

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

SP-36

**Journal
des débats
(Hansard)**

SP-36

**Standing Committee on
Social Policy**

Ontario Rebuilding
and Recovery Act, 2020

1st Session
42nd Parliament

Monday 30 November 2020

**Comité permanent de
la politique sociale**

Loi de 2020 sur la reconstruction
et la relance en Ontario

1^{re} session
42^e législature

Lundi 30 novembre 2020

Chair: Natalia Kusendova
Clerk: Tanzima Khan

Présidente : Natalia Kusendova
Greffière : Tanzima Khan

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



Service linguistique et des publications parlementaires
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Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

ISSN 1710-9477

CONTENTS

Monday 30 November 2020

Ontario Rebuilding and Recovery Act, 2020, Bill 222, Ms. Mulroney / Loi de 2020 sur la reconstruction et la relance en Ontario, projet de loi 222, Mme Mulroney	SP-933
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Monday 30 November 2020

Lundi 30 novembre 2020

The committee met at 0911 in committee room 1 and by video conference.

ONTARIO REBUILDING
AND RECOVERY ACT, 2020
LOI DE 2020 SUR LA RECONSTRUCTION
ET LA RELANCE EN ONTARIO

Consideration of the following bill:

Bill 222, An Act to amend various Acts in respect of transportation-related matters / Projet de loi 222, Loi modifiant diverses lois à l'égard de questions relatives au transport.

The Chair (Ms. Natalia Kusendova): Good morning, everyone. The Standing Committee on Social Policy will now come to order. We are here for clause-by-clause consideration of Bill 222, An Act to amend various Acts in respect of transportation-related matters.

We have the following members in the room with us today: MPP Bell, MPP Harden, MPP Thanigasalam. We have the following members participating remotely—when I call upon you, please state your name and where in Ontario you are calling from.

We have MPP Burch. Good morning.

Mr. Jeff Burch: Good morning, Chair. Jeff Burch calling from Thorold, Ontario.

The Chair (Ms. Natalia Kusendova): Thank you very much. MPP Hogarth, good morning.

Ms. Christine Hogarth: Good morning, Chair. It's Christine Hogarth in Etobicoke, in the province of Ontario.

The Chair (Ms. Natalia Kusendova): Thank you very much. MPP Fee?

Ms. Amy Fee: Good morning, everyone. It is Amy Fee and I am in my office in Kitchener.

The Chair (Ms. Natalia Kusendova): Thank you very much. MPP Martin, good morning.

Mrs. Robin Martin: Good morning, Chair, and good morning, everybody. It's MPP Martin. I'm here at the Legislature in Toronto.

The Chair (Ms. Natalia Kusendova): Thank you very much. And last but not least—or not yet—MPP Oosterhoff. Good morning.

Mr. Sam Oosterhoff: MPP Oosterhoff here, and I'm in Niagara West.

The Chair (Ms. Natalia Kusendova): And we also have with us MPP Babikian. Good morning.

Mr. Aris Babikian: Good morning. I am in my constituency riding office, Scarborough–Agincourt.

The Chair (Ms. Natalia Kusendova): Thank you very much. We are joined by Catherine Oh from the office of legislative counsel, as well as staff from Hansard and broadcast and recording.

To make sure that everyone can follow along, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. Since it could take a little time for your audio and video to come up after I recognize you, please take a brief pause before beginning. As always, all comments should go through the Chair.

When we do votes during today's meeting, it will be through a show of hands. I will start by asking, "Are members ready to vote?" I will ask, "All those in favour, please raise your hand," and the Clerk will count all the raised hands. I will then ask, "All those opposed, please raise your hand," and the Clerk will count all the hands. I will then declare the vote. Unless someone specifically asks for a recorded vote after I have asked whether the members are ready to vote, the breakdown of the vote will not show up in Hansard. Are there any questions at this time?

Seeing none, the Clerk has distributed the amendment packages to all members and staff electronically. The amendments are numbered in the order in which the sections and schedules appear in the bill. Are there any questions before we begin? No questions. I will just grab my glasses; give me two seconds.

As you will notice, Bill 222 is comprised of three sections and three schedules. In order to deal with the bill in an orderly fashion, I suggest that we postpone the first three sections in order to dispose of the schedules first. This allows the committee to consider the contents of the schedules before dealing with the sections on the commencement and short title of the bill. We would return to the three sections after completing consideration of the schedules.

Is there unanimous consent to stand down the three sections and deal with the schedules first? MPP Bell.

Ms. Jessica Bell: Chair, could you just clarify that for me? You're talking about standing down the explanatory note here? Or what piece are you looking at standing down?

The Chair (Ms. Natalia Kusendova): So the bill is comprised of three sections, and each section has schedules attached to it.

Ms. Jessica Bell: Yes.

The Chair (Ms. Natalia Kusendova): The amendments are on the actual schedules, not the sections themselves, so it is usually customary for us to deal with the amendments before we proceed to actually vote on the sections, because if we vote on the sections, we're not considering the amendments that we are proposing.

Ms. Jessica Bell: Oh, yes, sure. Okay.

The Clerk of the Committee (Ms. Tanzima Khan): You're right about sections 1, 2 and 3: It's the explanatory note, the commencement and the short title.

Ms. Jessica Bell: Okay. I'm good.

The Chair (Ms. Natalia Kusendova): Okay. Excellent. Since we have unanimous consent, before we begin schedule 1, I will allow each party to make some brief comments on the bill as a whole. Afterwards, debate should be limited to the section or amendment under consideration. Are there any comments at this time?

Mr. Joel Harden: Excuse me, Chair, for a second.

The Chair (Ms. Natalia Kusendova): All right, very good. Go ahead, MPP Harden.

Mr. Joel Harden: Unless—

Ms. Jessica Bell: Sure, I'll go first.

Mr. Joel Harden: Go ahead.

Ms. Jessica Bell: Thank you very much for being here today. Overall, our party is very supportive of building transit. We think it's critical to getting our city, our region and our province moving, so people have the choice to take public transit and to get from A to B at an affordable price. We also think it's really critical to help with the economic recession we are in, because it will allow for us to invest and to create good jobs in Ontario, so people can get to work, pay their bills and support their families. That's all good.

The concern we have overall with this bill is that we need to build transit, but we need to build transit right. The removal of critical rights to businesses, municipalities and residents, as well as a real reluctance to ensure these transit projects help our region create affordable housing and ensure that communities benefit from transit—none of that is there. So we have some concerns with this bill that we are going to be raising today in committee. My hope is that the amendments that we are introducing will ensure that we don't just build, but we also build right.

Those are my comments.

The Chair (Ms. Natalia Kusendova): MPP Harden?

Mr. Joel Harden: Following what my colleague has just said: As you know, I come from Ottawa, and Ottawa has had its own recent experience with transit. A lot of folks in our city right now are living through the example of what happens when you don't build transit right.

The LRT in our city is a municipal project; the minister who visited our community pointed that out. However, the underwriter for our project was Infrastructure Ontario. I believe the province of Ontario should take note of Ottawa's story and how we built transit wrong. We do not want to use public dollars to speed up the infrastructure of transit, only to see it mired in delays.

Chair, I also just want to note for the record, commenting on the whole bill, that transit and the building of transit, as my colleague just said, is an opportunity to create employment. It's also an opportunity to think about where we're falling short, from an infrastructure standpoint, in our towns and in our cities. Affordable housing is at the top of the list for me. A number of delegations who appeared before this committee spoke to the need for affordable housing to be part of the mix when we build transit. I do not see how this bill accomplishes that at all.

I absolutely want to see transit improved. Gridlock is something many of us MPPs face in our commute to this city—as recently as this morning, if I understood what you were saying earlier, Chair. However, nonetheless, there will only be more gridlock, from the Ottawa perspective, if we rush forward with public-private partnership arrangements that, I believe, reduce transparency for the taxpayer, create unnecessary burdens for many of the construction trades and workers that are involved in making these transit projects successful.

0920

My overwhelming fear, again coming from an Ottawa perspective, is we have seen what happened in our city when a public-private partnership was rushed: Transit was introduced into our city that was not only not appropriate for use but not appropriate for Nordic use. We have a particular climate in this city, and when train tracks are bending within a few months of use, when wheels at the bottom of trains are separating within a few months of use, that tells me being in a hurry is not always the right thing. We have to make sure that there's transparency, that there's safety, that these projects encourage more of what we need.

Again, I just want to say for the record, affordable housing is at the top of my list. Chair, I had a message from a particular community at home that they asked me to bring to our attention today, and that's from the community of Manor Village in our city. This is a community that is losing their housing—120 units of housing—because of a decision that's been made to expropriate that housing. So we have to be mindful, for every single project that will be introduced in this bill, how that is going to impact the amounts of affordable housing that exist in Ontario. Those are precious, particularly affordable rental housing in the private market. They just don't exist. The people of Manor Village are working hard at home, and we're helping them, to make sure that we don't lose that affordable housing. I do not want to see this bill, Chair, engage in the same sort of practices we're seeing in our city, where low-income, working-class tenants are losing their housing at a time when they can rarely afford it.

Ottawa, the city where I come from, last January declared a housing and homelessness emergency. Last night, almost 200 people slept outdoors in the city of Ottawa. Our shelters are full. We have one of the lowest vacancy rates our city has ever seen. We need to make sure that transit projects like this deal with the lack of affordable housing. In my mind's eye, when I was listening to the realtors talk to us, when I was listening to a number of

expert testimonies, when I've talked to my colleague and listened to her hold forth in the Legislature on this, we have an opportunity here, and I do not see in this bill specific provisions by which transit projects will encourage developers through inclusionary zoning rules, for one example, to embrace more affordable housing with these projects.

Just as a general comment on the bill, Chair, I want to note for the record those concerns, and I thank you for the opportunity.

The Chair (Ms. Natalia Kusendova): Thank you very much. Any other comments at this time? No? So we will get right into it.

We will start by considering schedule 1, section 1, and I believe we have an NDP amendment.

Ms. Jessica Bell: That is correct. Do you want me to read it into the record?

The Chair (Ms. Natalia Kusendova): Yes, please.

Ms. Jessica Bell: I move that section 1 of schedule 1 to the bill be amended by adding "and without compromising the integrity of the environmental assessment process" at the end of section 1 of the Building Transit Faster Act, 2020.

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Bell.

Ms. Jessica Bell: The reason why I'm introducing this amendment to ensure that a proper environmental assessment happens before we move forward on any transit project is because it costs us if we measure and cut at the same time. When we build transit and start early works on a transit project without doing our due diligence, we can create situations where the final project that we have is flawed, as we're seeing in Ottawa, or it is overly expensive, or we don't see some unforeseen costs or expenses, or we choose a route that is not the best route that would benefit the people of the region or our city.

It is standard practice to do an environmental assessment. What we have seen with this government is there has been a decision to speed up environmental assessment to the point where an environmental assessment project can happen before the route is even chosen. I've looked at the Ontario Line's environmental assessment process, and we don't know the cost of the line yet, we don't know the technology, we don't know the route, we don't know the station selection, we don't know what businesses or residences are going to be expropriated, yet the environmental assessment project, according to this government, is basically done.

What that means is that you could be in a situation where you're building in an area where you haven't even properly done a proper environmental assessment process. I think that is an extremely flawed way to build transit in a sensible way. I think it is important that we incorporate a proper environmental assessment process into every single transit project we do, because it is taxpayer money that we are spending.

The Chair (Ms. Natalia Kusendova): Thank you. Before we proceed, I'd like to welcome MPP Karahalios. Good morning.

Mrs. Belinda C. Karahalios: Good morning, Chair. How are you this morning?

The Chair (Ms. Natalia Kusendova): I'm great, thank you. Where in Ontario are you calling us from today?

Mrs. Belinda C. Karahalios: The beautiful city of Cambridge.

The Chair (Ms. Natalia Kusendova): Thank you very much.

Mrs. Belinda C. Karahalios: Thank you.

The Chair (Ms. Natalia Kusendova): Any further comments on NDP amendment number 1? MPP Thanigasalam.

Mr. Vijay Thanigasalam: Good morning, Chair. Good morning, everyone. I recommend voting against this motion because there are no proposed changes to the Building Transit Faster Act, 2020, that would impact the EA Act either as part of or required in connection with the Ontario Rebuilding and Recovery Act.

The Chair (Ms. Natalia Kusendova): Any further comments? Seeing none, are members ready to vote? All those in favour of NDP motion 1, please raise your hand. All those opposed, please raise your hand. I declare the motion lost.

Shall schedule 1, section 1 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 1, section 1 carried.

There are no amendments for schedule 1, section 2. Is there any debate on schedule 1, section 2? Are members ready to vote? Shall schedule 1, section 2 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 1, section 2 carried.

We will now move on to new section 2.1. MPP Bell.

Ms. Jessica Bell: Thank you. Sorry, I'm just following along here. Do I move the motion that I'm withdrawing?

The Clerk of the Committee (Ms. Tanzima Khan): You can say that you're not going to move the motion.

Ms. Jessica Bell: Okay, sure. I'm going to do that. Chair, I'm not going to move motion 2, but I am going to move motion 2.1, which is at the same place, if that's okay.

The Chair (Ms. Natalia Kusendova): So, MPP Bell, you are withdrawing motion 2?

Ms. Jessica Bell: Motion 2; that is correct.

The Chair (Ms. Natalia Kusendova): Motion 2? Okay, withdrawn. We will now move on to NDP motion number 2.1. MPP Bell.

Ms. Jessica Bell: Thank you, Chair. First off, I'm going to read the amendment into the record?

The Chair (Ms. Natalia Kusendova): Yes, please.

Ms. Jessica Bell: Okay. I move that schedule 1 to the bill be amended by adding the following section:

"2.1 The act is amended by adding the following part:

""Part 1.1

""Restrictions re contracts to deliver transit project

""Community benefits agreement

""2.1(1) The minister shall enter into a community benefits agreement that addresses how a priority transit project delivers community benefits, being the supplementary social and economic benefits arising from the project that are intended to improve the well-being of a

community affected by the project, such as local job creation and training opportunities (including for apprentices), improvement of public space within the community, and any specific benefits identified by the community.

“Same

“(2) The agreement shall be between the minister and such persons as the minister determines are appropriate to represent the affected communities.

“Conformity with the agreement

“(3) The terms of the contract to deliver a transit project shall conform to the community benefits agreement, and shall establish consequences or remedies if any person does not comply with the agreement.”

0930

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Bell.

Ms. Jessica Bell: The reason why I would like this committee to vote for this amendment is because community benefits agreements are a very useful and strategic way for us to ensure that these transit projects truly benefit the communities that are near these transit projects.

I'll give you some examples. The former Ontario government moved forward with a pilot project to set up community benefits agreements with four infrastructure projects in Ontario. One of them was the Eglinton Crosstown. The Eglinton Crosstown made a commitment to work with local communities to encourage and train up people from racialized communities to become apprentices in skilled trades so they could develop a lifelong career in a profession that will pay them well. That included being steelworkers, carpentry and so on. It was an agreement that was set up with the unions, the labour council, the construction consortium, Metrolinx and the Ontario government. It was an idea that—unfortunately, it has fallen behind on its targets because there are no serious consequences or remedies if the construction company falls behind. But the idea behind it, to fully address how our economy and our workplace can tackle issues like poverty and racism—this is one way to do that, through a community benefits agreement.

The good thing about how this community benefits agreement amendment is written is that the authority to decide what kind of community benefits agreements could be applied to each project is the Ontario government's realm. You can decide by working with communities. It's not prescriptive in the sense of, “You have to do A, B or C.” The power still lies with you. But it would mean that the infrastructure project that is built would yield real benefits in so many different ways.

Another reason why this is so important is because there are economic consequences to communities that have a transit project run through them. When I lived in California, we had, in the 1960s, a transit project go primarily through Black business-led communities and Black neighbourhoods, and the small businesses in those communities were absolutely decimated and they have never recovered. What's so scary is that history repeats itself. We are seeing a situation like that with the Eglinton

Crosstown, where Little Jamaica, a community that has thrived for many years, is going under because they cannot survive five, six, seven years of constant construction. People don't want to shop there anymore, and now we've got the pandemic.

One of the wonderful things about community benefits agreements is that you can also introduce requirements where a certain percentage of local contracts have to go to small and medium-sized businesses within the area. That could include things from purchasing office paper to local catering. The Eglinton Crosstown project does actually have a local procurement element to it, which would be a very strategic thing for this government to do for all the projects that it is looking at expanding.

MPP Thanigasalam, you sat through committee with Bill 171. You saw all these businesses come in, saying, “I don't know what is going to happen to my community when the Ontario Line is built. I don't know if I'm going to be expropriated.” And then businesses from the Eglinton Crosstown come in and say, “I am going under.” Offering them the opportunity of having local procurement would really sweeten the pot when it comes to investing in transit projects.

There are some very tangible, pragmatic, useful benefits to this amendment, and I encourage this government to support it.

The Chair (Ms. Natalia Kusendova): Any further comments? MPP Thanigasalam.

Mr. Vijay Thanigasalam: Again, I would recommend voting against this motion. The reason is because this motion would place constraints on project delivery which do not support the intent of the Building Transit Faster Act, 2020, to reduce the risk of transit project delays and accelerate delivery.

Madam Chair, Metrolinx has established an approach of engaging, consulting and supporting communities that could be impacted by the delivery of rapid transit projects. In fact, the economic benefits transit projects will bring are hard to ignore. For example, Ontario's subway program will clear up to tens of thousands of jobs. It will create tens of thousands of jobs annually in the construction and, of course, the supply chain industries over the course of the construction period as well. Madam Chair, the Ontario Line alone would support more than 4,500 jobs.

Therefore, I recommend, again, voting against this motion. Thank you, Madam Chair.

The Chair (Ms. Natalia Kusendova): Thank you very much. Before we proceed, we do have a caller joining us. I would like to ask the caller who is joining us by telephone to please identify themselves.

I would like to request the caller that is joining through the telephone to please identify themselves.

All right. We don't have an answer at this time. MPP Harden?

Mr. Joel Harden: Thank you, Chair. Returning to what my colleague had said about community benefit agreements and thinking about what MPP Thanigasalam has said, I really think we owe impacted communities the due diligence of being concrete in our expectations to them,

and I am not satisfied that Metrolinx has offered that level of very concrete, clear deliverables to communities.

I'm thinking of all of the impacted communities by transit projects, in particular about the Jane-Finch corridor and how a community centre has been pledged there for some time. I think about our neighbours in the Jane-Finch corridor and I think about all of the social determinants of health research that has been done about that part of this great city. I realize that this bill, if this amendment is defeated, is not going to be offering—we're going to be continuing the legacy, Chair, of suggesting things to communities in order to entice them to support projects politically at elections, or whether these debates happen at this committee or in the chamber, and then we don't offer anything concretely to them beyond the promise of transit that may be built and, we hope, built well.

But I must admit, if we use the procurement strategy it suggests in this legislation, I'm not entirely sure it will be built well. So not only will communities not have community centres, like the good people of Jane-Finch have asked, potentially, they won't even have the transit that we offer them, so the gridlock continues.

I think, for all of those folks at this committee who are going to be voting no to this amendment my colleague is putting forward, you're not only voting against the amendment; you're sending a signal to the Jane and Finch community. I want to remind all members of this committee that if you're voting against this particular amendment, you will be continuing the legacy—the sad legacy—of this place of suggesting things to communities that could be fruitful to those communities, and then falling short of iron-clad promises.

And that's what a community benefits agreement actually is. They have been used effectively in cities like Windsor, around the construction of the recent Windsor bridge. We're debating one right now in our own city for the LeBreton Flats development for affordable, not just ownership, but rental housing, and many, many community organizations are signed up for that. It's an important debate.

But I completely respect those community members, Chair, who are watching this debate right now, who are saying, "Transit is fine, but what is this project going to concretely bring me? What is the contract with me as the resident, as the taxpayer, as the voter?"

So I'm just going to implore my colleagues: If you're voting against this particular amendment that my colleague is bringing forward, and not only from our party but given what businesses, what community members have told us, you're voting against the interest of those impacted communities and you will be reminded of that after this committee.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, are members ready to vote? Those in favour of NDP amendment, new section 2.1, please raise your hand. Those opposed, please raise your hand. I declare this motion lost.

We will now be moving on NDP new section 2.2. MPP Bell.

0940

Ms. Jessica Bell: I move that schedule 1 to the bill be amended by adding the following section:

"2.2 The act is amended by adding the following section:

“Community member rights during construction

“2.2(1) The minister shall consult with representatives of any community that may be affected by the construction under a contract to deliver a transit project, and shall establish and enforce reasonable standards to govern disruptions and nuisances during construction, including standards for the following:

“1. Safety.

“2. Noise.

“3. Vibration.

“4. Access to businesses, homes, municipal services, rights-of-way and utilities.

“Same

“(2) The minister shall establish procedures to receive and investigate complaints from the community regarding failures to adhere to the standards referred to in subsection (1), and to establish consequences for such failures and prompt remedies for affected community members.”

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Bell.

Ms. Jessica Bell: The reason why I'm introducing this amendment is because when we debated Bill 171, which is very similar to this bill, we had resident after resident, business after business, and even municipalities approach us and say, "Look, you just can't have unfettered construction without considering what kind of impact that's going to have on our neighbourhood, our community, our way of life."

It is reasonable for businesses to know if they're going to have access to their business so that they can continue to operate and open. We heard examples of businesses finding out in the morning that their water was going to be turned off for the week and they hadn't been given any advance notice. How is a business going to operate like that? They can't. These businesses, as you all know, are struggling to get by with years and years of construction.

I also heard many residents talk to me about the impacts of noise and vibration caused by current construction projects that are being led by Metrolinx. MPP Thanigasalam mentioned that Metrolinx sometimes will collaborate and work well. That's not been my experience and it's not been the residents' experience working with Metrolinx. They're very secretive. They don't give advance notice. They are allowed by law to complete transit projects 24/7 and they are allowed right now to complete projects that are exceptionally noisy and go well above city of Toronto noise guidelines. That has led to people suffering mental health challenges, moving out, having sleepless night after sleepless night.

It reminds me of a lady called Sabina Sormova. She lives in the Lakeshore GO expansion area, which will likely be affected by this bill. I went and visited her at her co-op. She lives right next to the tracks. She's probably from here to that wall, maybe eight metres, away from the

tracks. She says that every night there is vibration so bad that they're concerned about the safety and integrity of the building. They have had noise that is so loud that her children have woken up and thought that there was an earthquake or a crisis of some sort because the noise starts without any advance notice. I don't think that's the way that we should be treating people in Ontario.

It is possible to build transit in a way that gives some people some respite, like no construction that's over a certain noise level at 2 a.m. in the morning or businesses get advance notice if their water is going to be turned off. And that's the purpose of this amendment, that there would be an establishment of some reasonable rights for businesses and municipalities and residents so that construction can proceed and people can at least continue to lead their lives.

Now, I've heard this government say, "Well, this is all needed because we need to speed up transit as quickly as possible." I've got to say, the main reasons why transit is delayed have nothing to do with the speed of construction. Maybe it's a six-month delay, at best. The main reason transit projects are delayed is because there's flip-flopping and because the money is never given over or a project gets cancelled. Most of the delays happen in the planning phase. That's what we've seen in Toronto over the last 20 years. I don't see the benefit in harming people's lives in such a detrimental way, which is why I'm introducing this amendment so there are some basic standards.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Thanigasalam.

Mr. Vijay Thanigasalam: Thank you, Madam Chair. I recommend voting against this motion because this motion would place constraints on project delivery, which does not support the intent of the Building Transit Faster Act, 2020, to reduce risks of transit project delays and to accelerate delivery. Furthermore, the current practices, including providing communities with advance notice of closure or interruption to services and engaging neighbours and the businesses around those areas through construction liaison committees—the MTO, the Ministry of Transportation will work with Metrolinx to further improve its practices. Thank you.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Bell.

Ms. Jessica Bell: MPP Thanigasalam, I invite you to come to the area around the Ontario Line and meet residents directly so you can see exactly how Metrolinx deals with them, because what they're telling me is they're not getting any advance notice and Metrolinx is not treating them with respect. They might be telling you one thing, but what is happening on the ground is very different.

Some of these projects are going to be going near your area. The businesses in your area are going to be hearing from us that you voted down measures that would increase the likelihood of them getting local procurement contracts and that you are voting down amendments that give them some basic protections from the pain of construction. That is what I am hearing today, and that is a concern. They're

not going to buy this argument that Metrolinx and the Ministry of Transportation are playing nice, because everything I am hearing on the ground is that they are not.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, are members ready to vote? Those in favour of NDP new section 2.2, please raise your hand. Those opposed, please raise your hand. I declare this motion lost.

We will now move on to NDP new section 2.3. MPP Bell.

Ms. Jessica Bell: I move that schedule 1 to the bill be amended by adding the following section:

"2.3 The act is amended by adding the following section:

"No public-private partnership

"2.3 No priority transit project shall be financed through a public-private partnership."

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Bell.

Ms. Jessica Bell: Thank you, Chair. The primary reason why we are introducing this amendment is because Ontario's history with public-private partnership infrastructure investment hasn't worked.

When we look at the Auditor General's reports, we see very clearly that the cost of using P3 projects has cost us about \$8 billion more than if we had gone with public delivery. This government—and we do, as well, care very—we need to spend to our tax dollars that have been entrusted to us in a responsible way. When an Auditor General comes out with a report saying, "This is going to cost you more," then I think that it's important for us to take that information and make laws that reflect that. This is an amendment that will do that.

In addition, the experiments that have been made with public-private partnerships within transit in particular have been not great. I'll give you a few examples, and I'm sure my colleague has an example that he would like to share as well. In the case of the Eglinton Crosstown, we have this example of what happens when you give a contract to a private developer: They are late. There are cost overruns. What is happening there shows some of the flaws with the private model.

In theory, the private contractor is paid a premium at the start in order to take on the risk of delays and cost overruns. Essentially, they get fined if they're late and they get to pay for the cost overruns themselves. But what we see with Eglinton Crosstown and what we see with most projects is that they get the premium in the beginning, but if there are cost overruns, then the taxpayer is actually the one that gets to foot the bill. And then if there are delays, they somehow manage to get out of them.

0950

In the case of the Eglinton Crosstown, Metrolinx has already paid them an additional \$237 million in order to please, please, please meet the delayed deadline, which they're not even going to meet. Instead of giving back that money, which the Ontario government should get, the consortium is taking them to court, because that's what private companies do. If you had the TTC deliver this

project, the TTC is not going to take the Ontario government to court; they're going to negotiate and do what they can. But instead, we are spending taxpayer money fighting this consortium so that we can get the money that we are owed back because they're late. That is an example of what can go wrong if we go with a public-private partnership.

Another problem that I see with public-private partnerships is that the quality of the product that you get is often not as good as what you get with public delivery. The example I like to give here is with Presto. Presto is another example of a public-private partnership where we paid Accenture—a company that had never actually got into the business of fare card management ever. We paid them a ton of money—this isn't even on you; it's on the Liberal government—to implement a fare card system. Now, 10 years later, it isn't even fully implemented, it has become the most expensive privatized fare card system in the Western world, and it doesn't even use open payments so you can't even use your debit card and your credit card on it, even though that was the reason why we went with it in the first place. The technology is already outdated: Another example of an attempt to privatize transit that has gone wrong.

Why I'm introducing this amendment is because public delivery works. You control the project. You control the route. You don't have to go to court. You don't have to pay contract cancellation fees. You don't have to pay fees if you alter it in some way because of public pressure. You just renegotiate and get it done. It works. That's how we've built transit projects in the GTA for over 110 years, and we should continue to do it.

That's what I have to say.

The Chair (Ms. Natalia Kusendova): MPP Harden.

Mr. Joel Harden: Again, I want to be a little bit more concrete now in commenting on this particular amendment about the Ottawa experience and what it suggests for the projects that will be impacted by this legislation.

The thing about our light rail system in the city of Ottawa that has been abundantly clear to us, as the system has been, in many cases, completely non-functional—think about this for a moment, Chair: If you have anything in your life that doesn't work anymore, like let's say the power goes off in your home or your automobile doesn't work anymore or there's something crucial about the non-functioning of some of your retirement savings, you have someone you can pick up the phone and call. You have someone you can email. You have an expert that you, hopefully, can reach on the other line to say: "Please turn the power back on to my home." "Please help me fix my car." "What happened to my investments?"

In the case of a public-private partnership, what we discovered in the city of Ottawa was that when we were promised a functional 15-unit passenger train for 12.5 kilometres to cross our city and the system wasn't working, there was literally nobody councillors could call. The Rideau Transit Group that built the project offered no functional, hands-on person to say back to councillors, "This is the problem. We're on it. We're working on it."

When rails were bending, when the wheels at the bottom of the trains were chipping, when doors were jamming, when entire transit stations were smelling of noxious bathroomy smells and people were worried about their health waiting in these places, the Rideau Transit Group had nobody to offer transparency to city councillors.

So my colleagues city councillors Shawn Menard and Catherine McKenney, who both work in the Ottawa Centre district, began to ask pointed questions to the city transit chief, Mr. John Manconi. Mr. Manconi said, "If a delegation from Rideau Transit Group chooses to appear before city council, we can hopefully find some answers." There is no compulsion for accountability.

My question, then, Chair, is why would we agree to these sorts of agreements? Why wouldn't we think about doing what our grandmothers and grandfathers did: build these projects and procure them publicly through a competitive bidding process where we went with the best deal for the people? The problem with public-private partnerships, as we found in our city, is the lack of transparency. When Councillor McKenney asked to see the maintenance contract that we signed with Rideau Transit Group for the LRT, she was told—sorry, they were told; I'll get my pronouns correct here. My apologies. Councillor McKenney is a trans councillor, of which I'm very proud. They were told that the only way they could review the maintenance contract, Chair, was if they sat in a room with the city's solicitor and reviewed a print copy only. No notes were allowed to be taken, no copy of the maintenance contract was allowed to leave the room, while a transit project which cost billions remained non-functional. That's the problem.

I understand from the perspective of a government that wants as little imprint as possible on its yearly fiscal commitments to the province why the idea of a public-private partnership, just moving into a rent agreement with a consortium, makes a certain amount of sense to lower your costs, but that's just an illusion, Chair. If you enter into a partnership with a consortium that doesn't deliver the product, and if the product is not working and you have no one to talk to—my friend MPP Martin could probably make a very similar comment about the Eglinton Cross-town, couldn't she? Why do we agree to these deals?

I will tell you this, because one can't help developing a few theories. In the city of Ottawa, I note that many of the consultants who were responsible for facilitating the arrangement with Rideau Transit Group have established ties to the Liberal Party of Ontario and to the mayor's office. Sometimes the staff are interchangeable. Sometimes people are members of the same family, if you can believe it. This is what investigative journalists have dug up in the city of Ottawa.

Again, I ask my friends who are part of this debate, who are reviewing this amendment my colleague is putting forward, in the end, what do we want? We all want transit to be built. There's no doubt about it. We all want gridlock to be reduced. We want to make huge steps to address the climate emergency, and public transit can do that. Fantastic. But do we really want to enter into agreements

with public-private consortiums where, not only will they end up costing more—as the Auditor General has said quite clearly in other projects—we may not even be able to know what’s gone wrong when things go wrong? That astounds me.

What my colleague is asking is to consider—and I’m contributing some information from the Ottawa experience. Let’s get into deals, let’s get into consortiums that are publicly tendered, let’s create good jobs for people, let’s build transit with respect for impacted communities, let’s see how they can benefit, but let’s do this the way our grandmothers and grandfathers built the public transit that we have in this city. The vast majority of it was built straight up through a transparent, competitive process, and when things went wrong, we could fix them. That is not what we’ve seen in Ottawa. We have one line that runs north-south in our city that was tendered publicly. It still runs today. We have another line that was recently built—and I put “built” in quotation marks—that has some operational capacity now, but mainly because the ridership is down because of the pandemic.

I’m pleading, actually, with my colleagues here to consider voting for this, because I don’t think it’s a left-right thing in political terms. Let’s do this the right way. Let’s make sure that we build transit in a way that allows transparency for the taxpayer, prudent amounts of money that we put into it and we get the most out of every dollar. I am convinced, given the experience we’ve had in Ottawa, Chair, that if we move with the public-private partnership model, we won’t get any of that.

The Chair (Ms. Natalia Kusendova): MPP Thanigasalam.

Mr. Vijay Thanigasalam: I recommend voting against this motion because innovative procurement processes and tools help us build infrastructure faster, and they are a catalyst for economic recovery and job creation—all this while reducing the cost to taxpayers and putting more opportunities within the reach of individuals and businesses to improve the quality of life.

The rigorous P3 procurement process supports on-time delivery through risk mitigation strategies and protects taxpayers’ dollars by ensuring projects deliver on budget and harness innovation from the private sector. Ontario has always had a strong history of success with delivering major projects, and we look forward to continuing to work with our industry partners.

The Chair (Ms. Natalia Kusendova): Any further debate? Are members ready to vote? Those in favour of NDP new section 2.3, please raise your hand. Those opposed, please raise your hand. I declare the motion lost.
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Members, there are no amendments to sections 3 to 6 of schedule 1. Does the committee agree to bundle them together? Okay. We will bundle them together.

Is there any debate on schedule 1, sections 3 to 6? Seeing none, are members ready to vote? Shall schedule 1, sections 3 to 6, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 1, sections 3 to 6, carried.

Is there any debate on schedule 1 as a whole? Seeing none, are members ready to vote? Shall schedule 1, as a whole, carry? Those in favour, raise your hand. Those opposed, please raise your hand. I declare schedule 1 carried.

We are now moving on to schedule 2. There are no amendments proposed to section 1 and section 2 of schedule 2, therefore, I propose we bundle them together. Is there agreement? Thank you.

Is there any debate on schedule 2 of the bill? Go ahead, MPP Bell.

Ms. Jessica Bell: Thank you, Chair. I do want to exercise caution with this schedule. The reason is that when we allow a—sorry; I just realized that this amendment is different than I thought, so I’m going to withdraw my comments.

The Chair (Ms. Natalia Kusendova): No problem.

Is there any debate on schedule 2, sections 1 or 2? Seeing none, are members ready to vote? Those in favour of schedule 2, sections 1 and 2, please raise your hand. Those opposed, please raise your hand. I declare schedule 2, sections 1 and 2, carried.

Is there any debate on schedule 2 as a whole? Seeing none, are members ready to vote? Shall schedule 2 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 2 carried.

We are now moving on to schedule 3. Is there any debate on schedule 3, section 1? Seeing none—MPP Bell?

Ms. Jessica Bell: I’m on section 1.1, so I’m the next one, right?

The Chair (Ms. Natalia Kusendova): The next one; that’s correct.

Are members ready to vote? Those in favour of schedule 3, section 1, please raise your hand. Those opposed, please raise your hand. I declare schedule 3, section 1 carried.

We are now moving on to NDP new section 1.1. MPP Bell.

Ms. Jessica Bell: Thank you, Chair. I move that schedule 3 to the bill be amended by adding the following section:

“1.1 The act is amended by adding the following section:

“Affordable housing

“2.1 If the land designated under subsection 2(1) is used for a residential development, the minister shall ensure that at least the prescribed percentage of the housing in the development is comprised of affordable housing.”

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Bell.

Ms. Jessica Bell: The reason why we’re introducing this amendment is because it’s critical that any kind of transit-oriented development that we move forward on addresses the critical affordable-housing crisis that we have in Ontario, and especially Toronto.

I have been following the transit-oriented development work, as well as the transit-oriented communities work, pretty closely, because the idea of it is a good thing. I

support it. We should be building higher density near transit stations, because it is good for urban planning, it allows us to reach our greenhouse gas emission targets, it makes our transportation system more efficient, and it tackles congestion. People tend to be healthier if they can walk or bike near where they live, work and play. There are so many reasons why this is a good thing, and on the whole I support it.

The challenge I have is, because we are in such a critical housing affordability crisis, I do think it is important that we use government land and projects that are being spent using government money on tackling the affordable housing crisis. What I've seen so far with the transit-oriented development that has happened to date is there are no affordable housing commitments in either of the transit projects that have moved forward under this program. The Minister of Transportation, and the associate minister, MPP Thanigasalam, you talk a good talk when you talk about affordable housing and how that is a goal of this government—even that it is a goal of transit-oriented communities. But what I see is that unless this government has clear, enforceable targets, it's not going to get done.

In the case of the Mimico development, I have asked many times, where is the affordable housing with that transit-oriented community development that's happening at that station? The station is being renovated. A developer, Vandyk, is going in and building big because they've got the air rights in return for renovating the station. What are the affordable housing commitments for that station? It's a question for the MPP from Etobicoke–Lakeshore, because it's in your riding. What are the affordable housing requirements that Vandyk has to meet so that we can tackle the affordable housing crisis?

The same with the Woodbine Entertainment Group development that is happening under the transit-oriented communities plan. This is a situation where Woodbine, who does happen to be a big-time donor of the Premier, has been given the green light and been able to jump to the front of the queue to build a GO station so that people can access the Woodbine Entertainment complex. My question is, what affordable housing requirements are there, if any, with that development? I haven't seen anything, and I have asked as well. I've done order paper questions, I've asked the minister directly, and I'm not getting any response.

It is good practice for development to include affordable housing requirements, because supply alone is not going to tackle the affordable housing crisis that we are experiencing right now. The incentive for people to come in, big capital to come in, and buy up property and then just sit on it is so great.

We are actually meeting our targets in Toronto when it comes to building new homes. We are meeting our targets, and that comes from industry experts that you listen to, but we still have an affordable housing crisis because the type of homes that are being built are not meeting demand. They're 400-square-foot micro units; they're not two- and three-bedroom homes.

The cost of owning or renting these apartments is so far above what any person on the average income or less in Toronto can afford. The average income in Toronto is about \$45,000 a year. How are you going to afford an apartment that costs \$2,200 a month, which is the average rent right now, on \$40,000 a year? You're not. It's the responsibility of government to use this very exciting idea of transit-oriented communities to make sure that we build affordable homes next to these stations, and not just homes for big capital. That's why we are introducing this amendment, and I do encourage you to vote for it.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Thanigasalam.

Mr. Vijay Thanigasalam: I recommend voting against this motion because it does not support the intent of the legislation, and the province has other tools and mechanisms to consider addressing the inclusion of affordable housing in transit-oriented community projects.

The enhanced minister's zoning order allows the Minister of Municipal Affairs and Housing at his discretion to require affordable housing when zoning land. The minister has been clear that he will consider using this tool to help develop transit-oriented communities.

1010

The Chair (Ms. Natalia Kusendova): Thank you. I understand that we have a caller with us by telephone. If that person could please identify themselves.

Mr. Robert Bailey: Yes, it's Bob Bailey here, MPP for Sarnia–Lambton, calling in.

The Chair (Ms. Natalia Kusendova): Thank you very much, MPP Bailey.

Okay, are members ready to vote on new section 1.1? Because we have a caller with us, we have to vote by roll call. The Clerk will call upon each member and the member can state “aye” or “nay” or “abstain.” So if members are ready to vote, we will go ahead with the roll call.

I declare this motion lost.

Before we proceed, I would like to ask the committee—because we are not time-allocated, if members don't have other commitments, we could keep on going and complete the bill, unless there are members who don't want to stay or can't stay past 10:15, and then we will adjourn at 10:15 and we will come back at 1 o'clock. Do I have unanimous consent to continue the proceedings this morning until we complete the bill? Thank you very much.

All right. We will now move on to schedule 3, section 2.

Ms. Jessica Bell: I'm withdrawing my motion because it is no longer in order.

The Chair (Ms. Natalia Kusendova): The NDP motion is withdrawn.

Is there any debate on schedule 3, section 2? Are members ready to vote? All right. We will proceed with the roll call on schedule 3, section 2.

I declare schedule 3, section 2, carried.

There are no amendments to sections 3 and 4 of schedule 3. Do I have agreement to bundle these sections together? Thank you. Is there any debate on sections 3 and 4 of schedule 3? Seeing none, are members ready to vote?

We will proceed with the roll call. We are voting on schedule 3, sections 3 and 4.

Interjection.

The Chair (Ms. Natalia Kusendova): MPP Bailey is no longer with us. Therefore, we will vote by show of hands. Those in favour of schedule 3, sections 3 and 4, please raise your hands. Thank you. Those opposed, please raise your hands. Thank you. I declare schedule 3, sections 3 and 4, carried.

We will now vote on schedule 3, as a whole. Is there any debate on schedule 3, as a whole? Seeing none, are members ready to vote? Shall schedule 3, as a whole, carry? Those in favour, please raise your hand. Thank you. Those opposed, please raise your hand. Thank you. I declare schedule 3 carried.

We will now go back to the first three sections of the bill. We have to vote on these one by one.

So let's start with section 1: Contents of this act. Is there any debate on section 1? Seeing none, are members ready to vote? Those in favour of section 1, please raise your hand. Thank you. Those opposed, please raise your hand. Thank you. I declare section 1 carried.

We are now moving on to section 2: Commencement. Is there any debate on section 2? Seeing none, are

members ready to vote? Those in favour of section 2, please raise your hand. Thank you. Those opposed, please raise your hand. I declare section 2 carried.

We are now moving on to section 3: Short title. Is there any debate on section 3? Are members ready to vote? Those in favour of section 3, please raise your hand. Thank you. Those opposed, please raise your hand. Thank you. I declare section 3 carried.

We are now moving on to the title of the bill. Is there any debate on the title of the bill? Are members ready to vote? Shall the title of the bill carry? Those in favour, please raise your hand. Thank you. Those opposed, please raise your hand. Thank you. I declare the title carried.

Shall Bill 222, as a whole, carry? Those in favour, please raise your hand. Thank you. Those opposed, please raise your hand. Thank you. I declare Bill 222, as a whole, carried.

Shall I report the bill to the House? Those in favour, please raise your hand. Thank you. Those opposed, please raise your hand. Thank you. I will report the bill to the House. This was carried.

Thank you very much, everyone. That concludes our business for today. The committee is now adjourned.

The committee adjourned at 1020.

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Also taking part / Autres participants et participantes

Mr. Robert Bailey (Sarnia–Lambton PC)

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