided good-quality, affordable housing, owned and managed by the community members who live there. We quite appreciate that the province is moving forward with Bill 140. It will provide for more coordination. As part of a long-term affordable housing strategy, it has put the issue on the agenda. That should be applauded.

At the same time, we think there are a number of areas where amendments are in order to make this better public policy. We should refine the supervisory management remedy, as we've already discussed, so that it's a constructive alternative. A number of changes should be made to the default remedy system to add protections for providers to ensure fairness. Restore the requirement for ministerial consent on any sale or transfer of a housing project. Lastly, introduce an arbitration system for review of service manager decisions.

In closing, we want to thank the members of the committee for giving us the opportunity to express our views today, and we would be only too pleased to answer any questions you have. Thank you.

The Vice-Chair (Mr. Reza Moridi): Thank you very much, Mr. Reagan and Mr. Cooper. We have a couple of minutes for questions, so brief questions, please. Ms. Elliott.

Mrs. Christine Elliott: Thank you for appearing before the committee today. I am interested in the comments you made with respect to establishing the arbitration system. Just to be clear, to make sure I understand it, you're proposing that it be more fully fleshed out in the bill—understanding that some things will need to be left to regulation, but you want the basic structure established within the bill itself. Is that correct?

Mr. Dale Reagan: That's right. The approach in the bill needs to be changed to create an independent system. We think the best way to do that, and the one with little cost, because it doesn't have to be a standing arrangement, would be an arbitration system.

Mrs. Christine Elliott: Thank you.

The Vice-Chair (Mr. Reza Moridi): Mr. Kormos, please.

Mr. Peter Kormos: Thank you kindly, gentlemen. I'm interested in your comments about the elimination of the need for consent of the minister and the impact that this will have, especially, as you point out, on the prospect of privatization, the second-to-last paragraph on page 5. Can you paint that picture? Tell us a story about how that could roll out.

Mr. Harvey Cooper: Currently, our understanding of the protections of the affordable housing stock that exists in the province is that if a project is going to be sold or transferred in the SHRA for that stock, right now there is a consent has to be obtained from the Minister of Municipal Affairs and Housing. In the bill, that's no longer there.

The second protection is that the number of rent-geared-to-income-assisted units right now is prescribed in the SHRA. They would continue to be prescribed under Bill 140, but that doesn't necessarily mean they have to be provided in non-profit, co-operative or former public housing. Municipalities could come to an arrangement to provide private rent supplements. So they still have to guarantee those assisted dollars, but not necessarily the community-based housing that we think has been very successful over the last 40 years in this province and this country.

The Vice-Chair (Mr. Reza Moridi): Thank you. Ms. Cansfield, do you have a question?

Mrs. Donna H. Cansfield: Thank you very much for your presentation. I want to say, particularly, thank you for the clause-by-clause. You've made my job a whole lot easier.

Mr. Harvey Cooper: We quite appreciate that.

Mrs. Donna H. Cansfield: That's wonderful. Thank you. You've raised, I think, a perspective that speaks to a far more balanced approach, from your perspective. I

want to say thank you for identifying those areas where you feel there's some additional work that needs to be done and to let you know that all those things will be taken into consideration by this committee. Thank you so much.

The Vice-Chair (Mr. Reza Moridi): Thank you, gentlemen, for your presentation again.

HOUSING NETWORK OF ONTARIO

The Vice-Chair (Mr. Reza Moridi): Our next presenters are from the Housing Network of Ontario. Thank you very much for coming. Please introduce yourselves. You have 15 minutes for your presentation. If there's time left at the end, we'll have questions.

Mr. John Stapleton: Thank you, Mr. Chairman. I'm John Stapleton. I'm a Toronto-based social policy analyst, and I'm representing the Housing Network of Ontario.

Mr. Michael Shapcott: My name is Michael Shapcott. I'm with the Wellesley Institute and I'm co-chair of the Housing Network of Ontario.

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The Vice-Chair (Mr. Reza Moridi): Thank you.

Mr. John Stapleton: We are worried that we do not see provisions in Bill 140, sections 41 through 58, which would pin down the formulas for new rent-geared-to-income schedules, and that the special rental scales that apply to low-income residents receiving Ontario Works and Ontario disability support plan benefits could possibly remain as they currently exist now under the outdated SHRA. Without legislative change, the rules currently in place would be allowed to persist. Grave injustices could result if that occurred.

The current rent-geared-to-income rules in the SHRA for social assistance recipients currently appear in tables 3, 4 and 5 of the RGI regulations. The tables should be before you; I won't read them.

Members will note that rent-geared-to-income scales not only contain the rents that social assistance recipients pay; they also contain a special column that sets the point in dollars per month at which recipients' rent jumps from the scale amount to the RGI scale. This latter column, called the non-benefit income limit, is what we wish to address today.

These limits are antiquated, they make no common sense, and they have nothing to do with modern reality. They basically say that a person receiving social assistance should move to full RGI when they have managed to work about 10 hours a week at the minimum wage.

I've written about the effect of this policy on one person who receives ODSP. Her name is Linda Chamberlain. The report is called Zero Dollar Linda, and you should have it today. I'm hoping that Linda can address you next week, as part of your hearings.

Basically, the government has a solution that it may consider if it chooses to fix the present dilemma: to raise the non-benefit income limit—column 3. We propose that it go to 75% of the maximum ODSP, or OW, as the

case may be, as recommended by the Social Assistance Review Advisory Council. This would raise the non-benefit limit to about \$790 a month.

The immediate government objection may be that raising the limits would cost municipalities money. Although true, it would not be the case if the province raised the artificially low rents they administer to social assistance recipients. Recipients themselves would see no effect at all in their net income.

The dilemma has created a long-standing funding standoff. To end it, one level of government or both would have to pay more, and the Ontario government appears to wish that neither government pay anything more. But the consequence is massive rent increases that penalize the work effort of social assistance recipients in RGI housing, especially those who are trying to gain independence. The unemployment rate on the ODS program right now stands at 89%.

Because of an intergovernmental revenue squabble, we penalize the behaviour which all of us are trying to encourage in recipients. Without this impediment, they could become self-reliant.

We're here today because we worry that without new rules being written into the statute itself, RGI could go in the many different directions that it did within SHRA. There's an opportunity here at this moment to make an important change, and it should be taken.

Thank you.

The Vice-Chair (Mr. Reza Moridi): Thank you.

Mr. Michael Shapcott: Mr. Chair, I've submitted a detailed written brief that includes information on the depth and persistence of housing insecurity across Ontario. It also identifies a number of important and very welcome initiatives the Ontario government has taken in recent years to address those.

Our fundamental observation, however, is that none of these individual initiatives taken by the government has been sufficient to meet the housing needs of Ontarians, and all of them together don't add up to a comprehensive, long-term affordable housing plan for the province. Again, the details are set out in our written submission.

We're proposing two specific amendments to take up this issue and to move this bill to make it a more complete and comprehensive response to housing issues.

Our first recommendation, which begins on page 3 of our written brief, addresses the inclusionary housing policy. I'll say, Mr. Chair, that we're not actually legislative drafts-people; we've done the honourable tradition of cutting and pasting from others. So the language we proposed is merely language we propose, and we know that others with more expertise can fine-tune.

However, the thrust of our recommendations is that Bill 140 already seeks to amend section 16 of the Planning Act to authorize municipalities to enact secondary suites. We think that should be further amended to authorize municipalities to enact locally appropriate inclusionary housing plans. You'll see that we've suggested some fairly detailed language there that we think covers off a number of the issues in terms of inclusionary housing.

In a word, inclusionary housing is a practice which seeks to ensure that all new developments have a healthy mix of various types of housing for various incomes so that we're developing inclusive and healthy communities rather than exclusive and segregated communities.

Our second recommendation is that Bill 140 be amended to require the provincial government to create a comprehensive, made-in-Ontario affordable housing plan that truly meets the housing needs and respects the housing rights of Ontarians.

Starting on page 9, we have some specific language. We apologize for not being legislative drafts-people, but we offer some language that sets out a process. It doesn't set out specific funding or targets, but says that the minister has to develop a plan that has fundings, targets and timelines, and that it's developed in consultation with all the relevant groups throughout the province.

We'd urge this committee to consider favourably our two recommendations on inclusionary housing and on further amendment to Bill 140, to ensure there's a comprehensive, long-term affordable housing strategy.

Thanks for the opportunity to make these submissions.

Vice-Chair (Mr. Reza Moridi): Thank you very much, Mr. Shapcott and Mr. Stapleton. We have some time for questions now. Mr. Kormos? We'll start with the NDP.

Mr. Peter Kormos: I don't know if you were here when the Ontario Home Builders' Association made their submission. They had a perspective on inclusionary housing that shocked Mr. Colle and is contrary, 180 degrees opposed, to the position you take.

Their argument, as I understand it, was that it put the cost burden of a few on those other homeowners in that jurisdiction, in that area. How do you respond to that?

Mr. Michael Shapcott: I'm sorry, I didn't hear the submission. We have had discussions—

Mr. Peter Kormos: But you're familiar with the argument.

Mr. Michael Shapcott: We're familiar with the argument. With a policy that's new, or at least new to Canada, there are some people who are afraid of this policy, for natural reasons. It has been tried and tested in hundreds of US cities. I've included, as an attachment to our submission, details from our inclusionary housing consultant, who did tour US cities—

Mr. Peter Kormos: Where's that?

Mr. Michael Shapcott: It's attached at the end of our submission, after page 10. It's called a Guide to Developing Inclusionary Housing Programs.

We've also developed case studies of inclusionary housing policies that are successfully used in hundreds of US cities.

One of the keys—and this addresses specifically the issue that the home builders raise—is that of course you don't want to have a mechanism that actually takes the profit out of home development, because then there won't be home development. What you do is develop a mechanism that ensures the developers make a profit—and the US ones do—and at the same time ensures a

healthy mix of housing. You do that through issues like density and other kinds of bonusing provisions, which at the moment, under the Planning Act, are all done sort of on an individual basis under section 37. The idea of inclusionary housing is that it takes away from individual negotiation and creates some certainty.

It's a process that I think home builders should in fact embrace, because it gives them certainty and takes away from the uncertainty of section 37 negotiations.

Mr. Peter Kormos: Thank you kindly, sir.

The Vice-Chair (Mr. Reza Moridi): Thank you. Now it's time for government members.

Mrs. Donna H. Cansfield: Thank you very much for your presentation. I'm looking forward to reading the entire brief.

I was surprised, however, when you spoke at the last in terms of your amendment around Ontario, that you didn't look to whether or not there should be a national strategy on housing for Canada. I don't know if it was omission, intent or you were just directing specifically to this particular bill.

Mr. Michael Shapcott: Not omission, Ms. Cansfield. If we thought this committee could actually achieve that goal, then we would do that.

Just yesterday, we met with the Ontario housing minister, and that was in fact the subject of much of our discussions. Yes, we urgently need a national plan. Yes, Ontario needs to have a plan that's coordinated with that.

But in the meantime, we've seen provinces like Alberta, which has actually developed plans, put in funding, despite the fact there is no national plan. They've achieved goals; they've funded thousands of new homes under their made-in-Alberta plan. So we're saying Ontario should do that.

I'm sorry if we left the impression that the federal government is not a player. It is absolutely a key player, and their absence from the table in recent years has been one of the key problems that we're all grappling with.

Mrs. Donna H. Cansfield: Thank you very much.

The Vice-Chair (Mr. Reza Moridi): Thank you. Ms. Elliott, please?

Mrs. Christine Elliott: Thank you very much for your presentation and also for the extensive brief, which I look forward to reading as well.

Certainly, there is a need for a long-term strategy in Ontario. The waiting lists are growing worse and worse. We heard from York region about the extensive wait-lists, and I know that from my own experience. I live in Durham region; we have wait-lists of seven to 10 years, in many cases, for affordable housing.

I think there is a lot of work that needs to be done, so I thank you very much for your thoughtful presentation, and I look forward to reading through and contemplating the contents. I can assure we'll take it under serious consideration.

Mr. Michael Shapcott: If I may just say in response, you and I have bumped into each other at various Anglican events in particular, and I know that we share a common interest in this issue.

We see faith communities are stepping up; we know that non-profit communities are stepping up; a large part of the private sector is stepping up. In September, the Canadian Chamber of Commerce passed a resolution calling for a national plan to end homelessness in 10 years. So we're seeing an extraordinary consensus emerging. We think that now the government should pick up on that and actually develop a real plan with real targets and timelines, and that's the thrust of our proposed amendment.

Mrs. Christine Elliott: Thank you.

The Vice-Chair (Mr. Reza Moridi): Thank you, gentlemen, for your presentation.

Ladies and gentlemen, at this point, the committee recesses. We'll come back to this room after routine proceedings at 2 p.m. this afternoon. Thank you very much.

The committee recessed from 1010 to 1400.

ONTARIO MUNICIPAL SOCIAL SERVICES ASSOCIATION

The Chair (Mr. Lorenzo Berardinetti): I'd like to call this meeting back to order. This is a meeting of the Standing Committee on Justice Policy. We'll continue our deputations—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Sorry, presentations. They're 15 minutes long.

Our first presentation this afternoon, for 2 o'clock, is the Ontario Municipal Social Services Association. Mr. Stephen Arbuckle, if you could please come forward and have a seat. Good afternoon and welcome. You have 15 minutes for your presentation. Any time that's not used, we'll use for questions from the committee members. Once again, welcome.

Mr. Stephen Arbuckle: Thank you for having us here today. We appreciate it.

We are pleased to be here this afternoon on behalf of the Ontario Municipal Social Services Association. Founded in 1950, OMSSA represents Ontario's 47 consolidated municipal service managers and district social service administration boards. CMSMs and DSSABs are the provincially designated service system managers and service providers for a range of housing and human services, including social housing, homelessness prevention, early learning and child care, and employment and income support services. Together, our programs and services help to make Ontario's communities physically, socially and economically healthy places to live, work and grow.

Bill 140 is the most significant change for housing and homelessness in Ontario since the province downloaded social housing responsibilities to service managers 10 years ago. The bill offers a high-level vision for housing and homelessness that emphasizes local flexibility and service system management. As service managers responsible for housing and homelessness, we appreciate the opportunities for community-based integrated plan-

ning and the new flexibility that program funding consolidation will bring.

Our praise of Bill 140 is tempered, however, with our concerns about what is not in the legislation. For all its policy benefits, Bill 140 lacks the essential ingredient for long-term success: the foundational investment required to sustain the housing sector. We acknowledge the current fiscal realities facing Ontario, but we also know that without additional and sustainable investment in the provision of housing, the bill will do little to directly help Ontarians who desperately need appropriate and affordable housing. Without the foundational resources for the housing and homelessness system, Bill 140 misses a real opportunity to make a difference for families, individuals, seniors and children in every community across the province.

As well, CMSMs and DSSABs, to maximize their effectiveness as service system managers, require appropriate resources to plan for and to administer their local housing and homelessness systems. In this regard, Bill 140 puts service managers in a challenging position. The bill assigns CMSMs and DSSABs a high degree of responsibility for success of local housing systems but provides no resources to them to help them achieve this success. Without provincial recognition of the inherent costs associated with good community planning, the quality and comprehensiveness of the plans across the province will be compromised. The absence of resources specifically allocated to planning will pose particular challenges to smaller CMSMs and DSSABs without dedicated planning staff.

We also note that DSSABs will be challenged further because their governance structure forces them to coordinate district-level plans with individual plans of local member municipalities. In some cases, this requires them to work with over 20 different organizations or municipalities. This planning coordination across the wide geographies of northern Ontario costs DSSABs money that they simply do not have.

In addition to the resourcing challenges, we note a number of other concerns about the bill. For example, the language on service level standards in section 42 must be framed exclusively in terms of the total number of rent-geared-to-income households to be served. The enforcement provisions in sections 84 to 100 should reflect a more balanced accountability relationship between the service managers and the housing provider.

We are concerned about the reviews of service manager decisions noted in section 157, and we continue to be concerned about the lack of tools to ensure sustainability of social housing assets, such as capital repair funding and financial tools for redevelopment.

We must also have the ability to preserve this public asset for the purpose that it was built for. As operating agreements come to an end and as mortgages are paid off, this needs to remain a public asset.

Our colleagues from the region of York and AMO have spoken about these in more detail, and we support their submissions.

As the professional association for housing and human service system managers, OMSSA has examined Bill 140 from the perspective of human services integration.

Taking a people-centred approach to service management and delivery means understanding that services must work together to benefit the whole person. After all, people do not live their lives in silos, and the services they receive should not be siloed either. This is true regardless of where in the province you live or your demographic background: child or senior, immigrant/newcomer, or long-time resident, single or married.

While the bill points to consolidated integrated planning for housing and homelessness at a local level, it lacks a parallel commitment by the provincial government to co-operate and be involved in housing and homelessness at all levels. For example, in part II, subsection 4(2), the bill notes that service managers are required to address the defined areas of provincial interest but does not articulate any corresponding provincial commitments required to support service managers. We therefore ask the committee to include language that commits the provincial government to its own inter-ministerial program consultation and coordination, thus providing a provincial parallel to local service integration.

We look for language that mandates the participation of local health integration networks in local plan consultations and processes. We look for a provincial commitment to work with the federal government to streamline related programs, such as the homelessness partnership initiative and the affordable housing program, to support local delivery. We look for language to ensure that requirements related to consolidated programs are established and communicated in a manner consistent with the timing and requirements of local plans.

OMSSA's human services integration approach also means making sure that all housing and homelessness policies and programs fit with people's other human service needs. From this perspective, we are concerned about the language regarding rent-geared-to-income assistance in part V. OMSSA fully agrees with the logic of developing an RGI process that is rooted in an income-tax-based calculation. We, however, note that the current RGI system has evolved over the past 40 years and is a complicated system that is integrated with many other systems. It's not a system that can be changed overnight, nor should be.

For service managers, there are extensive implementation and budget considerations for the delivery of the new system. But, more importantly, for tenants who benefit from the system, the transformation of an RGI system requires thoughtful policy consideration, attention and modelling to ensure that vulnerable people do not suffer from unintended consequences of well-intentioned but hastily developed policies.

Even problematic in Bill 140 is the absence of any discussion on the updating of related Ontario Works and Ontario disability support program rent scales and utility scales. Utility scales have not been updated for over a

decade and create a deep disadvantage to people who are trying to work their way out of poverty because these scales are so out of touch with the current cost of living. We have households in our communities that are paying more in utilities than they do in rent and have no money left over to buy groceries. Again, we recognize the fiscal realities facing the government, but there's a real human cost in not addressing these imbalances immediately.

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In conclusion, Bill 140 is a positive development in the transformation of Ontario's housing and homelessness system. It represents an ongoing commitment to the recommendations of provincial, municipal, fiscal and service delivery review.

We recognize that the implementation of the bill will be buffeted by obstacles, and the full consolidation and reconfiguration of local housing and homelessness systems will take many years to achieve.

Despite these challenges, OMSSA is excited about the opportunities that lie before us. A decade ago, CMSMs and DSSABs were entrusted with the responsibility of managing Ontario's housing and human services systems. We have done well. Their resounding success in meeting those responsibilities has led to a new challenge. We look forward to meeting this challenge and to continue to be the community stewards for housing, homelessness and human service systems in every community across Ontario.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Arbuckle.

We have three minutes left, and we'll get questions from the different parties. We'll start with the Progressive Conservative Party. Ms. Elliott will go first.

Mrs. Christine Elliott: Thank you very much, Mr. Arbuckle. I really appreciate your presentation.

A couple of comments and one question, first with respect to the need to integrate the human services with the housing services. It's something—I totally agree with you—that has been siloed, and it is something that needs to be integrated to match the needs of the people who are living in homes. It's something, certainly, that we tried to address with the Select Committee on Mental Health and Addictions: the issue of homelessness and the housing issues related to that.

I also appreciate the comments you're making with respect to the scale for rent-geared-to-income and people receiving ODSP and so on. I hope that's something that is going to be considered as part of the minister's review on social assistance as well. I think that's really important.

Just in terms of the overall bill itself—of course, I understand that you're in favour of it, but I'm getting the impression, not wanting to put words in your mouth, that it's good as far as it goes, but there's still another big leap that needs to be taken in terms of developing a more long-term housing and homelessness strategy. Is that fair to say?

Mr. Stephen Arbuckle: I would say that it's a very good overall policy document. As we said in our presen-

tation, there's nothing concrete about the long-term sustainable funding that's required to support that, which may come from different—

The Chair (Mr. Lorenzo Berardinetti): Thank you. I have to stop you there, just to keep it fair to all parties.

Next, we have the NDP. Mr. Kormos.

Mr. Peter Kormos: No, thank you, Chair. Thank you very much, gentlemen.

The Chair (Mr. Lorenzo Berardinetti): The time will go to the Liberal Party. Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you very much for the presentation today, and also for the great work that you do in providing this service at the local level.

I just have a question and, I guess, more or less a comment. You've made some recommendations as far as things that you might want to see addressed that are not addressed in the bill now. Do you have specific amendments that you'd like to see, or would you be able to—

Mr. Stephen Arbuckle: We will be submitting some suggestions.

Mr. Lou Rinaldi: Okay. That's great.

Secondly, although I heard that, in general, you're supportive of it—I guess, even if there were some amendments, and I'm just asking for your opinion, will this help you deliver the services that you do? One of the things I've heard—and I've attended a lot of the public consultations, both with the minister and on my own—and coming from a municipal background, I know what it was like when this stuff was downloaded; I was there. We have to make those decisions and help you to deliver them. Does this make it any easier?

Mr. Stephen Arbuckle: I think it creates a system where we're going to be looking at housing and homelessness together. Part of the bill also brings in five programs that are committed to consolidation. That's a parallel process, of course. But in terms of our planning as a municipality, we're able to look at the bigger picture with that. From that, we can make local decisions which will better serve our community.

Mr. Lou Rinaldi: That's what I heard, over and over.

The Chair (Mr. Lou Rinaldi): Thank you, Mr. Arbuckle, for your presentation.

MARCH OF DIMES CANADA

The Chair (Mr. Lorenzo Berardinetti): We're going to move on to our next deputation. We have a tight schedule to stick to. Our 2:15 presentation—by the way, that clock is running fast. It is 2:15 right now, so I'm going to call upon the March of Dimes, Jerry Lucas and Steven Christianson. Good afternoon, and welcome.

Mr. Jerry Lucas: Mr. Chair, honourable members, thank you for the opportunity to present today. My name is Jerry Lucas, and I'm vice-president of programs for March of Dimes Canada. With me today is our manager of government relations, Steven Christianson.

I'll begin by introducing our organization and its work in affordable housing, and then more specifically com-

ment on Bill 140 within the context of Ontario's long-term affordable housing strategy.

March of Dimes was founded 60 years ago to fund research to eradicate the threat of polio in Canada. Once accomplished, we shifted our focus to first helping polio survivors overcome the impact of their disability and have since expanded our mandate to assisting all people with physical disabilities. March of Dimes has worked to identify, eliminate and prevent barriers to the full participation of Canadians with disabilities in all aspects of our society and economy.

Today, we're one of Canada's largest service providers to Canadians with disabilities, their families and caregivers, annually helping to improve the lives and livelihoods of over 50,000 consumers in Ontario and across Canada. We provide a wide range of services, all of which help consumers to live independently, including: housing, attendant care, employment supports, assistive devices funding, home and vehicle modifications, barrier-free design, and recreation.

In 1981, March of Dimes began developing and delivering attendant services, which assist people with physical disabilities to live in their own homes, in supportive housing and through outreach programs. Since that time, we have become one of the largest attendant-service providers in Ontario, assisting over 2,000 consumers annually through 12 local health integration networks, living in over 150 communities across the province.

In the 1980s, March of Dimes also began developing non-profit housing, and established a new charitable organization to develop and manage the facilities. The Ontario March of Dimes Non-Profit Housing Corp. owns and operates properties in Toronto, Hamilton, Oakville and Sarnia, and will soon open a new congregate care home in Sudbury. All of our facilities have tenants who require affordable and accessible housing as well as assistance with the activities of daily living. Our tenants represent a wide range of ages, disabilities and support care needs, including people with acquired brain injuries and young adults with multiple disabilities who are medically fragile.

What is unique to our type of affordable housing is the need for a coordinated solution that provides affordable and accessible housing with support services.

Bill 140 appears to represent an administrative step towards achieving simplification in the system, improved coordination and greater transparency in reporting of annual results. These goals can be positive. We feel improvement can be made with the greater clarity proposed in the technical recommendations made by the Ontario Non-Profit Housing Association, among others.

We are encouraged that the long-term affordable housing strategy acknowledges the complex and varied nature of affordable housing requirements and the challenges within the current system to coordinate the development of appropriate solutions. However, it is unclear how Bill 140 will address these complex needs and lead to the development of new housing stock accessible to our constituents.

There is a shortage of housing for the average family or individual requiring affordable housing. The people we serve have a much more difficult time finding an appropriate housing solution. They need a coordinated solution, as I said, that provides affordable and accessible housing with support services.

In the early 1990s, the Ontario government acknowledged the need to coordinate these elements to effectively plan and develop supportive housing, and developed an integrated housing and service development process. Unfortunately, this coordinated approach was abandoned, and our sector is faced with an impossible task of coordinating funding from a variety of federal and provincial sources for construction, guarantees from the local health integration networks for support service funding, and rent subsidies from the municipalities. Failure to secure approvals in one or more areas jeopardizes the viability of the project and its chances for success. I would add that it's not just approvals but it's the timing of approvals. You can't buy land and start construction and then hope, three years later, that the money is there for the services.

1420

What further compounds the problem is that the population we serve is among the lowest of the income groups, many with annual family incomes of under \$10,000. The result is that people with disabilities are on housing and service wait-lists for a decade or more.

Affordability is the number one factor for 92% of our tenants. Nearly half of our residents state that their ability to pay rent is limited to the rent-geared-to-income subsidy. Another 25% of our tenants are limited to the shelter component of their income assistance cheques. Those who have not received RGI are frequent users of food banks and many experience significant financial hardship. Only 2% of our residents have no problem paying market rent.

Let me provide you with a couple of additional characteristics of our constituents: 85% of the residents identify accessibility as an essential component of finding appropriate housing, and three quarters of tenants require assistance with activities of daily living, ranging from four to eight, or even more, hours per day.

For most of our residents, remaining in the community is fundamental. More than two thirds of tenants state that they would not be willing to move outside their community. Being near family, remaining in the community and having amenities nearby in an affordable unit constitute the major priorities and concerns of March of Dimes Non-Profit Housing Corp. consumers.

Interestingly, the 2015 Pan Am/Parapan Am Games provide a prime example of the problem that our constituents face. The games have required all levels of government to work together and contribute to the development of new and upgraded facilities, including transit and housing. We're encouraged by the fact that the 2015 games will leave a legacy of affordable housing on the site of the athletes' village. Unlike the Vancouver Olympics, where the use of the land post-games was not part of the initial planning, the committee overseeing the

village construction has shown the foresight to plan for the needs of the community post-games and will shortly seek to qualify non-profit housing providers to take over 400 units of affordable housing, including 221 units which will be specially designed to house the disabled athletes of the Parapan games. Once the games conclude, affordability is being planned at an average of 80% of average market rents, ranging from an estimated \$600 for a bachelor unit to over \$1,000 for a three- or four-bedroom unit.

This is an historic addition to the accessible and affordable housing stock in Toronto. The intensity of the development will also make the delivery of support services relatively economical, as they can be provided using a single community hub model.

Yet, despite the \$1.4 billion dollars of investment in the games and the involvement on the village development committee of the Ministry of Municipal Affairs and Housing, Infrastructure Ontario, the Toronto Community Housing Corp., Waterfront Toronto and the city of Toronto, no one can provide assurances that there will be RGI and support services available to accommodate people with disabilities in the accessible units. In fact, I attended a workshop on December 14 by the committee, and non-profit housing providers asked the committee if, in their bids, they would provide an allowance for the successful bidders to remove the special accessibility features because no one believes that, without RGI or attendant care, these units will serve the people they're designed for.

We raise the example of the Pan Am Games affordable housing legacy because it epitomizes the coordination issue that is critical to supportive housing and our tenants. We ask the government to announce a guarantee of RGI and attendant care funding for 2015, to protect the legacy and to demonstrate its commitment to coordinated solutions. For us, a lens on Bill 140 and the long-term affordable housing strategy should be that the need for such a commitment would be unnecessary in the future, and ensuring that all future planning that seeks to provide housing solutions for people with physical disabilities is done with such a coordinated approach.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Lucas. We have about five minutes time, so about two per party. We'll start first with the NDP. Mr. Kormos?

Mr. Peter Kormos: No, thank you. Ms. Elliott can have my time if she wishes.

The Chair (Mr. Lorenzo Berardinetti): Okay. We'll go around this way then. Two minutes for the Liberal Party. Mr. Rinaldi.

Mr. Lou Rinaldi: A very, very thoughtful presentation. You went beyond the scope of the actual issue today. I think that's good; that reminds us of all the good work that you do and the work you did with polio and being a member of a Rotary Club, that we took on the flag—other parts of the world to do that. I think you showed us the way, so thank you for that.

Just a quick comment on your presentation on Bill 140. You make some really good points. The folks are

out there, I guess, leading the way, and the good work that you're doing—all you're really looking for is for government to support you to do even more of that. We're here, really, today to listen to your recommendations and your thoughts. As we go through the process, in the next week or so, I can assure you that all the suggestions will be considered. We thank you for that very much.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll move on to the PC Party. Ms. Elliott?

Mrs. Christine Elliott: Thank you very much, Mr. Lucas, for your presentation and for the work that you continue to do in our communities every day. I think it's really important to highlight the needs of your clients. Specifically, I was really struck by the fact that you mentioned that 85% of your residents identify accessibility as a major problem. I'm assuming that's physical accessibility to premises.

Mr. Jerry Lucas: Physical, yes.

Mrs. Christine Elliott: So, obviously, we still have a lot of work to do in that respect.

I did have a question, if you don't mind. It's a little bit outside, but it's mentioned in your presentation. The new congregate care home that you're happening in Sudbury, is that a new model that you're operating on? Is that something that we can get some further information about?

Mr. Jerry Lucas: Sure. Of our five housing facilities, one is a 59-unit apartment building in Oakville, but we've moved more to the congregate care model. It's usually for people with more profound disabilities, such as people who are medically fragile. In this case, it's going to be for people with acquired brain injury.

It's really because it's almost impossible to develop a larger building for an organization like ours where putting together the funding is hard enough, but putting together all the pieces is so difficult. It's at a scalable level, which has made it possible for us to continue in non-profit housing. It's going to serve about 12 people, including some assessment units. It really is also going to be a different model than some of the others where—in other models, all the tenants are coming from the LHIN population. In this case, we're also going to be working with the private sector, with insurance companies.

Mrs. Christine Elliott: Can we get more information about it from your website?

Mr. Jerry Lucas: Sure. I'm sure we can—

Mrs. Christine Elliott: Could you send me and the members of the committee some information?

Mr. Jerry Lucas: We can also send you information.

Mrs. Christine Elliott: That would be terrific. Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. Elliott. Thank you, Mr. Lucas, for your presentation.

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair (Mr. Lorenzo Berardinetti): We'll move on now. The 2:30 presentation is from the Association of

Municipalities of Ontario, or AMO, and Mr. Peter Hume, president.

Welcome, and good afternoon.

Mr. Peter Hume: Pleasure to be here.

The Chair (Mr. Lorenzo Berardinetti): If you could just identify yourself for the record, and also the people who are with you.

Mr. Peter Hume: My name is Peter Hume. I'm the president of the Association of Municipalities of Ontario and a councillor in the city of Ottawa. I'm joined by Monika Turner, the director of policy, and Petra Wolfbeiss, who is our senior policy analyst on this file.

As you know, AMO represents almost all of Ontario's 444 municipal governments. I'm here today to speak about important considerations we believe will strengthen Bill 140. You will have heard from municipalities and other staff associations today. In general, we support their recommendations.

Bill 140 turns the page on an era of housing delivery that, in our opinion, just didn't make sense. This bill has the potential to deliver on much of what we asked for a decade ago—it seems longer than a decade, but a decade ago—save and except for the real issue of sustainable funding when funding and delivery of social services was downloaded to municipalities.

For AMO, the commitment that we achieved through the 2008 Provincial-Municipal Fiscal and Service Delivery Review agreement to upload social assistance was a significant achievement. While social housing costs did not make their way into the agreement, a new approach for the delivery of the system did. This was well received by municipalities as an opportunity to address local issues and needs and to potentially find efficiencies in the administration and delivery.

1430

As the new system evolves, we must acknowledge the fact that municipal governments and a planning system alone cannot respond to the profound need for new financial investments in the system. I don't need to tell you about the waiting lists across Ontario.

Our submission today focuses on five recommended amendments to Bill 140. I would be remiss, however, if I did not reiterate the fundamental issue that must be addressed to stabilize Ontario's failing housing system, or, restated, a housing system that delivers some significant benefits to Ontarians but still fails those in need of affordable housing.

Moving to a local planning system approach is certainly the right way to go. Rural, urban, northern and southern municipalities each have unique needs and capacities.

The current expectation is that all service managers will be ready to go January 1, 2012. We think the government should consider a phased approach. Some municipalities have the planning capacity that can get under way and meet the bill's timeline. Others will need to build or find capacity, which, of course, will take a bit of time.

Devolution occurred over a nine-month period; so too must this approach be afforded an appropriate time to

succeed. Therefore our first recommended revision is that, under regulations for section 6, it should be re-framed to state that the implementation on service planning should occur no later than January 1, 2013.

The consolidation of over 25 housing and homelessness programs is an underlying concern with the local planning approach. The government must understand that municipal councils cannot plan or budget in the absence of knowing what envelope they will have to spend from for these consolidated programs.

It's my understanding that the consolidation exercise is partially under way, but it's certainly far from being complete. However, local planning cannot be substantially completed, or maybe even started, until the consolidation exercise is complete and municipalities understand what funding will be available.

Municipalities want to get this right. We are accountable to our taxpayers and the residents of affordable housing in our communities. Appropriate time is needed to transition to this new way of doing business.

If we were to stop and ask ourselves where we want to be in 10 years on the housing file, the proposed way forward makes sense. It makes good sense. Articulating a service delivery and planning approach that embraces local flexibility and local responsiveness also makes sense. But here is the potential bump in the road: What's not easy to analyze or predict right now is the very real potential for an even greater future financial burden on and risk to municipalities.

We know that consolidating programs seems to make sense, but we also know that it could mean destabilizing a very important safety net for vulnerable Ontarians. For example, by capping emergency hostel funding or by reducing currently available funding in the system, the system inherently becomes destabilized. We understand that a policy change of this magnitude will require a period of time to find balance, a balance which requires ongoing financial support and commitment of the provincial and the federal government. Without this, the risk to property taxation and municipal budgets becomes greater.

One of the provincial interests stated in Bill 140 under section 4, and a shared interest of municipalities, is better coordination. This is our second recommended amendment.

To achieve this will require a significant commitment by the provincial government. Interministerial program coordination and consolidation should be mandated within the bill and/or the regulations. Further, the government must mandate the participation of the LHINS, the local health integration networks, and other relevant ministries in the local planning process.

In the absence of all key government players at the table, both provincially and in the local planning process, it's going to be difficult to get to this new system.

It's also important that the province works with the federal government to streamline the affordable housing program and the housing partnership initiative to support local delivery. We acknowledge these decisions are out

of the province's direct responsibility, but we support the minister's ongoing advocacy in this regard.

Municipalities have demonstrated that they can achieve a great deal at the local level when they have the authority and the tools. However, Ontario's housing system requires both federal and provincial investments. Local planning alone will not resolve the significant housing issues facing municipalities.

Just as an example, let's compare municipal expenditure growth in the area of housing between Ontario and the rest of Canada from 2000 to 2008, 2008 being the last year data was available. Over this five-year period, constant dollar spending per capita for housing in Ontario rose from \$98 to \$126, compared to just \$22 to \$41 for the rest of Canada. Why? Because social housing is a mandated municipal responsibility in Ontario, but not in the rest of Canada. This area of expenditure will continue to grow as stock ages and need increases. It means the property tax base will continue to have growing exposure.

Municipalities in Ontario have continued to be the heavy lifters in housing, but there are some very critical systemic sustainability issues on the horizon that will contribute further to this burden, issues that are not captured in Bill 140 but will undermine the entire housing system and leave municipalities and tenants exposed and at risk.

The decline in federal transfers of \$524 million annually has begun, and will move to zero over the next two decades. This means that municipalities will begin to see significant reductions in these subsidies. It's unclear how municipalities are expected to make up for this loss of funding which, for many municipalities, is in the tens of millions of dollars.

In addition, a number of other federal agreements are set to expire with no guarantee to be renewed. This means that some existing projects will no longer be viable and municipalities will still be required to maintain affordable housing units.

It's not clear to us what the province's plan is to address this imminent problem. What is clear is that the federal and provincial governments must fulfill their responsibility for maintaining Ontario's housing system. We are profoundly disappointed that the federal budget of two days ago did not mention housing at all.

Ontario taxpayers have invested billions of dollars in social housing; actually, it's around \$40 billion. Devolution saw the transfer of housing stock to municipalities in various states of repair. Today, capital repair reserves are depleted and municipalities lack the tools to address capital concerns. Capital funding is needed, but so too are financing tools to ensure that buildings are maintained in a good state of repair and contribute to the revitalization of these communities.

Municipalities have been asking for the ability to re-mortgage properties; however, the province has been reluctant to do so because of their increased liability under the social housing agreement between Canada and Ontario. We strongly urge the province to revisit this

proposal as well as explore others in an effort to find viable solutions to this pressing problem.

Once a housing provider's mortgage matures, they are no longer obligated to provide rent-geared-to-income units. The next two decades will see the majority of the non-profit housing providers' mortgages mature. If they choose not to continue, then we have a new problem: more need, and municipally, even more exposure.

Municipalities cannot be left holding the bag on how to meet rent-geared-to-income demands and obligations. Bill 140 lacks a strategy on this issue. New funding and an accountability framework must be established so that municipalities do not absorb this liability.

Bill 140 does a good job focusing on flexibility for local planning and delivery, but the success of these plans will lie in what discretion is provided to local councils in decision-making. Bill 140 is largely silent on this.

Municipal obligations for RGI service levels, contingent liability and subsidy should legally end when mortgages expire. Bill 140 should be amended to clarify this.

We believe that Bill 140 is a good first step, but it continues the risk that the original download delivered to us—that devolution would mean municipalities would be entirely responsible for creating and maintaining housing in Ontario.

Section 103 triggers this concern once more, and this is our third proposed amendment. In particular, section 103(d) identifies that any and all costs incurred by the province, identified under the federal social housing agreement, can now be charged to the service manager, and that is the municipalities.

We believe that this includes provincial contingent liability. While the province may have assumed perpetual liability under the social housing agreement, it is unreasonable to download this liability to municipalities. Once a housing provider is no longer obligated, municipalities should have no further obligations.

The amount of the provincial liability under the social housing agreement is unknown, which means that under section 103, municipalities are now being downloaded an unknown liability. This isn't acceptable and AMO strongly recommends the complete removal of section 103 from the bill.

1440

Section 157 requires the establishment of local review bodies for the purposes of reviewing service manager decisions. Many decisions made by service managers that will be subject to the review are decisions made by council. It is unreasonable that an unelected local entity may be established to review decisions of an elected body.

Our fourth recommendation is that section 157 and all related references should be removed from the bill. There are other avenues to achieve the principle. We think that incorporating procedural fairness provisions in a more balanced accountability framework better meets the shared objective of well-informed decision-making.

Section 8 requires that local plans be reviewed by the minister prior to council approval. This doesn't really seem to make sense and in fact contradicts the principle of local autonomy and authority. Our final recommendation is to remove this requirement unless the government has an articulated and funded interest in these matters, which should be articulated in the bill.

We have further concerns of increased costs and liability to municipalities associated with new rent-gear-to-income calculation. While moving to a streamlined, income-based model makes sense, we urge the government to slow this process down and to carefully model this policy shift to prevent any significant cost impacts to municipalities and avoid hurting tenants.

In conclusion, we recognize and support the government in taking an important first step in reforming the social housing system through Bill 140. We encourage careful consideration of our proposed amendments to the bill, as without them, the municipal sector will be significantly impacted. We also strongly encourage the provincial government to work harder to provide the investments and commitments needed to effectively implement Ontario's long-term affordable housing strategy and strengthen the partnership with the federal and municipal governments to achieve better outcomes for families in housing need.

This bill is important to strengthening the foundations of affordable housing in Ontario.

Mr. Chairman, that is my submission.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much, Mr. Hume. There is a minute per party for questions, and I'm going to be very strict about this. We're starting with the Liberal Party first, then we'll go to the PCs and then NDP.

Mr. Lou Rinaldi: Thank you very much, Peter. Good to see you again.

Mr. Peter Hume: Nice to see you.

Mr. Lou Rinaldi: And thank you to you and AMO and your board—and I see some other folks are here amongst the crowd; you brought reinforcements today—

Mr. Peter Hume: I did.

Mr. Lou Rinaldi: —and for working with us to try to achieve this balance. You make some good suggestions.

I guess one of the things we probably have in common that you're looking for is some sort of sustainable commitment and funding on a plan. From a government standpoint, we couldn't agree with you more, and we just reassure you that Minister Bartolucci's predecessors have been working very hard with our federal counterparts. I just want to thank you for your support on that piece as well.

I will reassure you that somewhere down the road, as we maybe get closer to those commitments so that we don't do it in a piecemeal way, we might achieve the goal, but we truly understand your situation with not having that piece.

The Chair (Mr. Lorenzo Berardinetti): We'll move on to the PC Party. Ms. Elliott.

Mrs. Christine Elliott: Thank you for your presentation, Mr. Hume. I just had a question with respect to delaying the implementation date and the concern that you've expressed about needing a bit more time to get things right. Is there a concern also with respect to any additional costs that might be aggregated by smaller municipalities in perhaps hiring planning consultants or whatever? Is there concern on the cost side of that as well as the time factor for just doing it right?

Mr. Peter Hume: We're always concerned about cost, especially in some of the municipalities that don't have capacity and will need to acquire or build that capacity. That is always a concern for us. Municipalities across Ontario are different, from northern to southern to eastern to western Ontario. As a result, we're recommending a phased approach to the implementation of this program, recognizing that some municipalities have capacity and some don't.

The Chair (Mr. Lorenzo Berardinetti): We'll move on to Mr. Kormos.

Mr. Peter Kormos: Thank you, folks. I'm interested in your concerns about section 8. You say it offends the principle of municipal autonomy and authority. But, you see, everything in this bill is about giving authority by virtue of the provincial statute. A municipality as a service manager is only a service manager under the legislation by virtue of subsection 11(1).

So, why shouldn't—especially when you look at sections 5 and 6, which are guided by section 4, which are the principles that are to be the overriding principles. Why shouldn't a service manager—that's a creature of the provincial statute, not autonomous by any stretch of the imagination. Why shouldn't they have to submit their plans to the minister, for the mere purpose of disclosing them and receiving advice?

Mr. Peter Hume: It's my understanding that we're moving to a new way of doing things with more local responsibilities and flexibility. As a result, as an elected body, we believe we can be accountable for the decisions that we make under the proposed legislative framework.

Mr. Peter Kormos: I think you've got a case of Ford envy, but that requires a different statute.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Hume, for your presentation.

HOUSING ACTION COALITION OF KINGSTON

The Chair (Mr. Lorenzo Berardinetti): We'll move on, then, to our next presenter, Housing Action Coalition of Kingston, Cindy Cameron. Good afternoon and welcome.

Ms. Cindy Cameron: Thank you. My name is Cindy Cameron. In my day job, I work at the Kingston Community Legal Clinic, but I'm here today on behalf of the Housing Action Coalition of Kingston, HACK, for short. I will concede, at the outset, that we are a bunch of hacks called HACK.

Mr. Peter Kormos: We're the bunch of hacks.

Ms. Cindy Cameron: I'm in good company.

We're here today to talk about tenant interests, even though some members of our group are landlords in social housing, and also—

Interruption.

The Chair (Mr. Lorenzo Berardinetti): I am going to ask if the people could please take their conversations outside. I'm having trouble hearing you. Let's just settle the room down a bit. Thank you.

Please continue.

Mr. Cindy Cameron: As I was saying, we're here to primarily point out some tenant interests in Bill 140, although some of our members are social housing landlords and social housing administrators.

I want to address today three aspects of Bill 140:

—an independent review process for decisions made by service managers and landlords;

—remedies available to address service manager non-compliance; and

—consultation on the new rent calculation method.

Affordable housing is an important issue in Kingston, where the vacancy rate for apartments is just 1%. That's the worst vacancy rate in all of Ontario, and we've consistently been almost the worst for many, many years. In fact, across Canada, only Winnipeg has a lower vacancy rate.

Rents in Kingston are increasing at a rate faster than the provincial average, and our growing student population is crowding low-income renters out of the rental market.

I had the opportunity to talk to a manager of one of our local homeless shelters recently, and she told me about a very disturbing trend. She said that more and more people are just walking away from their tenancies without even trying to sustain them, without waiting for the eviction process to follow through. She says they're doing this even though they're told they can get a free lawyer, such as myself, to help them fight the eviction, they can get free money from the rent bank, and there are all kinds of other service providers who can help them.

These people do not fit the profile of what we think of as a chronic shelter user, in that they're not struggling with addictions and they're not struggling with mental health. They're just regular poor people who are tired of struggling every month to try to pay the rent. I think that they have probably lost all hope of finding a sustainable home for themselves in Kingston.

We consider ourselves to be in an affordable housing crisis. We did hope that the long-term affordable housing strategy would provide money. So far, all we have is Bill 140, so it's really important to us that Bill 140 gets it right.

I'll talk first about the independent review process. Landlords and service managers are required every day to make a variety of decisions that affect tenants in subsidized housing and people who are applying to enter subsidized housing. A landlord might revoke a subsidy from one of its tenants, which would cause the rent to increase to market rent. In Kingston, for a single person

on Ontario Works, that rent could jump from \$100 to \$700 overnight, essentially.

The service manager also has the capacity to remove people from the wait-list who have been on for many years—six to eight years is common in Kingston—for reasons like not responding to a letter. Those are decisions that have a significant impact.

1450

The Social Housing Reform Act contains an inadequate dispute resolution mechanism. It allows people to seek internal review of the decision that is disputed. That review is conducted by staff in the same office so it is not independent. In Kingston, our internal reviews are conducted on paper only; there are no oral hearings.

Bill 140 improves on the dispute resolution mechanism set out in the SHRA, but it does not go far enough. It requires service managers to create a system for dealing with reviews, including appointment of a review body. However, Bill 140 is silent on the composition of the review body and on the review process. At a minimum, we believe that an effective dispute resolution mechanism must have independent decision-makers and the right to an oral hearing.

The lack of an adequate dispute resolution mechanism creates injustice, and one of the things we struggle with most frequently in Kingston are allegations about former tenant arrears. Any landlord in the province can effectively blacklist a person and block their re-entry into subsidized housing by alleging that a debt is owed. Because there's no dispute resolution mechanism that works, some landlords are able to take advantage. When I say "some," it's important to stress that, because there are many, many good landlords out there.

To give you some examples, one tenant in Kingston was charged for the cost of carpet cleaning even though her rental unit is 100% linoleum; there was no carpet there. Another tenant was making regular payments on a debt for about a year and a half when I discovered that her debt was increasing. I thought that was just a mistake, but when I inquired, I was told that the account was subject to interest at a rate of 24%. Her monthly payments, which were about \$20 a month, but still were a great burden on her family, were not even covering the hidden interest charges. I know that those interest charges were hidden because I negotiated the payment plan myself and I was never told.

To give you an idea of who that affects, the woman I just spoke about with the interest charges isn't even trying to get into subsidized housing right now. She's paying this debt back because she thinks it's the right thing to do. She probably has a learning disability. She certainly has very limited abilities. The last time I saw her, she told me that she thought her mind was going a little bit because she's getting older. I had to do a referral to adult protective services because I wasn't sure that she could care for herself and her family anymore without some supports.

Those are the people who potentially are being taken advantage of and who suffer because there's not an

adequate dispute resolution mechanism. It's not enough for Bill 140 to require service managers to craft a system. You must ensure that the system is fair. At a minimum, that means ensuring the review body is independent and impartial, and that hearings are conducted in person.

We're asking for an amendment—which you can see in your materials at page 2, at the bottom—to section 155(3), to say that the system must include provision for an independent, three-member review panel to hear oral appeals and so on. I think that's probably the same recommendation you're going to hear from ACTO next week.

I'll move on now to remedies for service manager non-compliance. Bill 140 is designed to give greater flexibility to municipalities through the use of community-based planning. We think that's great. We like the idea of local flexibility, but we are concerned about continuing oversight and accountability. It's important to note that when you're giving more flexibility, you're also giving more power.

Our service manager has failed, at times, to provide the minimum number of subsidies required by law. In 2009, for instance, the city had a shortfall of 135 subsidies. When questioned by the local newspaper, a staff person at the city stated that the province allows municipalities to be under target by 10%. Now, I don't know if that's the province's policy or not. If it is, it's troubling. Our service manager is required under the SHRA to provide 2,003 subsidies, so a shortfall of 10% is 200 subsidies—200 households that are languishing on the wait-list for six to eight years when they don't need to be. And I don't think that's a problem that's unique to Kingston; I think that's happening elsewhere.

Tenants certainly are not allowed to discount their rent by 10% every month—and I know that because I am at the landlord and tenant board hearings every week in Kingston—so why is it acceptable for municipalities to do so? And why is the provincial government, if they are condoning it, condoning this type of non-compliance?

The recommendation we're asking for, again, is on page 3 of the materials at midway to bottom. We're asking for an amendment to section 23 of the bill to ensure that the province takes action on service manager non-compliance: If there is non-compliance, the minister "shall" exercise one of the following remedies—and we haven't changed the remedies that you have proposed. Obviously, which remedy gets chosen is up to the discretion of the government, but we do want it to be mandatory to take some action. It's important to note too that this only happens after a warning has been given.

Finally, I'll talk about transparency regarding the new rent calculation model. We commend the government for its commitment to simplifying the calculation of rents in subsidized housing. This is a measure that will provide important benefits to both landlords and tenants. However, we are concerned that the simplification may lead to inequity for some tenants. Trying to solve poverty using a one-size-fits-all model is often problematic.

The new rent calculation model and the specifics of how the rent will be calculated aren't in Bill 140, and we

understand why. I mean, we understand why it should be in the regulations as opposed to the act. However, it is vital that the public have a chance to consider the implications of the new rent calculation model. A rent increase of just \$50 can be catastrophic for someone living in a low-income household. For that reason, we're asking you to undertake broad public consultation on the new rent calculation model prior to its implementation in the regulations.

The Chair (Mr. Lorenzo Berardinetti): Thank you for your presentation, Ms. Cameron. We have about a minute per party. In rotation, we'll start first with the PCs. Ms. Elliott?

Mrs. Christine Elliott: I don't have any questions, but I'd like to thank you very much for a very clear, concise presentation, Ms. Cameron. Thank you.

The Chair (Mr. Lorenzo Berardinetti): Mr. Kormos.

Mr. Peter Kormos: Thank you, Ms. Cameron. Your proposal of a review of a dispute resolution process for people who have a disagreement with the housing provider, with the service manager, is an interesting one, because the Co-operative Housing Federation of Canada made a similar proposal this morning. What are you thinking of? You're not thinking of an arbitration process where parties pay their share of the cost of the arbitration, are you?

Ms. Cindy Cameron: No.

Mr. Peter Kormos: Because that would be an onerous responsibility on a tenant. Are you talking about an ombudsman?

Ms. Cindy Cameron: Ottawa has been using a model already.

Mr. Peter Kormos: Tell us about that.

Ms. Cindy Cameron: It was sort of a pilot project. I'm no expert in it; I'll defer to my colleagues at ACTO when they present next week. They know more.

Mr. Peter Kormos: The folks from AMO could have told us. He's a councillor from Ottawa.

Ms. Cindy Cameron: That's right.

My understanding is it's a three-member panel. I think that it's similar to maybe an EI panel, in that one person represents tenant interests, one person comes from a landlord-type background, and then there's someone who is neutral in some form or another. The three-member panel hears the appeals. Again, I don't know the details about how they run it, but my understanding is it is run like a hearing, although—

Mr. Peter Kormos: But informal.

Ms. Cindy Cameron: Yes, and no cost. It's a system that's set up by the municipality somehow.

Mr. Peter Kormos: I think that's a very important proposition.

The Chair (Mr. Lorenzo Berardinetti): We'll move on to the Liberal Party. Mr. Rinaldi?

Mr. Lou Rinaldi: Thanks very much. Your proposal obviously is from the tenants' perspective, from the ground up, who you dedicate your time to, and thank you for that.

I just have a sort of general question. All the suggestions you make are valid, I just want to reassure you of that, but just a general question: In your opinion, will the changes that are proposed to the rent-gear-to-income that are part of this piece of legislation make a difference to the tenants?

Ms. Cindy Cameron: Absolutely. I think that landlords spend an inordinate amount of time calculating rent, and I think that landlord resources can be better spent on other things. Even apart from the obvious convenience to tenants of not having to bring in cheque stubs every month and employment stubs every month and, frankly, never knowing until the very last minute how much that rent is going to be for that month—those are obvious benefits. But again, we think that it will trickle down because landlords and service managers will have to spend less time on this, too, and they can spend their time fixing up units and dealing with tenant concerns.

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Mr. Lou Rinaldi: Thank you very much.

The Chair (Mr. Lorenzo Berardinetti): Thank you again, Ms. Cameron, for your presentation.

For the information of all members of committee, there was no one to fill the 3 o'clock presentation slot. The 3:15 presentation from the Federation of Metro Tenants' Associations—the presenters there are ill, and they've been rescheduled for next week.

Mr. Peter Kormos: But your 3:30 presentation is probably ready to go.

The Chair (Mr. Lorenzo Berardinetti): You took the words right out of my mouth.

MR. BRIAN BURCH

The Chair (Mr. Lorenzo Berardinetti): The 3:30 presentation is here, and they're ready to go. Mr. Brian Burch, good afternoon, and welcome. I think you know the rules: You have 15 minutes to speak, and any time not used will be used by the parties.

Mr. Brian Burch: First of all, I'd like to thank the members of this committee for the opportunity to share a few of my own thoughts on Bill 140. I'm speaking as an individual who has lived in a housing co-operative since 1984, and I have devoted decades of my life to the co-operative and non-profit housing sectors.

In the few moments that I have, I'm aware that I can't talk about everything, and I certainly don't have the expertise to talk in detail about specific amendments to each clause. I trust that the Co-operative Housing Federation of Canada, Ontario region, 118-page document and the ONPHA documents will provide some guidance on that. There are five little areas of concern that I personally wanted to sort of strengthen in the few minutes that I have.

The first one is the real need to have an independent arbitrator system to deal with disputes between housing providers and local service managers. There was a previous arbitration clause in the old agreements between non-profits and co-ops in the province. During the 18

years of those provincial programs, I don't think that arbitration clause was ever called upon, but it was there. It was an alternative to expensive litigation if there was a dispute between parties. Certainly if people on this committee remember the problems between the Thornhill Green housing co-operative and York region, many of those things could have been dealt with much more simply, more easily, less expensively and less divisively if there had been an independent arbitration system built into the legislative framework at that time.

Continuing from that and again echoing concerns expressed by ONPHA and CHFC Ontario, there needs to be a strong legislative framework to protect the existing housing stock. While attention seems to be paid in the media today to fears about the future of the Toronto Community Housing Corp.'s portfolio, I am also concerned that there are individual housing co-operatives and co-operative members who would like to sell their co-operatives at the end of their operating agreements either to themselves at below-market rates or on the open market with any surplus going to the members when the corporation is wound down. The existing affordable housing communities need to continue to be a resource for future generations, who will then benefit from the existence of such housing portfolios, and strong legislation needs to be in place to preserve the permanent non-profit housing stock. Without it, the risk of losing affordable housing stock is all too real.

I was very pleased to have seen in the draft legislation a requirement for a very good planning process to look at actually solving the problems of the lack of affordable housing and the problems of homelessness—indeed the lack of decent affordable housing for all in Ontario. This is a major step forward. I like it; it's a visionary process. But funding needs to be in place to meet the costs of participating in such a discussion process, a visioning process. Then ultimately, once people look at ways of solving the problems of housing and homelessness, the money has to be there to implement the local strategies to address multifaceted housing problems. Stakeholders need the resources to properly participate in any discussions, and the results of such planning need to have the resources to be brought to life.

Without the necessary finances being in place for meaningful participation in the planning process and for the recommendations to be implemented, one of the few truly visionary legislative initiatives I have seen in my 60 years of life on this planet will not succeed, and I don't want that to happen.

I was very pleased to note in the proposed legislation the recognition that community-based housing, both non-profits and housing co-operatives, is acknowledged as being part of the solution to housing and homelessness in Ontario. Too often the role of individuals and small community groups coming together to share their resources and visions to address social concerns is overlooked.

We need to get involved and encourage involvement in local initiatives to address the needs that we see in our own neighbourhoods. Having our own roles acknow-

ledged in legislation is very important, but in the long term, resources have to be available—it ultimately comes down to money—and it really needs to have effective financial partnerships between these grassroots initiatives and the province and other funding bodies for this recognition to be real.

My second-last comment comes about from my personal experience living in a federally funded co-op and co-ordinating a housing co-operative funded under Jobs Ontario, now an SHRA co-op. There needs to be recognition in place that acknowledges the difference of co-operatives from all other forms of affordable housing.

Federal housing co-ops have more autonomy in terms of member selection, electing their boards, setting their budget and in their own long-term financial planning than those governed by provincial legislation and agreements. Initiatives that are not a significant issue for non-profit providers, such as centralized waiting lists or maximum rents/housing charges, are issues for many co-operative members.

If non-profit housing co-operatives can't easily fit into the self-defined role within provincial frameworks, perhaps Ontario can do what the federal government did with federally funded co-ops in Ontario and transfer responsibilities for them to the agency for co-operative management, which administers federally funded co-ops in Ontario.

My final comment is more of a personal plea. For those who are homeless or marginally housed, who depend upon food banks, who are on Ontario Works and would truly benefit from that extra \$100-a-month food allowance, who are here in Ontario and can't find a permanent job with decent benefits, who are in physical danger in their own homes, who are both visible and invisible in their needs, however this discussion on the way social housing is being administered in Ontario is resolved, the reality is that for too many people there is no place that they can call home.

We all need to remember this reality in our own policy discussions and our recommendations, and we need to address this reality. It's a reality that could all too easily become our own personal reality. Meeting those human needs has to be the guiding purpose in all the work that we share in today.

When I first moved to Toronto, I had to live at Seaton House, which was not an experience I would ever recommend to anybody. Fortunately, I found a home in housing co-operatives and found a niche working in co-ops and volunteering in non-profits.

That experience makes me feel that, whatever we do with this framework, we can't forget the fact that any one of us can become vulnerable, any one of us can become homeless. We need to have the solutions in place, both for those who are currently at risk and for any of us around the table who might, tomorrow, be at risk.

Those are my comments on some of the issues of the day.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Burch. We have about nine minutes, three per party. We'll start first with the NDP. Mr. Kormos?

Mr. Peter Kormos: Thank you very much, Mr. Burch. You're right. This morning the ONPHA addressed the concern about the prospect of privatizing existing stock.

I asked them to paint a scenario, paint a picture. You've done that a little bit here. Can you give us a "for example"? Tell us what might conceivably happen. Expand on what you've written here in your—

Mr. Brian Burch: Okay. There's sort of two different things. One is the selling of existing housing stock with the idea that any revenue that's there can be put aside and at some point down the road used to provide rent vouchers or something like that in an already tight rental market. You take out of existence a substantial portion of existing affordable housing stock and force the people then to become competitive for the existing housing stock that's out there.

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More specifically around co-operatives, and this is specifically dealing with the Matthew Co-op, members of opposing co-ops have tried in the past to extract equity from it and turn it from affordable housing to luxury housing.

There's a long-term history. In the 1930s in New York City, unions and churches and community groups put money into co-operatives to provide affordable housing—

Mr. Peter Kormos: The ladies' garment workers, among them, right?

Mr. Brian Burch: Yes. They are now \$1-million, \$2-million, \$3-million units. Many of them were started as affordable housing, but because the legislation was not in place to ensure that in the future those would be permanent housing, they're now luxury housing. They could have continued to be affordable housing if the legislation was in place that insisted upon it.

Mr. Peter Kormos: Do you have any idea of what the legislation would look like and what it would say? Would it be an absolute bar, or would there be some discretion in some body, for instance?

Mr. Brian Burch: As long as there's an effective alternative mechanism to look at these disputes as they come in, an absolute bar isn't necessary, but I would certainly like to see it.

Mr. Peter Kormos: That's the best-case scenario.

Mr. Brian Burch: Yes, both for housing co-operatives and for municipal non-profits.

Mr. Peter Kormos: Is there a parallel in the non-profit world with non-profit corporations about what their members can do with the assets of the—

Mr. Brian Burch: I believe they can't do that under their own incorporations, under various other legislation, but I do know that over the years, some former non-profit buildings are no longer non-profits. That's in Toronto, and I assume it's elsewhere as well.

Mr. Peter Kormos: I appreciate your comments very much.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll move on to the Liberal Party. Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you very much, Mr. Burch, for your very thoughtful presentation. I think it's because you're living what you've written down; you've got that experience. I very much appreciate it. I don't really have any questions. It's an awful lot—what you're trying to achieve. Thank you very much.

Mr. Brian Burch: Thank you.

The Chair (Mr. Lorenzo Berardinetti): We'll go on to the PC Party. Ms. Elliott?

Mrs. Christine Elliott: I would also like to thank you very much, Mr. Burch. I really think your perspective is very valuable, and I did appreciate your comment that you never know when you could be in the same position yourself. I certainly have, unfortunately, people known to me in my own community who were recently placed in that situation. No one would ever have anticipated that, even two years ago. So you're quite right, and I think it's something we all need to keep in mind.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much again.

I'm just going to ask if there's anyone here from the Registered Nurses' Association of Ontario. No?

DISTRICT OF THUNDER BAY
SOCIAL SERVICES
ADMINISTRATION BOARD

The Chair (Mr. Lorenzo Berardinetti): There is another presenter who's here today, and that's Mr. Iain Angus—he's our 5:15 presentation, but we can hear from him now—from the District of Thunder Bay Social Services Administration Board. Good afternoon and welcome to our committee.

Mr. Iain Angus: Thank you, Mr. Chairman and members of committee. I'm pleased to be here today. My name is Iain Angus and I'm the chair of the District of Thunder Bay Social Services Administration Board. I was to be joined by Toni Farley, a consultant, but she was planning on being here for 5 o'clock. I'm trying to reach her to say, "Don't leave home. I'll do the work without you."

Mr. Chairman, if I could ask you to give me a head's-up at nine minutes, because I would like to make sure I leave time for questions.

We want to express our sincere appreciation for this opportunity and commend this government on its leadership in responding to the complex and changing housing needs of Ontario's most vulnerable citizens.

My goal today is twofold: to present to this committee a clear representation of what makes life in northwestern Ontario so different from other regions in the province, and how the promise of Bill 140 can be more fully realized by including specific amendments to account for these differences and the unique challenges faced by DSSAB service managers.

While part of the north, the region of northwestern Ontario is distinct from our neighbours in the northeast and differs significantly from other parts of the province. The northwest contains almost half of Ontario's landmass

yet has less than 2% of the population. The sheer breadth of our region poses significant challenges to the economic, health, and social development of our communities.

Our economy is different than the rest of the province and remains heavily dependent on natural resources. The cyclical nature of this market and the ongoing decline in the forestry sector, in particular, has created enduring instability and resulted in total economic collapse for many single-industry towns.

As the economic and service hub of the northwest, the city of Thunder Bay has a more diversified economy, yet is directly affected by the economic decline of smaller communities in our region. Families leaving single-industry towns are coming to Thunder Bay in increasing numbers, looking for employment, health and social services, and housing.

The northwest has a significantly higher proportion of aboriginal peoples than the rest of the province, and this segment of the population is younger and growing faster than any other demographic. Individuals and families are leaving northern reserves and coming into Thunder Bay seeking employment, education and health services not available in their home communities. Many are struggling in this transition, and service delivery agents are working to figure out how to best meet the increasingly complex needs.

Our differences with the rest of the province do not stop there. Northwestern Ontario has a higher rate of unemployment; a higher proportion of those aged 65 or over, and growing; a number of our seniors' units in the district have chronic vacancies, yet 15% of our waiting list in the city is comprised of seniors. Seniors represented 39% of applicants housed from our wait-list of 1,226 in 2010. Our housing portfolio consists of 3,752 units, comprised of 1,848 seniors' units and 1,904 family units, with 199 of the seniors' units located in the districts. Of the total, there are 3,382 non-profit units in the city, including 278 native units, and 370 units in the district. In addition, we have 565 units under rent supplement agreements with private landlords. Overall, we have a lower rate of population growth, with many of our smaller communities actually shrinking, along with their assessment base. The income of renters in Thunder Bay has not kept pace with the increase in rents, so that on average, renters have to spend more than 30% of their income on rent alone.

Together, all of these factors have a direct impact on the housing market and the delivery of social and affordable housing by service managers like the Thunder Bay DSSAB.

Recognizing the need to plan for housing in the face of these challenges, our board made the decision three years ago to establish a comprehensive housing strategy. A study of this nature had never been undertaken in the life of the DSSAB and extended beyond our legislated mandate, coming at a cost to date of approximately \$150,000. Our board believed that we needed to thoroughly examine the full housing continuum, including market

housing, homelessness and supportive housing, to determine how best to support the housing needs of all residents in the district of Thunder Bay.

With oversight by a joint board and a stakeholder steering committee, our consultant is completing an extensive process that includes a thorough quantitative and qualitative review of housing trends; broad stakeholder and public consultations, including hundreds of participants in 15 municipalities and the unorganized territory across an area of 103,000 square kilometres; and a detailed implementation plan with specific time frames and costs. This report is not going to sit on the shelf.

Having begun this process three years ago, I am pleased to be before you today stating that the Thunder Bay DSSAB is ready to hit the ground running once Bill 140 becomes law. However, on behalf of my board of directors, I would like to offer the committee some specific recommendations and amendments to Bill 140 that will enable our DSSAB to fully realize the intent of our housing strategy and of this legislation. Attached to this presentation is a more comprehensive document, including specific amendments, that outlines a number of issues and offers specific amendments and solutions to challenges that we will face under Bill 140.

I want to talk about three areas: the need to secure interministerial and interjurisdictional endorsement of service manager housing and homelessness plans, the increased liability transferred to service managers under the act, and the make-up of the board of the housing services corporation.

As the administrators of Ontario Works, social housing and the affordable housing program, service managers are the logical choice to be the official lead for homelessness. It is only implied in Bill 140 that service managers are the lead for homelessness, however. To avoid confusion, the act needs to be changed to make it absolutely clear that we are the lead.

To achieve this, there will be a need for the Ministry of Municipal Affairs and Housing, as the key point of contact with service managers for housing issues, to ensure that service manager housing and homelessness plans are not only reviewed but approved by the minister, all relevant ministries and their agencies, including the Ministry of Community and Social Services, Ministry of Health and Long-Term Care and the local health integration networks, just to name a few. As well, agencies funded by those ministries, such as the LHINs, should be obligated to jointly plan the extension of housing and support services in concert with service manager-approved plans. In this way we will be able to work effectively with all stakeholders in ensuring that the expectations related to the homelessness component of the housing and homelessness plan can be met.

Our second area of focus relates to the increased liability that service managers are assuming under this act. Unlike the Social Housing Reform Act, Bill 140 makes no mention of environmental liability created by the federal or provincial governments or their agencies. This means that the service manager is now liable for all

environmental costs that were previously the responsibility of the province under SHRA and the federal government under the social housing agreement. If this is not a simple oversight in the draft legislation, it is grossly unfair that these liabilities have passed on to the service managers, and, through them, to the municipalities and the property taxpayer. Section 34(2) of the Social Housing Reform Act should remain in the new act.

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We are also very concerned about the liability transfer to service managers of costs incurred by the province in the event of a mortgage default. In most markets in Ontario, real estate values have risen significantly so that there is only a very slim chance of a mortgage default not being covered by the value of the property. However, this is not the case in the northwest. In most communities, economic decline has resulted in real estate values falling significantly. In one such community, the outstanding mortgage on one of our projects is over \$700,000, while the current market value of that project has been pegged at \$200,000—a \$500,000 spread. And that assumes that a buyer can be found in an economically depressed community where there are significant vacancies in both the private sector and non-profit rental markets.

DSSABs do not have the financial capacity to absorb these costs and should not be held liable when we have been prudent and fiscally responsible, despite circumstances beyond our control.

The Chair (Mr. Lorenzo Berardinetti): Mr. Angus, you wanted to know when the—

Mr. Iain Angus: Nine minutes?

The Chair (Mr. Lorenzo Berardinetti): Yes, that's it.

Mr. Iain Angus: Mr. Chairman and members of the committee, in the text there are some comments about the process for selecting and the need for northwestern Ontario to have its own rep on the board. I'll leave that to you to read.

I'll just conclude by saying that while the Thunder Bay DSSAB welcomes many of the proposed changes in Bill 140, implementing them will come with a significant financial impact, especially for DSSAB service managers with a small and shrinking resource base. As such, we recommend that the province establish an ongoing housing support fund for service managers and for DSSAB service managers in particular, and that criteria for the use of the funds be developed in consultation with service managers and with DSSAB service managers in particular.

In conclusion, our board has been proactive in planning for the housing needs of our region in response to the unique circumstances we face. We trust that this committee will give due consideration to the amendments we have proposed and are confident these changes will ensure that Bill 140 achieves positive outcomes for individuals and families throughout northwestern Ontario and across the province.

Thank you for your time and interest. We look forward to any questions you may have.

The Chair (Mr. Lorenzo Berardinetti): Thank you. I have roughly three minutes per party. We'll start the rotation this time with the Liberal Party. Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you very much for being here today, Mr. Angus. I'm not sure if you're related to an Ian Angus in Port Hope—

The Chair (Mr. Lorenzo Berardinetti): Sorry, I can't hear you, Mr. Rinaldi. Can you please—I'm having trouble hearing you.

Mr. Lou Rinaldi: All right. We're back here. Okay, now we're on.

Thanks very much for being here and accommodating our time slot to fill in.

Obviously, you indicated some challenges you're having in the north, and this is not the only challenge. In my time, being here for seven and a half years, we as a government certainly recognize some of those challenges in the last few years, and the considerations that you put forward are well respected; they're thoughtful.

Can you give some sense of—I know you've got the recommendations here but, in a minute or so, can you highlight some of those a little bit more specifically?

Mr. Iain Angus: Thank you, Mr. Rinaldi. Mr. Chairman, through you, and members of the committee, I think the key thing for us—first of all, we like the flexibility that the bill provides for us, because too often in the past it has been one size fits all from Queen's Park that doesn't always work for us. This gives us a real good opportunity to develop plans that make sense for our needs and our people and our infrastructure.

I guess the key message for me today is the whole liability issue. We're very pleased with the uploading that this government has undertaken. We wish it was faster, but we recognize that we can't always have the speed that we would want. But we see in this bill that there's some reversing of that—by sticking us with the environmental liabilities and by the example I used in terms of the mortgage situation, where we have buildings that are worth much less than the mortgages we have for them. But that's a real concern to not only DSSAB but our member municipalities that will have to pick up the tab, because it's not like the DSSAB has its own money; it's property taxpayers' dollars that we have to get from each municipality. So that, I would say, is our biggest concern going forward.

Mr. Lou Rinaldi: Thank you very much.

The Chair (Mr. Lorenzo Berardinetti): We'll go to the PC Party. Ms. Elliott?

Mrs. Christine Elliott: Thank you very much, Mr. Angus. It's really interesting to see the specific considerations that DSSAB has to deal with, and also the fact that you've been so proactive in dealing with your housing strategy. Because you're so far along in the process, we will be giving very serious consideration to the recommendations that you're making.

I did just have one question, though. If I could just refer you to page 2 of your presentation, when you were talking about the number of your seniors' units having chronic vacancies. About 15% of your wait-list was

comprised of seniors, and I was just wondering what was the reason for that.

Mr. Iain Angus: The areas where we have vacancies are in the district communities, so Manitouwadge, Marathon, Terrace Bay, Schreiber, Nipigon, Longlac and Geraldton. A lot of those units are half-empty, and it's usually the upper floor, because all of our buildings do not have elevators; they were built at a time when that was not a requirement.

The irony is—and this comes back to some of the comments from some of the other presenters today—we have an urgent demand for supportive housing. We've got vacant units that we could fill tomorrow, if the supports were available in those communities. Part of our argument is that need to break down those silos to make sure that our housing plans are in effect endorsed by the other ministries: long-term care and health; the LHINs, who we have to get the supportive dollars from in order to make this work—and by the way, that will help our hospital in terms of its gridlock at the same time.

Mrs. Christine Elliott: It points to the need for full integration so that all the needs are being met, not just housing.

Mr. Iain Angus: Very much so.

Mrs. Christine Elliott: Great. Thank you.

The Chair (Mr. Lorenzo Berardinetti): We'll move on, then, to Mr. Kormos.

Mr. Peter Kormos: Thank you, Mr. Angus. You're of course intimately familiar with the legislative process.

Mr. Iain Angus: Well, it's been a while since I've been here.

Mr. Peter Kormos: But it has changed. It has really, really changed, and not necessarily for the better.

You make reference to the need for the ministry to not only review but approve housing and homelessness plans. You're obviously referring to section 8 of the bill, which requires only a review and not an approval. I wanted to make sure I understood you.

Mr. Iain Angus: We're very clear on that. We believe that when a ministry approves a document, they share ownership in that document and they share a responsibility for ensuring that that plan is not only followed through, but that the funding becomes available to make sure it happens.

We can see some pushback from the ministry, saying, "No, we're not going to go down that road," and that's fair; that's the government's right. But that gives us an opportunity to have a dialogue and say, "But hang on. If you do this, you're going to save a whole bunch of money over here," because we're taking people out of hospital beds, alternate-level-of-care beds, and putting them in the community, where it's a lot less expensive to provide quality service for them in a home condition.

Mr. Peter Kormos: Of course, AMO, the Association of Municipalities of Ontario, just a few minutes ago said that section 8 should be deleted because it contradicts the principle of municipal autonomy and authority. What do you say to that?

Mr. Iain Angus: Well, I respect Peter and AMO, but I look at this from the perspective of boots on the ground

in terms of what makes sense for my district, for my DSSAB, and the difficulty that we always have had as a region of getting the attention of government—it doesn't matter which party—to get the things that we need that are different than what southern Ontario, eastern Ontario or even northeastern Ontario need. We want that buy-in from the province.

The Chair (Mr. Lorenzo Berardinetti): You have about a minute. Are you okay?

Mr. Peter Kormos: No, I can use a minute easily. So can Mr. Angus.

The Chair (Mr. Lorenzo Berardinetti): Go ahead.

Mr. Peter Kormos: Again, in terms of the minister signing off, you suggest that that indicates buy-in by the ministry. Suppose the corollary of that is that if the minister doesn't sign off, that means that the service manager has got to see where they're not going to get support down the road from the ministry, so it's valuable both in terms of the signing off and not signing off as well.

Mr. Iain Angus: That's right, because if we already know that the Ministry of Municipal Affairs and Housing, for example, or the Ministry of Health and Long-Term Care is not going to support that at the ministerial level, then we have the option of ramping it up or ratcheting it up in terms of making it a political case. We go through NSBA, we go through AMO, we go through our MPPs, we go through the Legislature to put pressure on the government of the day to move in a particular direction.

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Mr. Peter Kormos: Because, of course, governments change from day to day.

Mr. Iain Angus: They do. Even an existing government changes from day to day.

Mr. Peter Kormos: Thank you, Mr. Angus.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Angus, for coming here today.

Mr. Iain Angus: Thank you, Mr. Chairman and members of the committee. We appreciate the opportunity, and we look forward to seeing what you do to reshape this bill during your deliberations.

REGISTERED NURSES' ASSOCIATION OF ONTARIO

The Chair (Mr. Lorenzo Berardinetti): I just want to advise members of the committee that our 3:45 presentation is here, the Registered Nurses' Association of Ontario. It's Wendy Fucile. We'll move you up to 3:30. I want to welcome you to committee.

Ms. Wendy Fucile: Good afternoon. My name is Wendy Fucile and I am the immediate past president of the Registered Nurses' Association of Ontario.

The Registered Nurses' Association of Ontario, or RNAO, is the professional association for registered nurses who practise in all roles and in all sectors across this province. We work to improve health and to strengthen our health care system.

RNAO appreciates the opportunity to present this submission on Bill 140 to the Standing Committee on Justice Policy.

Ontario's registered nurses know that access to safe, affordable housing is a fundamental human right and a key determinant of health.

There is an urgent need to tackle access to affordable housing. We need to work together on the crisis that is with us now because it is tipping too many Ontarians into deeper and sustained poverty.

In 2009, despite an economic downturn, average rents increased three times the rate of inflation across the province. One in five tenant households are paying 50% or more of their income on rent.

At the beginning of 2010, there were more than 140,000 households on municipal waiting lists for social housing. This is a staggering increase: almost 10% in a single year. The social housing wait times are often more than five years in many areas. There are, for example, more than 14,000 families on the up-to-21-year wait time for Peel. It is truly difficult to know how many really need social housing in our province, as many people are too discouraged by the long wait times to even fill out the applications.

Dangerously low social assistance rates, precarious low-wage employment and lack of access to affordable housing mean that people living in poverty in Ontario routinely have to decide between paying the rent or buying food. The result is that 402,000 Ontarians a month were forced to turn to food banks in 2010.

People who are homeless or are precariously housed are sicker and die sooner than the general population. A Street Health Nursing Foundation survey found that the daily lives of homeless people were stressful, isolating and dangerous. People were often hungry, chronically ill and unable to access the health care that they so desperately required.

For every person who is homeless in Canada, there are 23 households that are vulnerably housed and at high risk of becoming homeless. Dr. Hwang at the Centre for Research on Inner City Health explains that "those who are vulnerably housed often suffer from the fact that they are hidden away from the public eye and forgotten."

The Wellesley Institute uses the metaphor of the housing insecurity and homelessness iceberg, where the biggest part of the problem is mainly hidden from our view.

While the visibly homeless need critical attention, we must also meet the urgent needs of the hidden homeless, those who are living in substandard housing, in inadequate housing and in unaffordable housing, whose rent exceeds 30% of household income.

Despite the compelling and growing need, Ontario is the worst among the provinces in terms of jurisdictional investment in affordable housing. In the fiscal year ending March 31, 2009, Ontario spent \$64 per capita on affordable housing, about half the national average spent by other provinces of \$115 a person. Nurses find this to be a shameful reality in a country as wealthy as Canada and in a province as privileged as Ontario.

To enable every Ontarian to live poverty-free and with dignity, all levels of government have particular responsibilities and a moral imperative to work together for the common good. If other levels of government are lagging in their actions, it is even more critical that the provincial government move ahead with increased, predictable and sustainable funding.

RNAO's recommendations for your consideration are as follows:

Immediately enshrine the human right to adequate housing in federal and provincial legislation.

Immediately implement the recommendations of the Ontario Human Rights Commission to address discrimination in rental housing.

Implement the LeSage report recommendation for "significant legislative amendments" to address rent and subsidy calculations as well as the arrears process with respect to rent-g geared-to-income and other rules that are, by their nature, punitive.

Introduce inclusionary housing by amending the Planning Act as a fair and fast way to create stable, affordable and equitable housing.

Introduce and fund in the upcoming budget a universal housing benefit for all low-income Ontarians, whether receiving social assistance or not, to address the gap between tenant incomes and housing costs.

Invest, in the upcoming budget, in a minimum of 10,000 affordable housing units each and every year for the next 10 years. To ensure that housing is accessible to people with disabilities, all new affordable housing units must be designed and built using principles of universal access and accessibility.

Fund in the upcoming budget a program for regular maintenance and repair of new and existing affordable housing in order to address aging and substandard housing stock.

Increase in the upcoming budget the funding for access to supportive community-based housing and services for those with physical, cognitive and/or mental health and/or addiction needs so that Ontarians may live with dignity in their homes.

Prevent the privatization and sell-off of social housing by amending legislation to protect it as a public asset.

Improve fairness for tenants by creating an independent panel to review disputes such as the cancellation of a rental subsidy.

Introduce a fair, transparent and independent appeals process for housing providers. Under the existing legislation, non-profit organizations and co-ops have not had the ability to seek an independent review of a municipal service manager action or decision that did not, in the end, involve costly court proceedings.

Thank you for the opportunity to convey the abiding concern that Ontario's registered nurses continue to have about Ontario's long-term affordable housing strategy, Bill 140, and the unmet needs that exist for affordable and healthy housing. We look forward to working together with government and a wide range of stakeholders in the community, especially those most affected by

housing challenges, so that everyone in our province is secured with a safe, affordable place to call home.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. Fucile. We have about two minutes per party for questions. We'll start with the PC party. Ms. Elliott.

Mrs. Christine Elliott: Ms. Fucile, thank you very much for appearing here today and for bringing forward these recommendations, which are quite comprehensive and many of which I would certainly agree with, particularly as they pertain to the comments made by the select committee. I think we're ad idem with a lot of those comments.

With respect to the contents of the bill itself, what are your feelings about it? How far does it go in the bill itself in terms of meeting the requirements of a proper housing strategy?

Ms. Wendy Fucile: My first comment would be that the bill is incredibly complex and technical, and I would not hold myself up to be any kind of an expert on it from a legislative perspective.

It's a beginning, but it doesn't go far enough. There are elements we are seeking to solicit support for, in particular the philosophical change as well as the hard, "boots on the ground," I think my colleague before said, actions that need to come that would see housing as a social right, as a public good and something that we guarantee to everyone in the province. As I said, a beginning, but not far enough.

Mrs. Christine Elliott: Thank you very much.

The Chair (Mr. Lorenzo Berardinetti): From the NDP, Mr. Kormos.

Mr. Peter Kormos: Thank you, Ms. Fucile, very much. You call for the prevention of the privatization and sell-off of social housing by amending legislation to protect it as a public asset. Especially in the wake of the disclosures around Toronto Housing, the prospect of privatization has been fuelled and discussed, at least by certain camps in the city. Why is it important to keep it as a public asset? There are those who would say, "No, you could privatize it. We can have rent vouchers. We can trust the private sector landlord to provide affordable housing, and maybe they can even do a better job." Why do you say it's important to keep it public?

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Ms. Wendy Fucile: For the same reason that the registered nurses in this province would tell you that health care should not be privatized. If you have a public good, a social good—if you take a skim off the top of that to create profit for private investment, then clearly the money that is becoming profit is not being driven to the service of those who need that public good.

We would like to see all of the dollars related to social housing be in the public sector and not being siphoned off to create profit. It just misuses that funding, in our view.

Mr. Peter Kormos: I appreciate those comments. Thank you, ma'am.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll move on to the Liberal Party for questions. Ms. Cansfield.

Ms. Donna H. Cansfield: Thank you very much, Ms. Fucile. I just want to say thank you for a very thoughtful presentation and to say thanks again for just taking the time to come and share your perspectives, especially the more philosophical as well as just the technical. I think that's really important to hear, so thank you for coming.

Ms. Wendy Fucile: You're welcome.

The Chair (Mr. Lorenzo Berardinetti): Thank you again for your presentation today.

CENTRE FOR EQUALITY RIGHTS IN ACCOMMODATION

The Chair (Mr. Lorenzo Berardinetti): Members of the committee, the next presentation was scheduled for 3:45, and it's the—I'm sorry; it was scheduled for 4 o'clock. The Centre for Equality Rights in Accommodation; Leilani Farha is here. I understand you don't have your documents with you here, but I'll ensure that the committee members get a copy of your document as soon as possible.

Once again, welcome.

Ms. Leilani Farha: Thank you, and I apologize if I seem like I'm scrambling. Your efficiencies have meant that I'm denied 15 minutes of mental prep and downtime. So allow me to begin.

I'm Leilani Farha. I'm the executive director of CERA, the Centre for Equality Rights in Accommodation. CERA is a provincial organization, and we use human rights law to address discrimination in all types of housing, whether public or private. We've been around for about 25 years in this province, and I'd say that my comments are based on our 25 years of experience in the area of housing.

I should say also that my comments should be taken in conjunction with the next speaker, Mr. Bruce Porter, of the Social Rights Advocacy Centre. We did prepare our presentations together, and they sort of hang as a whole. I am going to focus on key components to a housing strategy that are in keeping with international human rights law and this province's obligations. Mr. Porter will follow with some concrete suggestions as to how the committee members might amend Bill 140 to include key recommendations of United Nations bodies.

I think the long-term affordable housing strategy is a significant and important addition to the housing landscape in the province. It is a direct response to years of advocacy by provincial and local organizations, as well as by individuals whose interests are at stake. It also is a response to what the United Nations bodies have been saying to both Ontario and Canada as a whole.

Bill 140, as the sole legislative aspect to the long-term strategy, needs to incorporate, in CERA's opinion, five key components in order to comply with international human rights law. I'm going to ask you to keep in mind that Bill 140 is the only piece of legislation in the province to deal with homelessness and affordable housing head on. I think in light of that, we as advocates, and you

as committee members and members of the Legislature, need to ask ourselves, "What does this piece of legislation need to do?"

It's CERA's position that the long-term affordable housing strategy and the enabling legislation of Bill 140 needs to incorporate the following five elements, and these five elements would be in keeping with a human rights approach that the previous speaker just mentioned. I don't consider these to be lofty principles or ideas; I actually consider these to be five very practical things that should be incorporated.

(1) Bill 140 needs to prioritize the needs of those groups that are most vulnerable to homelessness and inadequate housing.

(2) It needs to include meaningful participation of civil society, stakeholders, indigenous representatives, groups vulnerable to homelessness and local governments in the design, implementation and monitoring of the strategy.

(3) It needs to set targets and timelines to end homelessness.

(4) It needs to include accountability mechanisms, independent monitoring and review of progress and implementation of the strategy, and an individual complaints mechanism that would provide a venue for the hearing of complaints of violations of the right to adequate housing, and a means to effective remedies.

(5) It must be based in human rights law, particularly the international right to adequate housing.

Where do these five components come from? Did CERA just imagine them, sit down and think creatively one day? Most definitely not. Over the last several years, the United Nations has laid these out succinctly and clearly in its various reviews of Canada. The document that I was going to provide and that I will provide to you provided a summary of all the different things different UN bodies have said that need to be incorporated into a housing strategy. They're very clear and precise. I'm going to just try to take you through what the UN has said at various times in recent history to give you a sense of how concrete the UN has been and how concrete the measures can be.

Every time Canada has come under review by international human rights bodies, its record on housing and homelessness has been a subject of concern. Invariably, UN review bodies express concern about the inadequate housing and homelessness for the most vulnerable groups, the lack of housing strategies—federally and across the country—and the lack of accountability mechanisms.

I'm going to take it all the way back to 1991, when the Committee on Economic, Social and Cultural Rights issued what they called general comment number 4 on the right to adequate housing. This UN committee is responsible for reviewing Canada's compliance with its international commitments, especially in the area of social and economic rights and the right to housing. This committee adopted general comment number 4 and said that in order for a state to comply with the right to adequate housing under international law, it will almost

invariably require the adoption of a national housing strategy.

Now, you're going to hear me refer to "national" and "Canada" and "the state." The UN is well aware that Canada, like many other states, is a federation and that there are jurisdictional issues. They are well aware that the provinces and territories have a significant role to play. You'll see, as I go through further comments that the UN has made, that they've been very clear that the provinces and territories need to be involved in developing housing strategies.

In 1998 and in 2006, when Canada was up for review by this Committee on Economic, Social and Cultural Rights, the committee expressed concern about inadequate housing and homelessness among particularly vulnerable groups. They made the following very clear recommendation: The federal, provincial and territorial governments must address homelessness and inadequate housing as a national emergency. Then they said that the committee urges Canada to "implement a national strategy for the reduction of homelessness that include: measurable goals and timetables, consultation and collaboration with affected communities, complaints procedures and transparent accountability mechanisms, in keeping with" international human rights law. That should sound like an echo of what I said at the very beginning about the five components that should be included in any strategy.

I'd also draw your attention to the recommendation by the committee—I didn't read it out to you but you will get it in paper form—where they were very clear that any housing strategy has to go beyond just social housing and must include other things like increasing shelter allowances and social assistance rates to realistic levels and providing adequate support services for persons with disabilities.

The recommendations, in 1998 and 2006, of the Committee on Economic, Social and Cultural Rights were underscored quite recently when the UN special rapporteur on adequate housing, Miloon Kothari, came to visit Canada on a mission. I don't know if any of you were aware of this, but the UN has a procedure where independent experts can visit countries if they feel there's cause for concern. Miloon Kothari came to Canada in 2007 because he had seen what was being said about Canada previously by these other UN bodies and he was very concerned. He spent a good deal of his mission in Ontario, both in Toronto and Ottawa, and I think he also went to some rural areas.

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As a result of what he saw and heard in this province and elsewhere, his recommendations ended up mirroring those of the Committee on Economic, Social and Cultural Rights. He specifically recommended that Canada adopt a comprehensive and coordinated national housing strategy based on the indivisibility of human rights and the protection of the most vulnerable. This national strategy should include measurable goals and timetables, consultation and collaboration with affected communities,

complaint procedures and transparent accountability mechanisms. So you hear the echo again, the same recommendation being trotted out again; this is for the third time.

Finally, and most recently, under a process called the universal periodic review, which is undertaken by the Human Rights Council at the UN—the Human Rights Council is the highest human rights body at the United Nations. That review mechanism, the universal periodic review, is quite interesting because it's not independent experts reviewing Canada, like the Committee on Economic, Social and Cultural Rights. At the Human Rights Council, it's states reviewing other states. So it could be the United Kingdom taking a look at Canada and how Canada's doing with respect to its international human rights obligations. In that review process, the Human Rights Council recommended that Canada "intensify the efforts already undertaken to better ensure the right to adequate housing, especially for vulnerable groups and low-income families." Canada then publicly committed itself to this recommendation. Before the United Nations, it said, "Yes, we accept this recommendation."

Before I close, I want to express CERA's real concern with the lack of recognition of the most marginalized and vulnerable groups in Bill 140, particularly in the sections of the Housing Services Act that deal with homelessness plans. For example, as it stands at section 4, on provincial policies and local plans, there is no reference to vulnerable groups at all. In section 6, which outlines what the plans must include, there are no explicit references to ensuring the needs of the most vulnerable groups, that those needs are to be considered in the development and implementation of the plans. In section 7, I think it is, where it calls for consultation, it just says consultation with the broad public; it doesn't identify those with particular needs.

I don't think it takes CERA's experience to know that homelessness and inadequate housing is directly linked to prevalent systemic patterns of social and economic disadvantage, and that several groups are disproportionately affected amongst the homeless population. The groups I have in mind include, of course, persons with disabilities. I don't know if you know, but the Mental Health Commission of Canada reports that between a quarter and half of the absolutely homeless suffer from mental illness. Aboriginal people: In Toronto, aboriginal people comprise 0.5% of the population but 15% of Toronto's homeless population and 26% of homeless people sleeping on the street. Families with children, particularly single moms, are a significant and growing population amongst the homeless. Older people are being seen more and more in the homeless population. And youth as well are obviously a disproportionate segment of the homeless population.

I also don't think it takes CERA's expertise to know that without the meaningful inclusion of these groups and their representatives in the development and implementation of homelessness plans, their needs and interests are unlikely to be included and the plans are unlikely to be effective in addressing the needs of these groups.

CERA submits that Bill 140 be amended to include the five components required for the long-term affordable housing strategy to be in keeping with the province's international human rights obligations. This recommendation is in keeping with the submissions made by the Wellesley Institute and the forthcoming submissions that will be made by Bruce Porter of the Social Rights Advocacy Centre, and I now learn that they are also in keeping with the previous speaker, I think, the nurses' association.

In closing, international human rights law is often perceived as lofty, not practical, and having really very little to do with provincial legislation and policy. We at CERA beg to differ. In its recent policy statement on housing, the Ontario Human Rights Commission took a practical approach, using international human rights principles to interpret its own statute with a view to making sure that international human rights, like the right to adequate housing, are, in the words of the commission, "lived rights for all Ontarians."

This committee can do the same thing by amending Bill 140 in keeping with international human rights principles.

Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We have about a minute and a half left, so we'll try for a few quick questions from the committee. We'll start this rotation with the NDP. Mr. Kormos?

Mr. Peter Kormos: I'm fine, thank you, Chair. Thank you, Ms. Farha.

The Chair (Mr. Lorenzo Berardinetti): Ms. Cansfield?

Mrs. Donna H. Cansfield: No, I'm fine, thank you.

Mr. Mike Colle: May I ask a question?

The Chair (Mr. Lorenzo Berardinetti): Sure, Mr. Colle.

Mr. Mike Colle: I'm not fine. I guess the question is—I think all of us around this table, no matter what party, understand that there's a real gap in providing housing, especially for the vulnerable, seniors, the poor. That's obvious. It's in every community. Whether you're in a city like Toronto or you're in Welland, there's poverty and people can't get a good place to live.

Yet it just astounds me that, whether it's the public media out there—I know Mr. Kormos mentioned that it made the media because there was an issue about Toronto Community Housing and its spending or something. But it never seems to penetrate—in the public realm, the media, government, whether it's the federal government election that's coming or the provincial government election, the whole thing about housing never seems to become a dominant issue, and not even dominant, but just a real bread-and-butter issue that gets discussed and debated and profiled. I just wonder why that happens.

Ms. Leilani Farha: I don't have an answer as to why it happens, but I would dispute that housing doesn't come up and isn't on people's radars.

There was a study done on people across Canada, asking them what their top five issues of concern are. Of course, health was right up there, but so was homelessness and inadequate housing. That study was done by the Centre for Policy Alternatives.

Also—and I think Mr. Porter will speak to this—there is a piece of legislation at the federal level right now called Bill C-304 that is a private member's bill, but it has made it all the way to third reading and, but for an election call, could see the light of day. It has the support of all three opposition parties, as well as support from community groups and individuals across the country. It is, in fact, incredible how much support this bill has garnered.

Mr. Mike Colle: Whose bill is that?

Ms. Leilani Farha: It's Libby Davies's bill, Bill C-304. As I said, Mr. Porter will speak to it.

But even Mr. Ignatieff did mention affordable housing when he was talking about the budget just a couple of days ago. As one of his three issues, he did put out there the fact that affordable housing wasn't included in the budget. So I would beg to differ a little on whether or not we're seeing that housing is understood as a really important issue.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Ms. Elliott?

Mrs. Christine Elliott: Thank you. I would agree with you. I think it is starting to become more and more of an important issue, and I think some of the work that the federal mental health commission is doing as well on the homelessness issue is helping to sort of break the ice and lead the way to that.

Thank you very much for your presentation. I think you've raised some really important issues. I'm just wondering if there are any specific amendments that you would like to see to this particular bill that you'll be presenting or that you could send along to us.

Ms. Leilani Farha: Mr. Porter is going to speak to some of the types of amendments that we're looking at. We haven't drafted amending legislation; we thought that that could be done in conjunction with committee members. But he will speak more specifically to what sorts of amendments we'd be looking at.

Mrs. Christine Elliott: Wonderful. Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. Farha, for your presentation. We'll await your documents.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Oh, it has been circulated, actually. Okay, thank you.

SOCIAL RIGHTS ADVOCACY CENTRE

The Chair (Mr. Lorenzo Berardinetti): The next presentation is from Mr. Bruce Porter of the Social Rights Advocacy Centre. Good afternoon and welcome to our committee.

Mr. Bruce Porter: Good afternoon, Mr. Chair. Thank you very much.

I have provided two documents. One is the notes for my remarks, and then there's Bill C-304, which Ms. Farha just mentioned as the important federal housing strategy legislation which is at third reading in Parliament. It does have the support of the majority of parliamentarians.

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One thing I would just add in reference to that bill is, although it was originally an NDP bill with Libby Davies, and of course continues to be so, it was subject to some pretty thorough review. A number of the amendments that were particularly important to what we're talking about today, which is kind of the human rights framework that needs to be a part of any housing strategy, as has been recommended, as Ms. Farha described, by a number of UN bodies—those components were actually added by committee after second reading, so I'm going to be highlighting those, in particular. You'll see that we've highlighted a number of those provisions in the copy of Bill C-304 that we've provided.

Very briefly, what we're proposing is that the really core thing in Bill 140 that we feel needs to be added is a kind of human rights framework that's consistent with the kinds of recommendations that Ms. Farha has described.

Housing, of course, is a fundamental human right. We hear that said all the time, but what does it really mean? We have the chance in this legislation to really fill that out. I want to use Bill C-304 federally as an example of what legislation looks like when it follows the kinds of recommendations that Canada and the provinces have received. How do we actually make a human rights framework seem real?

People kind of think, "Well, sure, housing's a right, but look at all the homelessness around the world." There's a sense that it can't be taken very seriously. In fact, nothing could be further from the truth. The right to adequate housing is a very fundamental human right in the international system. I think what we need to remember is that under international law, the obligation is to implement the right to adequate standing commensurate with available resources and by appropriate means. This is why the extent of homelessness in Canada has been taken so seriously by the various UN bodies and why the special rapporteur took it upon himself to have one of his few country missions be a mission to Canada.

The problem in Canada is that, obviously, we have widespread homelessness, but worse than that we have the resources available to solve this problem. The UN has seen it get worse and worse during periods of economic vitality and widespread affluence. What is the problem here? How can we solve it within the kind of human rights framework that the UN has been proposing?

As Ms. Farha said, there are really five key components to a human-rights-based approach. All of those have been incorporated in Bill C-304 federally, and we believe that they could all be incorporated through appropriate amendments to Bill 140.

If you look at the first one that I've mentioned, it's a reference to the right to adequate housing. Senator Eggleton

strongly recommended in the In From the Margins report, from the Senate subcommittee, that legislation dealing with housing and poverty should really refer to Canada's and Ontario's obligations under international human rights law.

It's not just an obligation of Canada, remember. When Canada ratified these various covenants recognizing the right to adequate housing, it did so with the consent and agreement of Ontario and the other provinces, that within provincial jurisdiction, the rights would be guaranteed and implemented. It's really quite appropriate and necessary to have within legislation, which is the implementation of Ontario's housing strategy, a reference to the fact that in Ontario housing is considered a fundamental right.

We've proposed wording very similar to that which is contained in Bill C-304, which you'll see throughout its preamble, and even in its description of the housing strategy that must be implemented by the minister under the requirement of Bill C-304. The federal minister is required to implement a strategy which respects, protects, promotes and fulfills the right to adequate housing as guaranteed under international law. We would propose that the same kind of commitment be made in Bill 140.

To the definition section we could say that "the right to adequate housing" means the right to adequate housing as it is guaranteed under international human rights law. This would be an appropriate reference point and framework for an improved housing strategy in Ontario.

The second component that was considered key, at the bottom of page 4 of my submission, is the meaningful participation of civil society, key stakeholders and vulnerable groups.

As Ms. Farha mentioned, the consultation with the public that is described in Bill 140 is solely being done by service managers locally. We feel that, to have a proper human rights framework, the involvement of stakeholders, or what they call "rights holders" in the international human rights jargon, is critical.

So something along the lines of what Bill C-304 has, where it requires the minister to convene a conference of representatives of municipalities, aboriginal communities, non-profit and private sector housing providers, and civil society organizations, including those that represent groups in need of adequate housing: That kind of participatory structure is key to a human rights approach.

The third key principle was measurable goals and timetables for the reduction and elimination of homelessness. This is a critical omission in Bill 140. Almost all advanced countries now have homelessness strategies and it's really become the norm that you have a meaningful target for the reduction and elimination of homelessness. It has to be a meaningful commitment. That's been built into Bill C-304 as a federal commitment, but it has to be built into a provincial commitment as well. It's a target that should be meaningful, that can be negotiated with municipalities. We're not talking about pie in the sky stuff, but we need very measurable goals that can be monitored and implemented.

The fourth key point was identifying barriers and prioritizing the needs of vulnerable groups. Again, we've taken wording as a proposed amendment to section 5 in Bill 140 that would take the kinds of priorities that are established federally in Bill C-304 and parallel those with provincial prioritizing of groups, such as those that Ms. Farha was talking about, particularly people with disabilities, where housing has to be accompanied with adequate support services. I've got an example there of the kind of amendment that would mimic the wording of Bill C-304 that identifies the particular groups that need to be prioritized.

Finally, and perhaps most importantly, is the requirement of transparent accountability mechanisms, including independent monitoring, review and an individual complaints process.

We've learned through experience that human rights require some kind of independent accountability mechanism. When governments say they believe in human rights, they also create human rights commissions and human rights tribunals. It's not good enough to just say that we think housing is a human right; we have to show that the commitment is real enough that we will have some independent body do the monitoring and actually provide a hearing for people who are finding out that there's something in the housing strategy that hasn't been addressed and needs to be. We have to have that ongoing kind of accountability to the people whose rights are at stake for them to be able to get a hearing and say what's wrong. So again, we've taken wording from Bill C-304 that could be incorporated into Bill 140 in terms of the creation of an effective monitoring mechanism.

Finally, Bill C-304 also talks about the need for provincial follow up to UN bodies' concerns and recommendations. It's been repeatedly raised at the United Nations that in Canada, so much of the responsibility for key human rights, like the right to housing, falls within provincial jurisdiction. There isn't really that much point in the UN bodies and the special rapporteur making all of these recommendations if there's no mechanism to guarantee that the province follows up on the recommendations and concerns, and addresses them. That too has been built into Bill C-304, and we have proposed an amendment to Bill 140 which would provide for the same kind of mechanism.

Those are the key provisions that we would like to see incorporated. We think that they do fall properly within the scope of Bill 140 and within the whole vision of Bill 140, which is community accountability and effectiveness, and realistic goals and timetables for implementing the right to adequate housing, as Ontarians want and deserve.

Thank you very much.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Porter. We have about six minutes left, so two minutes per party. We'll start with the Liberal Party. Ms. Cansfield.

Mrs. Donna H. Cansfield: Thank you, Mr. Porter. I don't have any questions. I actually want an opportunity

to reread this—it was hard, because you sort of jumped a little bit—and also to look at the bill and do some comparison. So I thank you for that. It was a very thoughtful presentation.

Mr. Bruce Porter: Thanks very much. I might mention that it was Gerard Kennedy who took the lead at the federal committee when there were human-rights-based accountability mechanisms that were being addressed through amendments. His office would also be a useful resource for you.

Mrs. Donna H. Cansfield: Thank you very much.

The Chair (Mr. Lorenzo Berardinetti): We'll move on to the PC Party. Ms. Elliott.

Mrs. Christine Elliott: Thank you very much, Mr. Porter. I really appreciate the human rights perspective that you and Ms. Farha have brought to this discussion. I certainly recall, as do several members of this committee, how the issues with respect to housing and homelessness were raised when we did the human rights review in 2006, I believe it was. I know it's a real issue out there. I certainly do appreciate the suggestions that you've made and look forward to seeing how we can implement them as amendments to the bill. If you don't mind if we call you for further advice as we get ready to do our clause-by-clause, we'd be very grateful.

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Mr. Bruce Porter: Thanks very much. I appreciate that.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll go to the NDP. Mr. Kormos.

Mr. Peter Kormos: Thank you. I've read most of your submission; I had to leave for a minute, but I've read Bill C-304. Why do you think that's important, when it's a paper that's going to be tabled? Is it important because the Parliament will have acknowledged in the preamble the United Nations's Universal Declaration of Human Rights with respect to housing? Is that what makes it important? Or the fact that there's a strategy developed that may never be implemented? Seriously, what makes this important?

Mr. Bruce Porter: Thanks for that question. It really has become an important model to look at, actually, in other jurisdictions. We've struggled with the kind of legislation that would be appropriate for the right to adequate housing. As Ms. Farha was tracing historically, there's been a movement towards the notion of a legislatively implemented strategy.

That sounds soft, but the problem with the right to housing is it's not just a right to social housing, it's not just a right to an adequate level of shelter allowance and social assistance, it's not just a right to non-discrimination; it involves a coherent, consistent approach to a whole myriad of programs, policies and so on that have to be informed by that fundamental value. So if somebody's homeless because of eviction procedures that aren't adequately taking into consideration the problems they're facing, or if they're homeless because welfare hasn't been raised adequately to deal with the increased cost of housing, or because employment insurance is not

providing proper protection for women who are working part-time, those are the kinds of issues that all need to be thrown into the hat, in terms of trying to figure out what we do with this problem. And of course, then there are the unique needs of all of the different groups.

The problem in the past has been that we've thought of rights violations as one particular provision in one piece of legislation, which is somehow a violation of a right. But what we deal with really when we're talking about the number of people who are homeless in Ontario is a failure to look at all these programs and try to figure out the key value in hand. We want people no longer to be homeless in this province. There's no need for it, there's no excuse for it. We want it to be solved.

Really, what the amendments that we're proposing and what Bill C-304 would have done federally is simply say it has to be joined, it has to be developed with the participation of stakeholders and civil society and housing providers, it has to be committed to the notion that homelessness can be and will be eliminated and it has to have monitoring so that there's an ongoing accountability. In other words, we're not going to solve it all in one fell swoop, in one piece of legislation, but we can create legislation that actually starts a process.

And that's consistent with the way the right to housing is thought of internationally. It's a process. It does take time. It has to be commensurate with available resources; they're not trying to be unrealistic about this. But what is so shocking to the UN about Canada is that we don't even have a strategy. We don't even have what Bill C-304 would put in federally or what we're proposing be put into Bill 140. At least then, we could go and say, "We know that this is a problem; we know it has to be solved. We've got legislation which is going to require the minister to convene a meeting and we're going to solve it." That kind of commitment really needs to be embedded in legislation.

Mr. Peter Kormos: Thank you, sir.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Porter, for your presentation.

CO-OPERATIVE HOUSING FEDERATION OF TORONTO

The Chair (Mr. Lorenzo Berardinetti): We'll move on to our next presentation, which was scheduled for 4:30, but the presenter is here now, the Co-operative Housing Federation of Toronto, Mr. Tom Clement. Good afternoon and welcome to committee.

Mr. Tom Clement: Thank you for this opportunity. I appreciate the opportunity to make this presentation early.

I'm going to give you a little bit of background on the Co-operative Housing Federation of Toronto. We're an organization that was founded in 1974. We're owned by our members and we have a democratically elected board, just like a housing co-op. We have 168 co-ops within our membership and we represent 45,000 people in the greater Toronto area, what we would call Toronto

and the southern part of York region. We provide services and advice to those co-ops. When there is an opportunity to develop new co-ops, we do that as well. We have a number of enhanced services, including a scholarship program for our young people to give them an opportunity at post-secondary education.

I was glad to see the recognition of community as part of this legislation because in housing co-ops, we see that as an integral part of what we do. Each co-op is independently managed, as you know, and they elect their own board of directors. We really see that as an opportunity for people to gain management experience and to gain new skills, but most importantly, to have management of the community that is close to the ground. It is run by the residents, and like any form of democracy, there are high points and low points, but it is an opportunity for the residents to engage in management of the housing co-op.

We see that as an integral part of what we do. We see that having volunteers involved in the community improves the community. We see that the co-op allows people to gain skills to take to other parts of their lives. They get involved in the wider community. Where you see a concentration of housing co-ops, you'll also see that people from housing co-ops are also involved in the community groups. I think that we can all agree that having citizens engaged in the running of our society is very important. We see this as a really good improvement in the legislation and want to compliment you on that.

There are some other things that I'd like to comment on. One is, as you know, we're concerned about co-ops being put in receivership and the cost of that. So we're advocating some sort of review mechanism, should a service manager decide to put a co-op into receivership. We think that this would be a more cost-effective way than having to go to court to do this.

In this area, we've had a lot of dealings with our service manager, and I would describe our relationship as a good relationship. That doesn't mean that we always agree, but that means that we consult on things. Over the last number of years, that service manager, the social housing unit of the city of Toronto, has had discussions with us where they looked at putting six co-ops into receivership. I'll tell you a little bit about the experience.

We were brought in on the decision late on one co-op, and they went into receivership, but in the discussions that we had with the city, what we were able to do was to get the city to offer us some assurances that, in fact, the co-op would come out of receivership. We were able to build that in, but my understanding from talking to my colleagues in other parts of Ontario is that that hasn't necessarily happened. In many cases, the co-op housing sector has had to go to court to fight receivership.

In another case, we were consulted on the receivership, and we did agree that that was the only way to remedy the problems in the co-op.

There were another four cases where co-ops had to do construction, and it was thought initially by the service

manager that probably the best thing was to put them into receivership. But through some discussion and at times very vigorous discussion with us, we were able to convince the city that there were other alternatives to receivership. So those four co-ops did not go into receivership. We set up various mechanisms so they could get the work done, so that they could have good governance while they were getting the work done. Now all four of those communities are operating.

I mention these because there was consultation. We weren't guaranteed that consultation, but in other areas, we've had co-ops go into receivership and run into big problems. We would think that there needs to be a way to guarantee that the service manager's decision can be reviewed. We were lucky to have consultation, but there is a need to do that, and we feel very strongly about that.

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I'm not going to have a lot of issues to raise with you today, but we would like to express some concern that a co-op could run into a problem with a deficit in a single year, and they could find themselves getting a triggering event letter or being in breach. So we would be very concerned. I think as people who have run businesses and run government, you know that if there is a problem with a business, that a business can go into deficit one year—it can have some extraordinary expenses in one year—but that doesn't mean that it's being poorly managed. Accumulated deficit is different, but a single-year deficit, we would be very concerned that the co-ops run into problems with that.

Basically, I'm open for questions.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We have about nine minutes for questions. We'll start first with the PC Party. Ms. Elliott.

Mrs. Christine Elliott: Thank you very much for your presentation, Mr. Clement.

The issue of the review process has come up with several presenters, as you've probably heard. Do you agree with the mechanism that has been proposed, sort of an arbitration system that has been recommended by several of the presenters?

Mr. Tom Clement: I think that's one way to do it. I can't say definitively that I know that that would work, but I think that's a good start. That's something that we should look at, absolutely, rather than the cost of going to court.

Mrs. Christine Elliott: Thank you.

The Chair (Mr. Lorenzo Berardinetti): The NDP, Mr. Kormos.

Mr. Peter Kormos: Explain to us, paint the picture again, what it means when a co-op goes into receivership and what happens if it doesn't get out of receivership.

Mr. Tom Clement: Well, if a co-op goes into receivership, they lose control over their finances; they lose control over their governance. The very thing that strengthens the co-op—having the democracy on the ground—is gone, and they don't have say in what's happening. Potentially, that co-op could be sold and moved into another form of housing, when in fact the people

who moved into the co-op made a conscious choice to move into the co-op, and it's very important to them. The problem that may put them into receivership may have nothing to do with the actual people there. They may have a bad building, for example.

Mr. Peter Kormos: But then that's, in and of itself, problematic, right?

Mr. Tom Clement: I'm sorry, could you say that—

Mr. Peter Kormos: You say they may have a bad building, for example. That's a pretty shocking revelation about that building.

Mr. Tom Clement: When I say a bad building, I mean bad construction. Sorry.

Mr. Peter Kormos: No, I hear you—but even then. So what's the solution? Because, you see, some folks here talked about legislative bars from converting public and co-operative housing—social housing—into private housing. You're not talking about, necessarily, a legislative bar; you're talking about ways of avoiding an overly onerous receivership or an unjustifiable receivership.

Mr. Tom Clement: Yes.

Mr. Peter Kormos: But are there justifiable receiverships? Is this what you're telling us?

Mr. Tom Clement: It may be possible that a co-op is being poorly managed, and we would work with government and anybody to ensure—it's in our best interest to make sure that the co-ops are well managed.

Mr. Peter Kormos: Sure. Okay, fair enough. Thank you kindly.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Mr. Colle, from the Liberal Party, go ahead.

Mr. Mike Colle: Thank you, Mr. Clement. I was just reflecting: I think the second place I ever lived in after I got married was in a co-op, one of the first co-ops in Ontario in the modern wave of co-ops. It was Ashworth Square in Mississauga. You remember that.

Mr. Tom Clement: I know it well, yeah.

Mr. Mike Colle: I know we were living in a flat on the second floor of a house, and because the baby was crying, the landlord was giving us all kinds of trouble, so we moved out to Mississauga to the Ashworth Square Co-op.

I guess the good point that you bring out is that co-ops go through transitional periods. I remember the board—if you've got a good group of people on that board and they're involved and they're dedicated, it runs well. But then, all of a sudden, somebody moves on or whatever it is. So you need a good board. Then, invariably, there's going to be friction. There's going to be something, and there are going to be issues, right?

I was talking to my colleague here from Scarborough. Let's not talk about friction when we talk about condos. I'd rather live in a co-op anytime than in a condo. What's happening on condo boards is beyond belief.

Anyway, the critical thing that you mentioned, I think, is that what's needed is, in certain cases, when there are issues and pressures in a co-op, there needs to be some

mechanism to help them get through that transitional period, usually with the financial pressures.

In what you're recommending—I know you talk about receivership when it goes that far—is there anything that we can do in this legislation to put in any kind of process mechanisms that could help, whether it's the co-op association of Toronto or Ontario or Canada, intervene and be supportive so it doesn't fall apart?

Mr. Tom Clement: I think that something that would encourage the service managers to more actively consult with us to ensure that we know where there's problems, and to provide some support for us so that we can do the work that we do, which is talking to the residents and whatnot—in some areas, we really do have that. We really do have that, I feel, here in Toronto.

I'm not sure that you can legislate everything. I think that a co-op will go through its ebbs and flows, and sometimes there are issues around governance, as there are in any form of democracy. I'm sure that opposition parties are always saying, "If only we could change the government." This is part of it.

But in a co-op, there are mechanisms that I think are very democratic. I've worked at CHFT for 30 years, and when there's a problem meeting, I often chair it. In a housing co-op, you can actually remove the board of directors. If you think of that—that the members can requisition a special meeting if they think the board of directors is doing a poor job—that is democracy. They can remove that board, and that's where we come in, providing an outside chair so you don't have to wait for the full term to expire, or you don't have to wait for that board to call a meeting, because—and this is enshrined in the Co-operative Corporations Act—the members can call a meeting and remove that board, or they can call a meeting and remove one or two directors. I've chaired many of those meetings, and I think it's a really great democratic system. There's nothing like realizing that if you're not working in the interest of the members, you can be removed.

I just want to be clear with everybody that this isn't happening every night; these are extreme cases. But over the course of the time that I've been at CHFT, I've chaired many a meeting and my colleagues have chaired many a meeting. I think that that's real grassroots democracy.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Clement, for your presentation.

CO-OP MEMBER INFORMATION GROUP

The Chair (Mr. Lorenzo Berardinetti): Just to advise members of the committee, there's no one scheduled for 4:45. The 5 o'clock presenter just stepped in a few minutes ago—Ms. Sharon Danley, is it? I don't know if you're ready to go right now.

Ms. Sharon Danley: Sorry. I just got called to come in a little early, so I'm just a little bit—

The Chair (Mr. Lorenzo Berardinetti): Take your time, because I know that we're also photocopying your notes.

Ms. Sharon Danley: Terrific. Thank you so much.

The Chair (Mr. Lorenzo Berardinetti): Whenever you're ready, let us know and I'll start the clock. You have 15 minutes.

Ms. Sharon Danley: I have 13 minutes?

The Chair (Mr. Lorenzo Berardinetti): It's 15. I try to be a good timekeeper.

Ms. Sharon Danley: Okay.

The Chair (Mr. Lorenzo Berardinetti): Welcome to the committee.

Ms. Sharon Danley: Many thanks for the opportunity to speak to this committee today on behalf of the co-op housing member residents.

Just to give you a little bit of background, I'm a single senior with two adult disabled children. Living in separate apartments in the co-op sector has afforded me the opportunity to care for my daughter while she experiences as much autonomy as possible, supported by the Ontario disabilities act.

I often joke with my colleagues and friends that I'm like an antivirus running in the background, making sure everything is safe and okay without any notice, but when disaster strikes—which unfortunately happens often, in our case—I'm instantly available.

My son is still waiting, after 12 years, to become a resident of our co-op again, because it appears he made a mistake by taking schooling outside the province. He has a severe heart condition and other disabilities, rendering him unable to continue.

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I had to downsize to a one bedroom, giving him no place to live upon on his return. This is an example of the administrative nightmares with the housing provider and inability of the service manager to clearly and humanely help solve problems of inequity. My son's established housing rights have been cavalierly ignored. That's a bit of background on where I'm coming from.

Once my son is back in residence, which I pray is sooner rather than later—it's been 12 years now—it will help tremendously with our family unit taking care of each other. Otherwise, the institutional costs to the taxpayers would be huge over the long haul. Our family, living under the co-op housing vision, is a model of family caring for itself and raising the esteem of the disabled, enabling contribution back to the community and not burdening the taxpayers further.

Not having a secretary or a wife or a legion of bureaucrats or lawyers on retainer, I and my colleagues are not as equipped as we'd like to be regarding the details of this bill. So I'm just going to stick to the overall approach and some of our personal experiences.

The Co-op Member Information Group is a group of member-tenants from a few co-operatives in the Toronto area that have experienced great difficulty with the administration of our housing providers. Let me interject though, we also acknowledge and know of co-ops that are operating well and the member-residents are very happy and take pride in their community. Those co-ops appear to be transparent and accountable.

However, the ones that don't work have too much latitude to dictate rather than administer, often at whim, with personal agendas and with absolutely no accountability or transparency. When we turn to the service manager in our area—the Toronto social housing unit—to intervene, they have systematically been negligent in dismissing several concerns. Of course, there is documentation and it has been turned over to a higher authority. If things continue as they are, we can see how co-ops run into trouble and end up in receivership. This can all be avoided by each administrative component doing its job and for which, by the way, they are being substantially remunerated.

Contrary to what the Co-op Housing Federation, with great respect—herein, I'll refer to as CHF et al—espouses to government, they do not serve the member-residents. That's been our experience. They serve only the boards and staff of co-ops. When several of us have collectively encountered continual diminishment of our concerns, treated with disdain, verbally abused and even bullied—again, all documented. Please hear this: They do absolutely nothing to help the member-residents, and there are questions of possible profiteering that have been suggested and need to be looked at just to confirm either one way or the other.

The Financial Services Commission, the Human Rights Commission, several community legal services, and women's advocacy and resource agencies are well aware of the problems with CHF et al and the inherent problems in the co-op housing sector due to lack of proper, accountable administration: What a waste of time, taxpayer money, and member-resident money paid to CHF for membership in the association, and a deep fracturing of the community.

We are very pleased to see the reduction in the role of the housing providers. Often they do not have the degree of higher skilled business acumen. We feel they definitely need supervision. However, we feel the flexibility for service managers and housing providers needs to be completely transparent and accountable. This is where an independent and fair system of dispute resolution, which should also be completely accountable, should be instituted.

What we like: We're glad to see attempts through triggering events to stop the problems before they get worse. Reviewing service managers' decisions by housing providers and housing providers' actions by member-residents is a huge problem. The courts are expensive and the human rights are overloaded. Once again, transparent administration right from the get-go would alleviate this problem and a lot of the other questionable practices and problems being experienced early on.

The concern for service managers to have too much power in the dissolution and sale of co-op property would be a moot point if the administration of the co-op were handled correctly and transparently in the first place. This is where triggering events and complaints from member-residents as red flags would prevent getting to the receivership stage.

Our concerns: The wait-list and priority wait-list are a web of intrigue, misunderstanding and poor and questionable administration. For example, how is it that a person coming from domestic abuse—which should be a limited-time problem—overrides a person with lifelong disabilities? I need to clarify here: I have advocated and represented both of these groups and others for more than a quarter of a century, so I get it.

It should be mandatory for co-op boards to employ an independent, vetted, arm's-length board member for purposes of transparency and accountability at board meetings and to diminish the misuse of confidentiality, often used by boards and staff to keep information hidden from member-residents.

We are concerned that CHF et al may be used by the government as a service agency. If this is the case, we feel that it would be a huge mistake.

Review officers can be used as a scare tactic by housing providers against member-tenants if that's their agenda. How is an investigation determined? How are these officers picked and vetted? How will the transparency and accountability work?

Warrants for searches are bordering on civil liberties infringements. We agree that there are problems with the system—it is misused by some member-residents—but it's also mishandled by the administration in the first place. These administrators have to be made accountable before this becomes a problem. How will these warrants work? What is their purpose? Where is the accountability? Who can set a warrant in action?

Who are the special needs administrators and how are they chosen and vetted transparently?

When the housing provider has failed, who sets the wheels in motion? Can member-residents complain and truly be heard before it gets to this point?

And clarification please on "housing provider": Is it the board? Is it the staff? Or is it a combination of both? Often, it has been our experience that it is the staff who runs the board, which is highly problematic for all the reasons stated earlier.

In my closing remarks, we support the diminishment of housing provider roles, making both them and the service manager transparent at every turn. We support a clarification of the bill and its regulations in a way that builds community for the member-residents so that they are not kept vulnerable by the housing providers or service managers. Correct administration of these laws will give back the ownership of community that the architects of the co-op housing system envisioned and prevent the myriad of problems that have been consistently demonstrated by every level of administration so far.

Once again, an independent and fair system of dispute resolution should be instituted to review the decisions by both housing providers and service managers where questionable practices are in play, and most importantly, where the member-residents can be heard, as nothing has been in place for their voice to date.

It bears stating again that CHF et al. only consults with the boards and staff of co-ops, which they term as

the members, but not the member-residents. It is clearly stated on their website that they will not intervene in conflicts between members-residents and boards. So we hope this bill will take this into consideration and major attempts will be made to include the member-residents to speak for themselves and not through CHF et al. or their co-op boards in future consultations and deputations.

In closing, we thank the members of the committee for giving us the opportunity to express our views. We would be pleased to answer any questions.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. Danley. We have about five minutes to spread out between three parties. We'll start first with the NDP. Mr. Kormos.

Mr. Peter Kormos: I'd be pleased to give Ms. Cansfield my time.

The Chair (Mr. Lorenzo Berardinetti): Then we'll go to the Liberal Party.

Mrs. Donna H. Cansfield: It's very important to hear from the tenants as well so that it's a balanced approach. I really appreciate it when you take the time to do this, given your circumstances. You identified that it's a challenge for you, and I think that's even more appreciative, to be honest.

As I was listening and going through, I would like to take your concerns and, obviously, have some discussions, because I think that that's—I really appreciate you doing this. It was very informative. Thank you very much.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll move to the PC Party. Ms. Elliott.

Mrs. Christine Elliott: Thank you, Ms. Danley. I'd also like to echo Ms. Cansfield's thanks to you for taking the time to come here in view of the many other responsibilities that you have. I think that you've brought an important perspective to the committee that we haven't heard yet. I really appreciate you doing that. We will certainly take all of this into consideration.

The Chair (Mr. Lorenzo Berardinetti): Thank you for your presentation.

I've been advised, members of committee, that the final presenter, Lee McKenna from the Association of Ontario Health Centres, is not here yet. I think we'll break for 15 minutes and then come back. I'm looking at this clock here; it says 4:41. We'll come back at, let's say, five minutes to 5. They have been notified, and if they're not coming or are unable to come, we can put them for next week's group of presentations.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): We'll recess for 15 minutes and come back at five minutes to 5.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I've been given a clock that's radio-connected. It's a fascinating little clock.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): No. I'm using this one, though. It says 4:42 now. We'll come back at five minutes to 5.

The committee recessed from 1642 to 1648.

ASSOCIATION OF ONTARIO HEALTH CENTRES

The Chair (Mr. Lorenzo Berardinetti): All right, we'll bring the committee back to order. Our final presentation of the day is from the Association of Ontario Health Centres: Lee McKenna.

I want to first thank you for coming early.

Ms. Lee McKenna: You're very welcome.

The Chair (Mr. Lorenzo Berardinetti): Welcome to our committee.

Ms. Lee McKenna: It just so happened I was right in front of my computer and saw it pop up and was able to come. Thanks very much for hanging around for me. I appreciate it.

The Chair (Mr. Lorenzo Berardinetti): If you're not familiar, you have up to 15 minutes to speak. Any time that you don't use up will be used by the committee to ask questions. Thank you.

Ms. Lee McKenna: The Association of Ontario Health Centres is composed of a growing network of community-based and governed primary health care organizations: 73 community health centres, 10 aboriginal health access centres and 16 community family health teams, as well as one nurse practitioner-led clinic with proven leadership in poverty reduction programming, making a difference in the lives of Ontarians and building the second stage of medicare through addressing the social determinants of health.

The care delivered at our member centres is focused on those Ontarians who live life on the edge, who experience barriers to accessing the care they need and who end up drawing disproportionately on the health care system.

In an era of renewed conversations around sustainability and poverty reduction, the need for targeted care that avoids more costly care down the road is clear. This government has laudably named the issues we need to deal with in this wealthy province under the umbrella of a poverty reduction strategy. As well, Frances Lankin and Munir Sheikh have begun a review of the punitive and poverty-exacerbating regime of social assistance rules, a process that many of us are watching carefully and; that, it is hoped, will result in a kind of deconstruction and rebuilding that will take us down the path towards poverty eradication. But plans and words, and reviews and strategies are not enough on their own; change is what is needed in the lives of growing numbers of Ontarians.

CHCs and AHACs are uniquely mandated to pay attention to and address the social determinants of health for individuals, families and communities. One of the most important of those upstream determinants is housing. When you look at the list of those determinants, with the exception of food—another challenge this government needs to take up seriously—housing makes all else pale in comparison. If you don't have housing, if you are homeless or if you are living in housing that is inadequate, decrepit, dilapidated and toxic, then you are

unlikely to have the resources, personal and otherwise, to do anything but simply concentrate on the daily business of survival. And many fail at that daily business, to our shame.

The government's late-November, long-delayed long-term affordable housing strategy was a disappointment. Although the elimination or simplification of a long list of complicated rules governing rents in subsidized housing is welcomed, the rule changes constitute thin gruel for what was expected to be of much greater substance. The calculation of income annually instead of monthly will be helpful to low-income households. For those already living in subsidized housing who raise their income levels through paid work, their rent would not go up for a year. Rent could also be lowered for tenants whose income drops substantially between annual calculations.

But for a plan called Building Foundations: Building Futures, it's remarkable that it doesn't actually propose building anything. It lacks concrete goals and intentions and timetables, together with multi-year funding plans, designed to improve affordable housing in the province. For those in rental housing, the plan proposes no new rent subsidies. Census data indicate that one in every five tenant households in Ontario pays over 50% of their income on rent, placing them in danger of becoming homeless.

Since 2007, when the housing strategy was first promised, the wait-list for affordable housing in Ontario has grown by over 18,000 households to 141,635 in 2010. These families will continue to languish on subsidized housing wait-lists of up to 20 years. These wait times should figure as highly in the government's list of priorities as other wait times. Investment in affordable housing through a coordinated strategy is crucial to strengthening Ontario's economy and reducing poverty.

For people living with mental health and addictions, supportive housing is the key determinant of health. Without housing, there is no basis from which to mitigate the factors which lead to homelessness. Without supportive services, the tenant is likely to regress for the reasons that led to their loss of housing in the first place.

The all-party select committee's report on mental health and addictions, entitled *Navigating the Journey to Wellness: The Comprehensive Mental Health and Addictions Action Plan for Ontarians*, was and is a remarkable example of cross-partisan co-operation and consensus-building. A key component in that report was strong agreement on the need for a housing-first policy if we are to ever succeed in our care for our neighbours who struggle with mental health and addictions issues. Housing has to precede and be the foundation upon which comprehensive care can actually make a difference.

AOHC is asking the government to develop an Ontario housing strategy that designates annual funding to build 10,000 affordable homes per year, in addition to ongoing maintenance for existing social housing stock, with 10% of that 10,000 designated supportive housing linked to community-based primary health care and/or social

service agencies, prioritizing the needs of those persons caught in the vortex of mental health and addictions.

As well, we are asking for the creation of a new housing benefit to close the gap between high rents and low incomes, a strategy that works for marginalized communities and legislative changes to better protect tenants and to promote affordable housing.

AOHC calls on the government to amend the proposed legislation to ensure that affordable housing is seen as a public asset to be used for the purposes for which it was designed, not for asset sale to pay down deficits. The new legislation should provide for the creation of an independent panel to review housing providers' decisions that have an impact on a person or a family's ability to remain in social housing. As well, we call on the government to amend the Planning Act in such a way as to permit, or even incent, municipalities to create inclusionary housing policies. If developers want to develop, then they will have to agree to making 10% to 15% of the housing that results affordable to low-income Ontarians. No, they don't like it, but it's the right thing to do.

This legislation, along with the social assistance review, must ensure that tenants living on social assistance should not be punished for finding a job. The Housing Services Act must protect tenants from unjust rises in housing costs due to a tenant's changed employment situation that only ensure that poor people remain poor.

In a deficit situation, we are constantly told that there is no money. We are not unaware of that situation, but we are also aware that there are choices. There is always room for making choices, and we would urge this committee and this government to prioritize the needs of those at the bottom of the social ladder, those who contributed in no way to the financial situation in which we find ourselves and whose presence on our streets, reduced to couch-surfing or park benches or tolerating housing that is in a state of disrepair or toxic, ought to drive us to make the kinds of choices that will bring this situation to an end.

Getting to home, all of us, is what we need. We want to live in a province that regards the right to housing as inalienable. The right kind of 10-year housing strategy, one that goes beyond tinkering to building, needs to begin today with the kind of investment that creates jobs and supports diverse, stable and inclusive communities that will make this province a place of equity and justice, where poverty is history.

Below, you will find recommendations that you've probably heard several times already. Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. McKenna. We'll start the questions. We have about six or seven minutes left. We'll start with the Liberals first, and then we'll go around the table.

Mrs. Donna H. Cansfield: Thank you very much. That was really a very thoughtful approach from a different perspective than what we've heard. You're right that there are common themes and common threads, but it's from a whole different group of individuals, so thank you. I appreciate that.

Also, it's helpful when having those discussions to put things into some context, and that you really do provide. So I thank you for that as well. It's food for thought, so I appreciate it. It was very well done.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll go to Ms. Elliott.

Mrs. Christine Elliott: Hi, Lee. Thank you very much for your presentation today. It is very thoughtful, and I think one of the themes that is really resonating is the fact that this is a long-term process. This isn't just a change in housing policy right now; we're looking at a whole variety of issues that need to be dealt with.

Just concentrating on one that you raised here, number 3, the restrictive, punitive rent-geared-to-income rules, I have to say I've heard that from constituent after constituent who comes to tell me that you just get further ahead, you get a part-time job, and your rent immediately goes up and you're no further ahead. So it's just a constant static situation that people can't get out of, and I think we need to really look at that and how we can make that to a point where people can get ahead and can do the things that they want to do for themselves and their children. So thank you for raising that.

Ms. Lee McKenna: Thank you, Christine. Well, when the social assistance review and Frances Lankin and Munir Sheikh were tasked with an 18-month process, it was sort of, "Oh, 18 months. Can't we have something right now?" But I think they're both saying that that's the time that is needed to deconstruct—not just sort of move a few things around, but to really come up with something new and innovative that is going to deal with exactly those sorts of situations that will get people out of poverty and not maintain them where they are.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Mr. Kormos?

Mr. Peter Kormos: Thank you kindly, miss.

Your recommendation number 2, preventing the privatization and sell-off of social housing—let me put this perhaps in a little bit of context. In the long-term-care arena, of course, any number of private long-term-care beds are counted as new long-term-care beds, even though they're not public long-term-care beds. When you're talking about making it illegal or prohibiting a municipality from reducing the number of units of social housing, are you talking about requiring them to retain

what's public in the public sector, or are you prepared to accommodate those like perhaps some of the advisers to Mayor Ford who would say, "Well, heck, maybe the private sector can do it better. We can provide rent vouchers and any number of things"? What are you saying in recommendation number 2?

Ms. Lee McKenna: If there are—and there is talk here in Toronto from the mayor's office, indeed, that there are a number of buildings that are designated for social housing. What we would like to see is a change in legislation so that municipalities cannot reduce the overall current housing stock, so that there is always to be an upward trajectory of the creation and building of new housing stock. What that would look like in the details is not entirely clear to me, but it's that there is never a reduction of housing stock.

Mr. Peter Kormos: Okay, fair enough. Thank you kindly. I appreciate it.

Mr. Mike Colle: I have a question.

Mr. Peter Kormos: Sure, use the rest of my time, Mr. Colle.

The Chair (Mr. Lorenzo Berardinetti): Mr. Colle.

Mr. Mike Colle: Therefore, you wouldn't oppose selling off some of the existing housing stock?

Ms. Lee McKenna: I think that it's whatever is required to maintain social housing stock at a particular level, that it is always an upward trajectory, not a loss. I'm not sure exactly what the details of that legislation might look like.

But there are pieces of social housing here in Toronto that are lying empty right now and being left derelict. The solution is not to sell them, thereby reducing the housing stock, but rather perhaps to ensure that there is other housing stock that is purchased or built that can perhaps make up for it, so perhaps a \$2-million building in the Beaches that really could be better used in maintaining and even increasing the housing stock.

Mr. Mike Colle: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. McKenna, for your presentation.

That's the final presentation of the day, so this committee stands adjourned until next Thursday, March 31, at 9 a.m. Thank you.

The committee adjourned at 1701.

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