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Président : L'honorable Ted Arnott
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 4 December 2023

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 4 décembre 2023

Report continued from volume A.

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BETTER FOR CONSUMERS,
BETTER FOR BUSINESSES ACT, 2023
LOI DE 2023 POUR MIEUX
SERVIR LES CONSOMMATEURS
ET LES ENTREPRISES

Continuation of debate on the motion for third reading of the following bill:

Bill 142, An Act to enact the Consumer Protection Act, 2023, to amend the Consumer Reporting Act and to amend or repeal various other Acts / Projet de loi 142, Loi visant à édicter la Loi de 2023 sur la protection du consommateur, à modifier la Loi sur les renseignements concernant le consommateur et à modifier ou abroger diverses autres lois.

The Acting Speaker (Ms. Bhutla Karpoche): Questions?

Mr. Tom Rakocevic: I want to thank the member for his presentation today and congratulate him as part of the government that has put forth this legislation to improve consumer protection here in Ontario.

As I discussed in my one-hour lead, one of the amendments that the official opposition tabled was to say that if a bad actor enters into a contract or an agreement with an individual who is mentally incapable at the time of doing so, that contract is presumptively void, full stop, and with no issue of time surviving it. Your government voted against this amendment.

Although you were not a part of that committee, could you offer some rationale as to why the government doesn't believe that people who are facing these types of mental issues, incapacity, deserve that type of presumptively void protection?

Mr. Matthew Rae: Thank you to the member. Congratulations on your hour lead, as well.

As you mentioned, I am not on that committee; I'm on procedure and House affairs, and the heritage, culture and infrastructure committee. Hopefully, the House leader does not put me on that committee—not that I wouldn't love to be there, but I'm already pretty busy on my other two.

I know you have a great working relationship with our Minister of Public and Business Service Delivery.

Our government is committed to protecting consumers from unfair business practices—all consumers, whoever they may be and whatever their mental capacity or their age—and I know our government will continue to do that.

The Acting Speaker (Ms. Bhutla Karpoche): Next question?

Hon. Todd J. McCarthy: I thank the excellent member for Perth–Wellington for his submission today and for his answer to that last question, as well.

As I've already noted a number of times—and I know the member was listening and referenced my remarks—it's called the Better for Consumers, Better for Businesses Act. How is this proposed legislation better for businesses, in the sense that we want that balance, we want it easier for businesses to comply? We know that the vast majority of businesses want to comply, want to have good reputations. Small businesses, in particular, don't want to be overburdened by more regulations. So how is this proposed bill good for businesses?

Mr. Matthew Rae: Again, congratulations on your hour lead. I'm always impressed with your ability to do that in this place.

As the minister mentioned, this is a balance for our consumers and our businesses, to ensure that the good actors are there, but ensuring that we're there for the consumers when there are bad actors. I think of, in particular, the online reviews, which obviously didn't exist in 2005, and ensuring that people are not pressured into giving a more positive review if it is not warranted by a bad-actor business, by offering them inappropriate incentives to do that. I know that's very promising. It demonstrates that this proposed bill is forward-thinking for the 21st century and how business is conducted.

The Acting Speaker (Ms. Bhutla Karpoche): Next question?

Mr. Joel Harden: I want to ask the member from Perth–Wellington, given what he said—I think a bill like this really has to deal head-on with the context it finds itself in. The minister mentioned in his hour lead that the premise of this statute is “caveat emptor,” which in Latin is supposed to mean “buyer beware,” “beware what you're signing onto.” But if I understood the minister correctly and if I understood what my friend from Humber River–Black Creek was saying, there are moments when the state has to be stepping in, because that's not sufficient protection for people.

In the context of an affordability crisis like we're living in now, when people are having a hard time surviving paycheque to paycheque, day to day, given the escalating costs of rent, food, transit, is it not incumbent upon the government to be thinking in particular about persons with disabilities, persons with exceptionalities, persons who could be willing targets? I ask again the question you were asked before: Should the government not have gone

further and accepted my friend's amendment to make sure those people were protected from predatory practices?

Mr. Matthew Rae: Thank you to my colleague from Ottawa Centre for the question. As I mentioned to your other colleague, our government is committed to ensuring that we're protecting consumers, all consumers, whether they are disabled or their mental capacity—ensuring that they're protected from unfair business practices.

But, colleagues, he talks about affordability. No offence to the member from Ottawa Centre, but he supports the highest carbon tax in the country. The member from Kanata–Carleton is here and was mentioning in her remarks earlier—two weeks ago now, I believe, in her question—that it was good for families. I don't think the farmers in Kanata–Carleton would agree with the member, but that is not part of this debate.

The Acting Speaker (Ms. Bhutila Karpoche): Next question.

Ms. Jess Dixon: I know my colleague does a lot of consultation in his riding as well as in his role as parliamentary assistant. I wonder if you can share with us from your travels what you think your constituents may find one of the most helpful aspects of this bill.

Mr. Matthew Rae: Thank you to my colleague from Kitchener South–Hespeler for the question. I do have many travels. I don't go home very often, which is unfortunate.

I know one of the key aspects is the liens, also mentioned in the legislation, but the consultations around the NOSIs as well will be very beneficial to the seniors that live in my riding, because they go after those individuals, the bad actors. So it's ensuring that we're there to protect those who literally built our communities, our province and our country, and to ensure that their children do not have to deal with those financial headaches once they pass on.

The Acting Speaker (Ms. Bhutila Karpoche): Next question.

Mr. Tom Rakocevic: I know the member is trying his best to answer some of these questions, and I know some of these questions are really hard, because government members have to often get up and answer for decisions they themselves did not make. But ultimately, they are answerable for them, especially when amendments and bills that this side of the House put down would actually improve and protect our most vulnerable.

But I'll move onto something a little easier then: notices of security interest. I know that the government is doing a consultation, and I'm not sure how much this member is aware of it, but some legal experts are arguing that these NOSIs, these types of liens, do nothing but provide an ability to extort some customers. As part of that consultation, are you committed to doing whatever necessary to protect them, even considering removing them altogether, as some are even suggesting at this point, from such intense predatory sales?

Mr. Matthew Rae: Thank you to my colleague across the way for the question. I know I share all the views of my constituents with the appropriate ministers. I know I

had a meeting earlier today with the Minister of Children, Community and Social Services around a need in my community, and I know I've already shared with—not this current minister, but with the minister's office around NOSIs that you brought up. Some of those legal experts live in my riding. I've shared those concerns with the ministry, and they are aware of that. I look forward to seeing that consultation process progress and ensuring that we do address those issues, ensuring that we protect consumers and businesses.

The Acting Speaker (Ms. Bhutila Karpoche): Next question.

Hon. Todd J. McCarthy: Thank you very much, again, to the member for Perth–Wellington. He mentioned how important this is to the 21st century, and we're well under way into the third decade of the 21st century, and so much has changed just in less than 20 years, which is why this act proposes modernizing contract rules, moving us into the digital age. How is it, from his reading of the bill—we have proposed changes to contract disclosure. Is it adequate in the member's view? What is his feedback on that, if he can share that with us?

Mr. Matthew Rae: I thank the minister for the question, and as he mentioned, a lot has changed, even within the 24-plus years we're in this century. I know one thing which I was very heartened to see in this piece of legislation and in the consultations and regulations the minister announced was the automatic contract renewals, ensuring that individuals had that opt-out ability. We all have very busy lives, and we all may not realize what's on our credit card being renewed and so ensuring that on those gym memberships there is that opt-out ability, ensuring that a subscription you may have, there is that opt-out ability and also, as mentioned earlier, around gift cards. I know it's the holiday season, so many people are purchasing those. I know myself—ensuring those do not have an expiry date, ensuring that the hard-earned money of Ontarians is spent wisely and actually goes to what it's meant to.

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The Acting Speaker (Ms. Bhutila Karpoche): Further debate? The member from Chatham–Kent–Leamington.

Mr. Trevor Jones: Thank you, Speaker.

The Acting Speaker (Ms. Bhutila Karpoche): I apologize. The member from Mushkegowuk–James Bay.

Mr. Guy Bourgoïn: Good try to steal. Good try to steal. Thank you, madame la Présidente.

It's always a pleasure to rise in the House and speak on a bill like Bill 142, Better for Consumers, Better for Businesses Act, speaking on behalf of Mushkegowuk–James Bay.

Je veux vous parler, si vous me permettez, d'une expérience personnelle. On recule de plusieurs années. Vous allez voir que ça va probablement vous donner un petit aperçu de mon âge. Mais je me souviens, quand j'étais plus jeune—j'avais peut-être 12 ou 13 ans. Probablement, il y en a de vous autres qui vont se souvenir de ça. Vous souvenez-vous de Columbia House? Columbia House, les petites cassettes—tu pouvais avoir

15 ou 20 cassettes, puis après ça, il fallait que tu en achètes quelques-unes par mois. Bien, moi, j'ai fait ça en cachette.

Mr. Dave Smith: Ten cents, you get six.

Mr. Guy Bourgoïn: Six or whatever.

Le montant était—moi, j'ai fait ça en cachette, parce que mes amis s'en sauvait, fait que moi j'ai pensé : pas pire que les autres. J'ai décidé de les faire venir en cachette. Je n'ai pas dit ça à mes parents. Il va sans dire que, quand les factures sont rentrées, c'était une autre paire de manches parce que, dans ce temps-là, je n'avais pas d'emploi. Je ne travaillais pas au magasin, si on peut dire, comme étudiant.

Ma mère se demandait : « Mais, d'où est-ce qu'elles viennent, ces cassettes-là? » Il venait que j'avais signé un contrat. J'avais signé le contrat puis j'avais eu les cassettes et, moi, je me dépêchais d'aller chercher la malle pour elle. Je disais à ma mère : « Je vais aller à la malle chercher des cassettes »—bien, pas les cassettes, mais je vais chez la malle, parce que moi, je savais que si elle voyait les cassettes, elle aurait demandé : « Comment ça que tu as des cassettes? D'où est-ce que ça vient, ces affaires-là? » Fait que, j'allais chercher la malle pour elle, en pensant que je faisais une bonne affaire pour elle, mais tout ce temps-là, moi, je ne voulais pas me faire pognier.

Anyways, pour vous mettre l'histoire plus courte, ça va sans dire que ma mère s'en est aperçue. Mais, là, il fallait qu'on règle le problème parce que si tu n'achetais pas les cassettes, c'est sûr que ça s'accumulait et s'accumulait. Puis, disons qu'il y avait une accumulation de faite.

Fait que, j'ai appris une leçon : quand tu signes un contrat, tu es mieux de savoir ce que tu signes.

Puis ma mère, qu'est-ce qu'elle a fait? Bien, elle a lâché une lettre à Columbia House. Elle a dit : « Écoute, il n'est même pas à l'âge de signer un contrat. » Elle a retourné toutes les cassettes; je n'en ai jamais entendu parler.

C'est juste pour dire, comment de personnes se font pognier dans une situation comme moi? J'étais vulnérable dans le temps, puis aujourd'hui, on sait que les personnes âgées, les personnes de santé mentale, des jeunes qui vont signer des contrats sans—tu sais, en pensant que c'est une bonne chose. Souvent on s'aperçoit que les coûts augmentent et augmentent, puis qu'on avait signé peut-être un contrat pour avoir un service pour 8 piastres par mois, puis tout d'un coup on est rendu à 12, 15, 20 piastres par mois. C'est une situation que—trop souvent, l'histoire se répète.

Il faut reconnaître que, écoute, il y a du travail qui a été fait, et comme mon collègue et comme le ministre ont fait—je pense que les deux présentations, je dois admettre, étaient très bonnes. Les deux allocutions étaient excellentes.

Mon collègue a amené quatre ou cinq points que je trouvais très intéressants. En particulier, ce qu'il mentionnait, c'est que pour les personnes, le langage est important. Moi, j'ai négocié; je négociais pour gagner ma vie, avant ce que je fais là. Je faisais des contrats syndicalistes. On négociait avec un employeur. On essayait de mettre—je disais tout le temps qu'il faut user

de la formule « KISS ». Vous la savez : « Keep it simple, stupid. »

Mais, on gardait cette formule-là, pourquoi? Pour que le monde comprenne. On oublie qu'on n'est pas tous des avocats; on oublie qu'on n'est pas tous du monde qui traite avec du langage au jour le jour. Puis quand tu arrives dans une convention, que tu essayais de te faire comprendre pour que le travailleur comprenne, puis aussi l'employeur, des fois, que ce ne soit pas ambiguë. Parce que c'est important, et pas rien que ça : premièrement, ça rend le milieu du travail beaucoup plus clair. Il y a moins de confrontation, puis il y a moins d'ambiguïté que l'employé comprenne c'est quoi ses droits, puis vice-versa.

Fait qu'on essayait, avec l'employeur—les relations de travail qu'on avait avec les employeurs—de garder un langage, le plus possible, dans le mieux qu'on pouvait. C'est certain, des fois, tu es obligé d'user du langage plus légal, un peu, mais dans des situations, on essaye de garder ça le plus simple possible. Pourquoi? Pour essayer d'enrayer justement cette ambiguïté-là.

Mais quand qu'on parle des contrats—souvent, ce sont des personnes qui vont rencontrer ces personnes plus vulnérables ou même non-vulnérables—le langage n'est pas si simple, n'est pas si clair que ça. Très souvent, le monde s'en rend compte après les faits. Ça veut dire que, bien des fois, tu as des coûts additionnels ou que tu es pris dans un contrat à long terme. On a vu ça souvent, là. Je sais qu'on a traité beaucoup avec des contrats quand c'est venu pour l'énergie et que, d'une secousse, le monde cognait à la porte et ils te faisaient signer un contrat, puis tout ce temps-là ils disaient : « Tu vas payer moins cher », mais tu te faisais pognier au bout de la « run » avec beaucoup plus cher. C'est sûr et certain que, que ce soit du gaz naturel ou que ce soit de l'électricité, il y en a qui se sont fait pognés avec ça, mais c'est un autre exemple avec l'ambiguïté.

C'est pour ça que mon collègue, quand il expliquait que, oui, il y a du travail qui a été fait; puis oui, il y a du bon travail qui a été fait; mais avec les partenaires ou les personnes du public qui sont venus faire des présentations, ils disent : « Mais, ça ne va pas assez loin. Il faut être capable d'empêcher ces situations-là. »

Ça, c'est un exemple. Un autre exemple qu'il a amené que je trouvais très intéressant, c'est qu'il n'y a rien qu'une partie qui peut faire des changements. Tout d'un coup—comme je disais, tu payais, disons, huit piastres par mois, par exemple, puis là, dans une couple de mois, tu es rendu à 12 piastres. Pourquoi? La personne qui t'as vendu le contrat ou qui t'as fait signer ce contrat-là, à cause du langage—ils appellent ça le « fine print », comme ils disent en anglais—il y a l'option de le faire. Mais tout ce temps-là, la personne, elle, qui était à salaire fixe ou qui—très souvent, c'est du monde qui sont au salaire fixe. Mais la différence que tu es capable de payer, puis la différence qui est rendue, c'est une grosse différence pour la personne.

C'est pour ça qu'il faut adresser ces « concernes ». Le gouvernement en fait un bout, mais c'est encore un autre exemple qu'il aurait fallu aller plus loin. C'est ça que les

experts disaient. C'est ça que mon collègue expliquait tout à l'heure.

Il dit que très souvent, c'est le prix qui change, ou bien les conditions. Ils changent les conditions pour que ça soit plus avantageux pour eux. Ça, ce n'est pas correct non plus. Moi, souvent, je disais à l'employeur quand ils mettaient du langage : « Tu négocies de mauvaise foi. » C'est un peu de la même façon. Des personnes qui ont fait signer ces contrats-là, c'est un peu négociateur de mauvaise foi ou d'être de mauvaise foi de ne pas mettre le contrat clairement.

C'est pour ça qu'on dit, quand je disais, du langage clair, précis, non ambiguë. Puis que tu viennes à une condition de même que, tout d'un coup, ils ont le pouvoir de changer ça, peut-être après une période de temps, ou d'autres conditions qu'ils ont mises, sans le dire à la personne—les personnes vulnérables, ou les personnes qui ne comprennent pas le langage. Bien, là, ils se ramassent dans une situation où, très souvent, ils sont pris dans un contrat que, des fois, ils ne sont plus capables de payer, ou que c'est très problématique pour eux. Ça, c'est un autre exemple qu'il expliquait, puis que je trouvais que c'était des bons points à amener.

Ou bien, donc, quand ça vient aux « cancellations » : il y a tout le temps une période de—ils disent de « cooling off »—qu'ils avaient proposée, peut-être 30 jours. Le gouvernement n'a pas voulu aller dans cette direction-là. Mais on a besoin d'une période de—j'essaye de ne pas user un terme—je sais que, des fois, je donne de la misère aux traducteurs. Mais c'est un genre de période d'adaptation, si je peux user du terme—qu'il y aurait au moins une période pour qu'ils disent : « Non, ça ne marche pas » ou « Ça ne répond pas à mes besoins. » Ou bien : « Pourquoi avez-vous changé ce prix-là? Je n'ai pas accepté ça. » Il faut qu'il y ait une période de « cancellation » qu'il y aurait dû avoir dans ce projet de loi, ou aller protéger encore plus le consommateur quand ça vient à des situations comme ça. Il y en a, mais, comme j'ai dit, les experts disaient que ça ne va pas assez loin.

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C'est ça que mon collègue essayait d'expliquer dans ces points-là—c'était le troisième point qu'il a amené—que ça n'allait pas assez loin. Le gouvernement ne voulait pas aller plus loin que ce qu'ils ont proposé—pas à cause que ce qu'ils ont proposé n'est pas bon. Ce n'est pas ça que je dis, là. Mais, il aurait fallu aller plus loin pour protéger encore plus le consommateur, puis ils n'ont pas voulu aller jusqu'à là. Ce qu'il disait—puis il a usé le terme « dark pattern practice ». Ça, si j'essaye de traduire ça—ni plus ni moins, ce sont des « motifs sombres », si je peux user le terme. J'essaye d'aider la traductrice : les motifs sombres. Des pratiques qui, en d'autres mots—des fois, on dirait en bon français : « Ce n'est pas trop catholique ». Disons que ce n'est pas en faveur de la personne qui a signé le contrat. Puis, ils changent encore les données, une fois que les contrats sont signés.

Mais, très souvent, on voit que, dans ces situations-là—puis c'est ça qu'il expliquait et c'est ça que je trouvais très intéressant quand j'écoutais—il y en a beaucoup de motifs

sombres, de plus en plus, qui viennent affecter les personnes qui signent ces contrats. Encore pire, imagine-toi quand ce sont des personnes vulnérables, des personnes de santé mentale, ou même des jeunes qui vont signer un contrat en pensant bien faire. Moi, c'était des cassettes, mais aujourd'hui il y a plus que ça, on le sait, en ligne. Il y a plein de choses qui peuvent se faire ramasser bien comme il faut avec des—ça peut être des factures très salées en plus de ça, qui peuvent nuire. Des fois, très souvent, c'est le parent qui est obligé d'absorber ça ou essayer de trouver une situation de « cancellation ». Quand c'est une situation d'un jeune qui n'est pas vraiment à l'âge légal, il faut qu'il ait des ressources pour être capable de s'en sortir, ou, au moins, qu'il y aurait des « cancellations » pour essayer d'adresser cette problématique—ou, comme on dit, des « dark patterns » ou des périodes de « cancellation ». C'est pour ça que les motifs sombres des « cancellations » deviennent très importants dans des situations, comme je viens de décrire.

Il a parlé aussi d'une « fair exit option ». Il voulait descendre ça, au moins—je pense que c'était 25 ans, qu'il a mentionné, et de réduire ça à 10 ans. Le gouvernement n'a pas voulu aller dans cette direction-là, mais c'est un autre exemple où les experts disaient qu'on devrait peut-être donner une « exit » ou un genre de—tu peux te retirer du contrat après 10 ans avec les raisons que tu dis : « Non, ça ne fait plus mon affaire. Je ne suis plus satisfait de ça et j'aimerais être capable de sortir de ce contrat après 10 ans et non 25 ans. »

Toutes ces recommandations—c'est ça que j'essaye d'expliquer au monde—ce n'est pas nous qui les avons inventées. Ça vient des experts, des firmes qui faisaient partie des discussions qui ont eu lieu—ils sont venus présenter—qui disaient : « Pour protéger le consommateur, voici certaines choses »—ça, c'était la quatrième dont il a parlé. C'est un bon point pour donner—de 10 ans à 25 ans, il y a une grosse différence pour une personne qui veut sortir d'un contrat. Des fois, ils sont pris pour 25 ans. De le mettre à 10 ans, je pense que ça aurait été une proposition qui était juste et qui aurait pu aider beaucoup de personnes dans des situations où, des fois, elles sont prises et elles ne sont pas capables de s'en sortir.

Très souvent, on oublie que c'est vrai qu'ils ont fait des propositions pour les joueurs qui ne sont—comment je pourrais dire ça—pas trop justes ou qui jouent des jeux et qui mettent des personnes dans des situations. Il y a eu des amendes. Ils ont augmenté les amendes et tout ça, mais, des fois, le monde, ils n'ont pas l'argent pour les amener en cour, d'aller en cour pour essayer de se protéger. Il ne faut pas oublier : il y a du monde qui n'est pas capable. Ils n'ont pas le financement pour le faire ou pour se protéger. C'est pour ça qu'on a une obligation de prendre ces points-là et on aurait dû les rentrer pour essayer de protéger encore plus le consommateur.

Le cinquième qu'il avait amené, c'était : « stronger reinforcement by the ministry for bad actors ». Je viens de dire qu'ils ont augmenté les amendes. Ça fait qu'ils ont fait des efforts, mais les experts disaient qu'il faut que ça aille

plus loin que ça. Il faut que le ministère ait une main plus forte et plus ferme pour protéger les consommateurs.

Dans sa suggestion, je trouvais ça très, très intéressant aussi qu'il a mentionné en anglais : accommodation to help understand contracts for senior people.

En autres mots, ce qu'il disait en anglais, c'est qu'il y avait besoin d'une accommodation pour les personnes—au moins qu'il y ait une avenue. Puis c'est ça que j'ai entendu. Moi, je l'ai entendu dans ma circonscription. Justement, j'étais au Golden Age à Kapuskasing et je parlais et je disais ça, qu'on va débattre des projets de loi. Puis c'est ça qu'ils disaient : « Très souvent, Guy, on est très vulnérable. On fait trop confiance, souvent, au monde. On pense qu'ils sont là pour—pas pour prendre soin de nous, mais, tu sais, de faire sûr que c'est une bonne chose, que c'est une bonne aubaine. »

Fait que, des fois le monde fait confiance, puis des fois ils se font embarquer dans un beau bateau. Mais dans cette situation-là, il devrait y avoir un genre de processus d'accommodation pour essayer de comprendre le langage—au moins qu'il y ait une avenue pour qu'ils puissent aller chercher cette information à travers le ministère pour avoir de l'assistance. C'est encore pire pour les personnes qui sont dans une situation où ils ont besoin d'assistance mentale pour traiter avec une situation où ils peuvent se faire avoir.

Il a mentionné ces points-là et que c'est venu des experts, mais que le gouvernement n'a pas voulu les mettre dans ce projet de loi-là, mais qu'ils auraient beaucoup bénéficié au projet de loi. Ils ont fait des choses; il faut le reconnaître, mais ils auraient pu en faire plus qui aurait protégé.

Puis il y a une autre affaire qu'il a mentionnée—bien, il ne l'a pas mentionnée, mais que ma collègue a mentionnée dans une des questions : les députés Rakocevic, Kernaghan, Begum et Hassan, qui n'est plus ici maintenant, had tabled legislation that would mandate the creation of the Ontario consumer watchdog, an independent organization that would oversee consumer protection matters in Ontario:

“At present, it can be difficult to exercise consumer protection rights. Depending on the nature of the complaint, there could be a number of different places, and frequently the only avenue is to pursue the matter legally, an option that is not available to many consumers and is cost-prohibitive. The consumer watchdog would be able to release public reports, similar to the Auditor General or the Ombudsman of Ontario...”

Ce que mon collègue avait déjà présenté était un projet de loi; c'était un chien de garde, un chien de garde qui protégerait les droits des consommateurs—comme l'ombudsman, comme la vérificatrice générale—qui pourrait amener des recommandations, qui pourrait protéger les consommateurs. Il ne faut pas oublier, et je l'ai mentionné : pas tous les consommateurs sont capables. Ils n'ont pas les reins solides; ils n'ont pas le financement pour se protéger légalement. Fait que, lui, notre chien de garde, le chien de garde qu'il proposait pour les consommateurs, adresserait ces problèmes pour ces

personnes-là. Il ferait des recommandations. Il mettrait des charges. Oui, il y en a dans—il parle des lois. Mais ça ne va pas assez loin. Ça nous prend une personne, un chien de garde, qui va non seulement faire ça, mais qui va amener des recommandations où on peut forcer le gouvernement à adapter, comme l'ombudsman, comme la vérificatrice. On a vu, là, des rapports—

Une voix: Le commissariat aux affaires francophones.

M. Guy Bourgoin: Bien oui, absolument, pour les affaires—surtout, les services—francophones.

Mais on voit qu'il y a bien de choses qui manquent dans le projet de loi—ça, en particulier.

Puis, j'ai aimé ce qu'il a dit, parce que ça m'était sorti de l'idée, ça; je ne m'en souvenais plus. Durant la pandémie, même le premier ministre a mentionné qu'il avait fait une « hotline » pour les personnes parce qu'il y avait trop de « gouging » et il y avait trop de personnes qui prenaient avantage du monde, qui chargeaient trop cher. Il y a eu 30 000 plaintes—30 000 plaintes. Puis, savez-vous, sur 30 000 plaintes, combien il y a eu d'actions?

Des voix: Zéro.

M. Guy Bourgoin: Zéro. Comme on dit : « zéro comme Ouellette ». Hé, coudonc. Mais c'est zéro—pas une fois. Aucune action sur les 30 000 recommandations, 30 000 appels, 30 000 plaintes—aucune.

C'est pour ça que le « watchdog », notre chien de garde, adresserait ça. Il protégerait le consommateur. Mais on a un gouvernement qui a voté contre et qui n'était pas prêt à faire ça.

Écoute, je pourrais en parler pour huit heures si c'est le cas, mais juste dans ma région—on a parlé souvent ici en Chambre, puis je sais que mon collègue d'Ottawa—

M. Joel Harden: Centre.

M. Guy Bourgoin:—Centre l'a mentionné souvent, avec les Walton et avec les—c'est-tu Walton?

M. Joel Harden: Oui, oui.

1830

M. Guy Bourgoin: Quand ça vient à la grocerie, chez nous, je peux vous dire, tu vas sur la côte de la baie James, vous feriez le saut de voir comment qu'ils payent pour des douzaines d'oeufs, pour le manger—aucune. On voit, rien qu'à Moosonee—pourtant, la bière est le même prix qu'à Kap, le même prix qu'à Niagara, le même prix partout. Mais on va à la grocerie, par exemple, et on fait le saut pas à peu près. On paye des prix extravagants pour la nourriture quand on a le pouvoir de légiférer pour combattre ça.

Oui, je comprends que les entreprises, il faut faire un profit. Ils sont là pour faire des profits. Mais ce n'est pas vrai qu'ils sont là pour nous voler, par exemple, puis prendre avantage de la situation et prendre avantage des consommateurs.

On a une obligation—vous avez une obligation, le gouvernement—de faire certain de protéger ces consommateurs-là. Très souvent, vous n'avez rien fait, et encore—encore—on vit cette situation-là. Alors, je vous demande de regarder ça attentivement quand ça vient avec les groceries parce que, souvent, on n'en a rien qu'une.

Vous, vous en avez plusieurs à aller; nous autres, on n'en a rien qu'une et on se fait manger, pas à peu près.

The Acting Speaker (Ms. Bhutla Karpoche): Questions?

Hon. Todd J. McCarthy: I thank the member for his full 20-minute presentation. I do want to address the issue of any criticisms that resulted in the proposed amendments at committee, and there were many of them. Does the member agree that many of them were unnecessary because they were already in the act or that they can be addressed by regulation and that's the better way to go because then there's consultation during the regulation period?

For example, when it comes to redundancies, did the member know that section 9(2) of the act already has as a prohibitive unconscionable practice the fact that if a consumer's inability to protect himself or herself because of disability or illiteracy, if that was exploited, that that would be a prohibited unconscionable act, and therefore that made at least one of the amendments, and others, redundant?

M. Guy Bourgouin: Merci au ministre pour sa question.

Écoute, comme j'ai dit, il y a du bon langage dans votre projet de loi. Ça serait irresponsable de ma part de dire qu'il n'y en a pas. Mais comme mon collègue vous a expliqué dans son allocution, on a fait, je pense, 34 propositions et vous n'en avez accepté seulement qu'une. Vous ne me ferez pas accroire, à moi, qu'il n'y avait pas, sur les 34, qui étaient bonnes. Même si vous dites qu'elles étaient très similaires, qu'elles étaient «redundant» ou qu'il n'y avait pas de valeur, ça venait des experts.

Ça venait des experts; ce n'est pas nous qui les avons inventées. Puis, je ne faisais pas partie du comité alors je ne peux pas faire allocution du tout, mais ce que j'ai entendu, ce que mon collègue a dit dans son allocution, c'est que ça venait des experts pour nous dire de proposer ces propositions-là, de les mettre dans le projet de loi pour protéger les consommateurs, mais le gouvernement—

The Acting Speaker (Ms. Bhutla Karpoche): Thank you. Next question?

M^{me} Chandra Pasma: Je remercie mon collègue de Mushkegowuk—Baie James pour ses remarques sur ce projet de loi et l'importance d'avoir du langage clair dans les contrats.

Ce projet de loi, qui n'est pas quand même un mauvais projet de loi, exclut les consommateurs qui font l'achat le plus cher de leur vie—une maison—et qui sont victime de mauvaises pratiques de la part des promoteurs immobiliers.

Qu'est-ce que le député de Mushkegowuk—Baie James aurait aimé voir dans ce projet de loi pour protéger les acheteurs de logement?

M. Guy Bourgouin: Merci à ma collègue pour sa question.

Quand tu achètes une maison, je pense que c'est l'achat le plus important que tu vas faire de ta vie. Fait que, c'est sûr que toutes protections additionnelles qu'on peut faire—parce que, je pense que le gouvernement va dire :

«C'est déjà couvert.» C'est la tendance qu'on semble entendre dire, parce que la question du ministre—c'était plus ou moins ce qu'ils nous disaient, que c'est déjà couvert.

Mais je pense que les effets—ça ne va pas assez loin. C'est pour ça qu'il aurait aimé l'instaurer dans ce projet de loi. Pourquoi? Parce qu'il y a plus de protection qu'on peut faire. Tu as parlé d'un de tes concitoyens—10 000 \$ qu'il attend encore. Il a envoyé des lettres au ministre. Il a fait des demandes. Le contracteur n'a pas respecté l'entente qu'il a signée. Ça aurait été une bonne occasion de rentrer du langage—plus de langage—pour protéger le plus grand achat que tu vas faire dans ta vie, pour ta famille et pour toi-même.

The Acting Speaker (Ms. Bhutla Karpoche): The next question.

M. Anthony Leardi: J'aimerais remercier le député de Mushkegowuk—Baie James pour son discours ce soir. J'ai une question pour lui. Si on donne un coup de regard à la section numéro 43 du projet de loi 142, la section parle au sujet des cartes prépayées. Nous savons que souvent les gens qui achètent des cartes prépayées achètent les cartes sans savoir qu'il y a une date ultime. Ce projet de loi traite de ce sujet, et j'aimerais inviter le député à parler un peu à ce sujet.

M. Guy Bourgouin: Merci à mon collègue, puis merci de me poser une question en français. J'aime ça, entendre souvent les débats en français—puis, bonne fête, en passant. Joyeux anniversaire.

Oui, c'est bien de l'avoir adressé. Je pense que c'était—honnêtement, il y a beaucoup de monde qui ne sait pas qu'il y a une date d'expiration sur une carte que tu achètes. Mais le point que j'ai appris aussi ce soir, honnêtement, là, c'est que très souvent on oublie que quand tu achètes ces cartes-là, il reste un montant—un montant que souvent le monde n'utilise pas. On doit aussi protéger cet aspect-là, puis je pense que ce n'est pas couvert par le projet de loi.

Mais, définitivement, comme j'ai dit, je ne suis pas ici pour dire qu'il n'y a pas de bonnes choses dans le projet de loi. Comme j'ai dit, ce serait de mauvaise foi de ma part de dire qu'il y n'a pas de bonnes choses dans le projet de loi. Celle-là en est une qui est bonne, mais on aurait pu peut-être aussi regarder cet aspect de ce qui arrive quand il reste des montants, cet argent que la personne a payé pour, puis peut-être qu'il ne peut pas l'utiliser parce qu'il n'y en a pas assez qui reste.

The Acting Speaker (Ms. Bhutla Karpoche): Next question.

M. Joel Harden: C'était tellement un bon discours, mon ami, comme toujours. Mais avec ta présentation, il y a, pour moi, des inquiétudes—des inquiétudes pour des personnes vulnérables; les vulnérables qui existent dans un contexte qui, à mon avis, présente beaucoup de défis : la question de l'endettement des gens, la question qu'un bon chèque de paye est difficile d'avoir constamment.

Donc, une question simple pour toi, mon ami : est-ce qu'il y a une responsabilité de ce gouvernement de prendre des actions pour s'assurer que les personnes vulnérables soient protégées face à des ennemis qui peuvent faire

tomber cette personne-là dans plus d'endettement, plus d'obstacles, plus de choses négatives, disons?

M. Guy Bourgouin: Merci pour la question, mon collègue.

C'est sûr que le gouvernement a une responsabilité. Ce sont eux autres qui ont déposé le projet de loi. Ce sont eux autres qui ont le pouvoir d'essayer d'adresser exactement les responsabilités que tu as mentionnées pour protéger les plus vulnérables. Et, honnêtement, des fois, ce ne sont pas juste les vulnérables qui se font pagner. C'est pour dire comment ces entreprises-là sont structurées, puis comment elles font que le langage—la manière que c'est fait, comment il est présenté, comment il est là—des fois peut pagner même les personnes qui ne sont pas vulnérables et qui rentrent dans ces situations.

Ça fait que, imagine-toi quelqu'un qui est vulnérable ou qui a une santé mentale ou un jeune qui va aller voir ça, puis qui dit : « Bien, c'est beau ça. Ce n'est pas cher. Je vais signer ça. Je vais sauver de l'argent. Ça va balancer. » Puis, tout d'un coup, une fois que c'est signé, il est pris dans un beau « jackpot », comme on dit en anglais.

Le gouvernement a une obligation de le faire. Il adresse certaines façons là-dedans, mais je pense que les points de mon collègue—puis j'ai essayé d'expliquer les mêmes points—auraient amené ça beaucoup plus loin pour protéger ces personnes vulnérables encore plus. Je trouve que c'est un manque, une opportunité qui a été manquée quand ça vient à amener ça plus loin pour protéger les consommateurs.

The Acting Speaker (Ms. Bhutla Karpoche): Next question.

M. Anthony Leardi: Nous savons que le projet de loi, c'est un grand projet de loi qui comprend peut-être à peu près 50 pages. J'ai une question peut-être facile pour le député. C'est simplement de demander au député quelle matière ou quelle action dans le projet de loi il favorise—et d'ajouter aussi une chose qu'il aurait ajoutée, s'il voulait.

1840

M. Guy Bourgouin: Merci à mon collègue. S'il y avait une chose à rajouter, honnêtement, je pense que si j'avais eu le pouvoir de le faire—on s'entend; c'est ça, ta question. S'il y a une chose qui manque, c'est que je pense qu'on aurait dû mettre le « consumer watchdog ».

Peut-être que vous pensez que c'est déjà couvert, que votre projet de loi le couvre, mais je pense que ça aurait donné peut-être un autre aspect aussi, une autre protection additionnelle que, des fois, si le projet de loi ne peut pas couvrir, et que le chien de garde, si on peut user le terme, aurait pu amener—comment je te dis ça?—une perspective qui aurait pu adresser beaucoup, puis protéger les consommateurs encore plus.

Je ne suis après dire qu'il n'est pas bon, votre projet de loi. Ça fait plusieurs fois que je le dis : il y a des bonnes choses. Mais je pense qu'on a manqué une opportunité, peut-être, de mettre ce point de vue. Il y en a d'autres que j'ai mentionnés dans mon allocution, mais je trouve que ça, c'en est un que je trouve aurait pu—comme l'ombudsman, comme la vérificatrice générale, il y a une

raison qu'ils sont là. Même s'il y a des protections dans les lois, il y a une raison qu'ils existent. Je pense que le chien de garde pour les consommateurs aurait fait une belle addition à votre projet de loi.

The Acting Speaker (Ms. Bhutla Karpoche): Further debate?

Mr. Mike Schreiner: It's always an honour to rise to speak in this House and today to participate in the debate on Bill 142, which is a consumer protection bill. Speaker, I have a limited amount of time, so I'm going to just focus on a few key points in the bill. But before I do that, I just want to say it was great to welcome Aislinn Clancy to Queen's Park today, the MPP-elect for Kitchener Centre, and I'm looking forward to having her work with me contributing to these debates.

Speaker, I want to focus in on schedules 50 and 88 of the bill, specifically the schedules dealing with notice of security interest, which essentially is a lien on somebody's home. Many of us know that, in today's economy, it's hard for a lot of people to imagine even owning a home, which is why we need to address the housing affordability crisis. But when they are able to purchase a home, for most people, that is the biggest purchase they're ever going to make. It is a key part of the place where they raise their family and live their life. And yet, we have many seniors in this province that have a lien on their home of \$40,000 to \$60,000.

In 2022, the province said that there were 38,000 notices of security interest placed on properties in Ontario, and there have been numerous investigations around what can only be described as fraudulent behaviour when it comes to liens on people's homes. I want to specifically talk about one company. I won't mention the company's name, but there was one company that had 400 inquiries and complaints between January of 2019 and the fall of 2022, representing \$2.2 million worth of contracts that the people of Ontario complained about.

The reason this is so important is, when you're in an affordability crisis and people are looking for ways to save money by saving energy and somebody comes to their door and says, "We have a way to help you save money" and, in this particular case, also a way to reduce your carbon pollution—so you have somebody who says, "Hey, I want to address the affordability crisis and I want to address the climate crisis," and they take action to do that. Then they quickly learn that this company was providing them with fraudulent information and fraudulent services.

One homeowner described his feelings of being lied to, cheated and scammed. One talked about the fact that there would be a lien on their house for over 10 years for equipment that was worth less than the lien on their house. That's exactly why people came to committee and said that, while the government is making some positive steps around notices of security interest, why not just get rid of them, period? That's what consumer advocates asked for. That's what people wanted. They don't want a lien on their home for something that they were actually given fraudulent information about.

The province had a chance to get rid of these liens. As a matter of fact, one detective working on this issue said, “The notice of security interest is at the heart of this fraud. Making it so that it can’t be used for that purpose, or removing it, is what’s ultimately going to stop this.” So I would ask the government—I know they’re still consulting on this, but I would ask the government to just get rid of notices of security interest in order to protect the people of Ontario and the most valuable purchase that most people in this province will ever make.

Speaker, speaking of homes, the government had an opportunity—and I know the member from Humber River–Black Creek and I have put forward numerous amendments over the years, especially in the last Parliament—to reform the Tarion monopoly to provide consumer protection to new home buyers. I would say it’s one of the biggest complaints I hear from homeowners to my office, the fact that the Tarion corporation’s monopoly fails to serve them, fails to protect them. If the government truly wants to engage in consumer protection, it was an opportunity to do so.

I want to close by just briefly touching on the provisions in the bill around price gouging. I absolutely agree with the need to address price gouging. But one form of price gouging that isn’t discussed here is the fact that the three major grocery chains have seen a 50% increase in their profits since the pandemic, yet food inflation is one of the biggest challenges people face. The government has an opportunity, if they truly want to deal with price gouging, to bring in an excess-profits tax to push grocers to stop profiting on the backs of consumers during this inflationary period.

The Acting Speaker (Ms. Bhutla Karpoche): Questions?

Hon. Todd J. McCarthy: I appreciate the member for Guelph and his comments, but I’m concerned that perhaps he’s not understanding what’s in the bill and what we are doing by way of the consultation period. Does he know, first of all, that a notice of security interest is not a lien—it is not an interest in real estate, but it’s registered through the land registry system—that it has a legitimate purpose but it’s been abused by some few bad actors, and that, in addition to section 60 of the act—which is yet to pass—we are doing a consultation period, which has just ended? And does he know we’re going to see what we can do with existing legislation and regulations with respect to the abuses of NOSIs? Does he know all that? Because his comments don’t reflect that.

Mr. Mike Schreiner: I appreciate the minister’s question. I do understand that a consultation is happening. I respect the fact that the consultation is happening. But I also recognize the fact that numerous people came to committee. We’ve even have law enforcement talk about the fact that notices of security interest should just be eliminated if we really want to attack and eliminate this fraudulent behaviour. The government has an opportunity to do that, and I would encourage them—when they finish their consultation process—to indeed do that.

The Acting Speaker (Ms. Bhutla Karpoche): Next question?

Miss Monique Taylor: This is an interesting back-and-forth, and I was quite interested in what the member from Guelph was talking about. In my hands is an email from a constituent who has \$30,000 in liens on her home for heat and furnace, which was in the amount of \$6,500 installed. Now she has \$23,000 in liens on her home. When she emailed the ministry, they pretty much sent her to Pro Bono Ontario. They didn’t talk about any NOSI or anything that the minister was talking about. They sent her to probonoontario.org for help if she is eligible due to her income level.

Can the member tell us, in his opinion, any changes that have been made under this legislation—did they think that it’s going to actually fix it for the constituents who are all facing, who are finding themselves with huge liens on their homes and not able to sell or are being stuck in a trap?

1850

Mr. Mike Schreiner: I appreciate the member’s question. No, I don’t think the legislation addresses that. I understand the government is consulting on it. But we’ve had law enforcement officials, we’ve had homeowners, we’ve had consumer advocates all talk about the importance of eliminating the notice of security interest.

I think one of the reasons this is going to become increasingly important is, if we’re going to help people save money by saving energy and address the climate crisis, we’re going to need a lot of home retrofits in this province. We need heat pumps installed. We need to help people come up with ways to save money by saving energy. If they don’t have confidence in the system and they’re afraid that these kinds of liens are going to be placed on their homes, preventing them from selling their homes in some cases, then the types of action that will help people save money will not happen. We need to ensure consumer confidence.

The Acting Speaker (Ms. Bhutla Karpoche): Very quick question, anyone?

Ms. Sandy Shaw: We have proposed that there needs to be a consumer watchdog. Shockingly, I heard today there was 30,000 complaints made and zero—zero—action taken. This government says they don’t need a consumer watchdog. Clearly, it looks like they do. What do you have to say about that dismal statistic?

Mr. Mike Schreiner: I appreciate the member’s question. Yes, it deeply concerns me to see the number of complaints that have come in and the little to no action that’s actually resulted.

Again, I just want to reiterate how important this is. We’re in an affordability crisis. People are struggling to pay the bills. Many people are looking for solutions to help them save money by saving energy, especially in their homes, which for most people is the largest purchase they’ll ever make. And when you have this type of fraudulent behaviour happening, we need to have stronger consumer protections in place to prevent it from happening and helping people not be put in this type of financial situation.

The Acting Speaker (Ms. Bhutila Karpoche): Further debate?

Mr. Trevor Jones: I'm so proud to rise in the House today and speak to Bill 142, the Better for Consumers, Better for Businesses Act, 2023. I want to congratulate my colleague and friend the honourable member from Durham and his entire team for their diligent work that went into the creation of this bill.

If passed, Bill 142 will strengthen protections for Ontarians and serve as an updated Consumer Protection Act, which has obviously not been modernized since 2005. In 2005, the Consumer Protection Act was implemented to safeguard customers' interests and interactions with various commercial enterprises.

I want to take a moment and thank the member from Mushkegowuk—James Bay, who relayed a story. It's a story about a moment in time that a lot of us also intersected: those cassette tapes, as he recalled, or in my time those CDs that appeared at our door, 10 of them for one penny, and then you'd have a contract. And many of our parents bailed us out. That was maybe our first intersection with the need for consumer protection.

What I will say, though, is that my constituents—fast-forward to 2023—have had interactions with home renovations, home heating and cooling, hot water tank rentals. They have called our ministry and—whether it's this minister or someone from their bureaucracy that directed them—our consumers, our constituents got a live human being on the phone to guide them, help them navigate the process and make a resolution. So this government is making those efforts and those interactions with our consumers—all our constituents—to make those resolutions a reality.

The purpose of the CPA is to provide a framework for consumers and businesses alike—that's important—to resolve disputes and disagreements that are going to arrive in the workplace. The CPA lays out rights and privileges of both the consumer and business. The CPA ensures consumers are protected from unfair and deceptive business practices; that's the role of government, but not to interfere with legitimate hard-working honest businesses. The primary goal of this new act is to enhance consumer protection measures. It puts into practice stricter guidelines and safeguards, guardrails; this legislation will instill confidence among consumers, ensuring their rights are upheld and that they're being treated fairly in the marketplace.

Bill 142 recognizes the dependent relationship between consumers, their well-being and business success. By implementing a fair and balanced regulatory framework, this bill aims to protect consumer interests while continuing to stimulate economic growth and innovation. This bill acknowledges the significant role businesses play and consumers play in our province's prosperity. It seeks to provide them a balance, tools and the environment we need to grow.

Over a three-year period, this bill went through extensive stakeholder and public consultations with the express goal of making the digital marketplace easier to navigate.

Speaker, in the last 20 years from those times of those record, cassette and CD scams and those lures for young people, the market has dramatically changed. The creation of e-commerce has taken over the marketplace. It has only expanded since the COVID-19 pandemic, with e-commerce shopping increasing by 70% from 2020 to 2022.

The updated Consumer Protection Act, if passed, will build on existing protections to strengthen consumer rights by making it easier for businesses to comply with consumer protection rules, making it easier for consumers to cancel subscriptions and memberships, to provide honest exit options for time shares and long-term leases or rental agreements and, of course, to introduce new enforcement powers to support consumers, to better enable the ministry to hold bad actors—that very small percentage—fully accountable.

Many of these initiatives have come about due to the increase in e-commerce, and our consultations paved the way for that to happen. Online subscriptions and memberships are typically automatically renewed, setting a potential trap for consumers to pay costly fees unknowingly. The Ministry of Public and Business Service Delivery and our minister, through his leadership, have guided and led a process to develop regulations which would help consumers exit subscriptions in a timely, reasonable manner. This is why we're going to ensure that people aren't being charged the cost of renewal subscription fees they no longer want.

Another facet of the technological innovation within the marketplace is seen in the form of gift cards and prepaid purchase cards. Speaker, the holiday season is approaching. My constituents in Chatham-Kent-Leamington are going to look to gift cards, to prepaid cards, as a way to express gratitude and celebrate this season with their loved ones. As these cards are prepaid—it's that predatory component, the unjust among us—we will set about to make sure that they're safeguarded. The expiry dates are no longer a factor. Regardless of how gift cards and e-cards are purchased—in person, online or via an app store—this bill will clarify rules surrounding expiry to assure consumers and businesses alike that expiration of these prepaid cards will not be tolerated.

This bill will further aim to tackle unfair business practices such as price gouging or taking unfair advantage of consumers' inability to understand that sometimes sophisticated language contained in contracts. Under the proposed legislation, consumers would have the right to rescind a contract for one year of the start of the contract or one year after the unfair business practice took place, whichever came later. This is reasonable. This is what came about from our leadership here from our minister and our consultations.

The market is full of honest, hard-working business owners who put their lifeblood into their work—honest work. It's a few bad actors in every industry that this legislation aims to prevent people being taken advantage by. It's important that people across Ontario, from Mushkegowuk—James Bay to Chatham-Kent-Leamington, understand that they can be victims of unfair business

practices. But this government has their back. Further, there will be a clear, logical path to take action and reconcile issues and differences.

1900

Bill 142 seeks to address automatic contract or service renewals—full stop. The proposed amendments would limit the ability for businesses to unilaterally extend contracts, renewals or extensions without explicit consumer consent. Regulations would require an explicit ongoing right for consumers to cancel. These changes ensure consumers know their consent is needed to update prices, extensions and renewals, ensuring that they're not surprised by a costly renewal fee without their consent. This is a feature that is certainly impacted by someone we know—a friend, a relative or one of our constituents. They have experienced this.

Another feature of this bill would be to increase fines for illegal business activity, doubling maximum fines for very egregious business behaviour. The fines would double from \$50,000 to \$100,000 for individuals and from \$250,000 to \$500,000 for corporations and businesses. These measures guarantee substandard business practices are punished and deter the bad actors from entering our precious marketplace.

Further to this point, the new CPA also clarifies the consumers' right to pursue unfair business claims in Ontario's courts. Businesses are simply not allowed to include terms in their contracts to mislead consumers about their right to pursue legal action or to have their disputes adjudicated in one of Ontario's courts.

Speaker, I'd like to emphasize that the stronger enforcement measures are not intended to add extra costs or any burden to our businesses as most aim to be compliant, hard-working, honest and true. This bill is aimed at deterring that small percentage of bad actors and ensuring that people across Ontario feel confident and supported when entering our marketplace—physically, digitally or online.

As a government, it's our responsibility to protect consumers and ensure best business practices for all. Bill 142 does that. It exemplifies these goals and for that reason, and for that reason I'm happy to support this bill. I look forward to unanimous consent and its passing in this House. It's common sense. It's stakeholder-driven. We listened. We learned. We're going forward. I thank you for your time.

The Acting Speaker (Ms. Bhutla Karpoche): Questions?

Miss Monique Taylor: I've heard several times from this member as well as from previous members talking about gift cards and them not expiring. I have Ontario website information that was updated November 15, 2022, that at that time—because I remember being here and having gift cards not being able to expire at that time. In this legislation, on the Ontario website, it states just that, that gift cards cannot expire. That's last year.

So I'm curious to know what new changes are coming in this legislation that don't mean the exact same thing as what I'm seeing in front of me. Is this a re-announcement? Is this new legislation? Is this replacing legislation? Can

the member please tell me what exactly this legislation means compared to what was existing?

Mr. Trevor Jones: Speaker, through you, thank you to the member opposite for that question. This is something that touches are daily lives; however, several years are being guided by input by our constituents, by our stakeholders. We've listened, we're learned, so we're applying that, if passed. I'd recommend that that member read the bill, vote accordingly and support the fact that gift cards will no longer expire.

The Acting Speaker (Ms. Bhutla Karpoche): Next question.

Mr. Lorne Coe: One of the frequent complaints I get is about a long-term leases as they relates to home comfort equipment like water heaters and furnaces. That's because I've got five new developments that have been built in the last two years. Can the member please explain how this proposed legislation helps to alleviate the burden of these new homeowners in the home comfort long-term lease market?

Mr. Trevor Jones: Speaker, through you, excellent question. I would say that frauds, especially frauds to deal with new homes and new home construction, are probably one of the most sophisticated offences to investigate. As a police officer, my mentors told me that if you can properly investigate a fraud, especially one related to home ownership or a new home build, you can investigate a murder. It's sophisticated. The language is difficult. It takes a lot of resolve and a lot of resourcefulness, because police officers aren't necessarily subject matter experts on all things new home construction, long-term leases. It's sophisticated language which allows people to be taken advantage of.

I'll tell you something: Waterloo Regional Police Service and their tenacity and some of their front-line detectives guided this government, guided our government House leader and our minister into crafting legislation that protects the vulnerable from both NOSIs and from new home construction.

The Acting Speaker (Ms. Bhutla Karpoche): Next question?

Mr. Wayne Gates: I'll just reply to him real quickly. There's nothing in the bill to protect homeowners around Tarion. We still have a crisis with Tarion, and we've done nothing. We've done nothing to fix the board.

Also, I'm glad the long-term-care minister is here, because a lot of this that goes on is with our seniors. Most of the bad actors take advantage of seniors. In my area—Fort Erie, Niagara-on-the-Lake and Niagara Falls—we have close to 30% seniors.

Then I look at the name of the bill and it says, "Better for Consumers." Well, I believe it's better for corporations, because there's nothing in this bill, even though we had a lot of amendments, to protect us from the price of food, protect us from the gouging that we're getting in food, gouging that we're getting in rent prices—where the apartment I'm staying at is \$3,300 for a one-bedroom apartment in Toronto—nothing to protect us from the gouging from the gas prices. None of that's there.

So my question to you is, why has your government turned down every one of the NDP recommendations to protect seniors in Ontario?

Mr. Trevor Jones: Thank you for the question from my member opposite from Niagara Falls, because the “Sun Parlour” also has a very high percentage of seniors, a very high percentage of what we would both agree are vulnerable people. But the recommendations were often redundant. I wasn’t in the committee myself, but I know from reading the Hansard and reviewing the comments that a lot of the recommendations were redundant and overlapped what currently exists.

You mentioned Tarion. Tarion, as a unique entity, has a very well funded compensation fund—\$100,000 per claim—and there’s a mechanism in place for homeowners, for people who are taken advantage of, to access that money through that fund, which is fully accountable and fully funded.

The Acting Speaker (Ms. Bhutla Karpoche): Next question?

Mrs. Daisy Wai: Thank you, member, for making it very clear to us about this Better for Consumers, Better for Businesses Act. You also have mentioned that we have doubled the fines for the bad actors. Are there any other measures that we have done to discourage the bad actors?

Mr. Trevor Jones: Thank you to the member for that question. Through you, Speaker, deterrence is the best strategy because it puts people on notice. (1) Now our sophistication has caught up with the bad actors; (2) they’ll be punished and held accountable according to the highest extent of the law. So this deterrent, this \$250,000 fine to a \$500,000 fine—to me that’s unprecedented. It leads by example and it tells you that Ontario will lead by example to protect our vulnerable.

The Acting Speaker (Ms. Bhutla Karpoche): Next question?

Miss Monique Taylor: Just really quickly, back to the member after his response to me, it’s already in legislation is what I was trying to tell him, that gift cards do not expire. It’s in legislation. The date on it is November 15. We already did that legislation last year. I totally remember it.

But anyway, my question is, you talked about the police from Waterloo, I believe it was, providing protections for vulnerable people in advice and things to do. I’m just wondering if those same police officers offered vulnerable protection to you with your RCMP investigations.

Mr. Trevor Jones: Thank you for that question. Through the Speaker, what I want to affirm—

Interjections.

The Acting Speaker (Ms. Bhutla Karpoche): Order. Members will come to order.

Mr. Trevor Jones: —is that our front-line, uniformed and plain-clothes members from Waterloo Regional Police Service sought to seek protection for the vulnerable.

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Interjections.

The Acting Speaker (Ms. Bhutla Karpoche): Members will come to order.

Mr. Trevor Jones: The question is quite moot, but I’ll answer it: Waterloo regional police started looking at NOSIs, started looking at the vulnerable. They have a catchment area, a big regional police service area. They started looking at areas where we’re getting multiple requests for investigations and support on the same issues. So they guided us and they will guide members from the opposition as well if they learn, listen and follow good police work.

The Acting Speaker (Ms. Bhutla Karpoche): Question?

Hon. Todd J. McCarthy: The proposed legislation, I believe the member is aware, does specifically address time-shares among other types of consumer contracts, and of course that’s a major, major purchase item for consumers. They’re in perpetuity presently. Can the member comment on whether he thinks it’s a good idea that the bill proposes a 25-year end date for all time-shares and that that can apply retroactively to existing time-shares that might have been entered into decades ago?

Mr. Trevor Jones: I want to thank the minister for that question, because this is potentially a legacy debt. Instead of passing on a place for a family to enjoy memories for generations to come, it passes on debt, it passes on emotional harm, it passes on financial turmoil. So this legislation potentially ending that, if passed, will provide that safeguard for families to invest in their future and invest in places where their families, their children and grandchildren and generations can enjoy a place.

Again, just as my friend from Niagara Falls claims that 30% of his population, his constituents, are seniors, the “Sun Parlor”—Leamington—has a high percentage of people who are snowbirds.

Ontario can lead by example to make sure that we have safeguards in place to protect that financial security, protect those generational investments, and prevent people from the harm of generational debt, so we can pass on memories, we can pass on good experiences and times with our families instead of passing on debt. Thank you for the question.

The Acting Speaker (Ms. Bhutla Karpoche): Further debate?

Ms. Chandra Pasma: It’s an honour to rise on behalf of the residents of Ottawa West–Nepean to speak to the third reading of Bill 142, the Consumer Protection Act. This bill repeals the Consumer Protection Act, 2002, and replaces it with this new legislation and provides some areas of improvement but also flags some areas where action is still needed in order to protect consumers.

Let me just start for a moment about talking about why it’s so important that we have consumer protections in the province, because individuals are often Davids going up against the Goliath of corporations with deep pockets. The corporations have big lawyers, the capacity to develop contracts with deeply-difficult-to-decipher language, and there are imbalances in what kind of information and resources people have and what kinds of options they have for legal support. And so, quite frequently, it ends up putting individuals who are in difficult positions with a

corporation or with somebody selling services in the position of having no option but hoping that some bad media coverage will convince the bad actor to change their ways, because they can't actually pursue things legally.

One of the requests I receive most often in my office, Speaker, is for help with legal costs. People can't afford lawyers in the province of Ontario. There's not enough funding for legal aid services. Community Legal Services of Ottawa has such high demand for their services that they're only taking the most dire of eviction cases right now. So, consumers are really on their own, unless we have the counterbalancing weight of government to set rules, to impose penalties and to force companies and salespeople to actually deliver what's promised. People need protection against unfair practices, cancelled contracts and non-performance and bad actors.

This is not a bad bill, Speaker, but there's so much more that could be done and needs to be done in the province of Ontario to protect consumers. I'm going to talk in particular about a few issues that are really affecting my constituents in Ottawa West–Nepean, starting with the issue of notices of security interest, which are often called NOSIs.

Notices of security interest are registered by third parties against the title of a property when they install a fixture like a water heater or a furnace. Homeowners have to clear all notices of security interest that have been registered to the title before they can sell or refinance their home. But the businesses can place a notice of security interest on the title without ever telling anyone or consulting anyone that they're going to do it. There's no other province in the country that has these notices of security interest; this is unique to Ontario.

But what we see frequently happening, Speaker, is that these notices of security interest are being applied to a title after a senior or a person with disabilities or someone with a language barrier has been scammed or coerced into renting or buying home equipment that they don't actually need. I have the perfect example of this with a constituent who came to visit me last month. His mother passed away this summer, and he is one of the executors on her estate. When he went to proceed to sell his mother's home, the lawyer reached out to obtain the property records for his mother's house and they discovered there are nine separate notices of security interest on the house.

So my constituent and his lawyer had to dig through the records to even figure out what these notices of security interest were for and where they came from. He has been able to determine that they relate to three different contracts from door-to-door salesmen for home rental equipment. One was for a furnace and an air conditioner; one was for a carbon water filter; and one was for a UV water purifier. The contract for the furnace and air conditioner was signed in 2016, and at that point my constituent's mother had a furnace that she owned outright which was only 10 years old, so there was no reason at all for her to be renting a furnace and installing it in her home. Yet, someone was able to convince her that she needed to rent one.

That contract was with Eco Energy Home Services, which put a notice of security interest on her house. But then they turned around and sold the contract to Home Trust, which then sold it to Utilebill, which then, in turn, sold it to Concorde Gate. All of those companies, as they purchased the contract, put their own notice of security interest on her house. So that's five of the security interests right there.

Then, the contract for the carbon water filter was also sold several times and has several notices of security interest associated with it.

Finally, there's the UV water filter which, after his mother installed it, his sister convinced his mother she did not need it, so it was sent back. So the water filter is not even in the house anymore, but LendCare Capital insists that the full amount of the monthly payments must be paid out in order to discharge the notice of security interest. The cash price for the water filter was only \$14,000, but the monthly payments were at 14% interest—14% interest—on a water filter, so the total due over the lifetime of the contract was \$24,000—\$24,000—for a water filter in the city of Ottawa, where the water is just fine to drink.

All told, my constituent is looking at about \$24,000 to remove the existing notices of security interest on the house. However, he has found that getting these notices removed is not as simple as it sounds, because when he calls the companies, he is told that only a lawyer can remove the notices or that he has to have an actual closing date on the house in order to pay them off. So then his lawyer calls the companies, and the lawyer is told as well, "No closing date, no removal."

They're trying to sell this house. These companies took advantage of an elderly woman who was living all by herself, convincing her to sign contracts for rental equipment that she did not need. In one case, they don't even believe it's his mother's signature on the contract. They took thousands of dollars from this elderly woman and now these companies are claiming thousands of dollars more from her children, from her estate, while refusing to remove the notices of security interest so that her children could sell the house with a clear title.

There are a few new provisions in this bill that require suppliers of certain rented or leased equipment to discharge any related notices of security interest within 15 days of cancellation or termination of a consumer contract. But that's it, Speaker; that's all there is. There's no further protection for people against these notices of security interest. Again, we're the only province in the country that has these.

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The government says they're consulting on next steps, but I don't understand why you need to consult when we can already see the damage that's being done. My constituents don't even have the worst case of this in Ontario, Speaker, because there are plenty of media stories about people who have been scammed tens of thousands of dollars more: people who owe \$60,000; people who owe over \$100,000. I don't understand why there's no urgency from this government to act and to make sure that

these notices of security interest are banned entirely from the province.

The legislation also addresses the right to review. The government says that the changes in legislation will prohibit businesses from creating contract terms to prevent consumers from being sued or punished from publishing negative reviews. But what we don't see in this legislation is any measure to address gag orders in contracts. I am one of several MPPs who are dealing with constituents who are being muzzled by gag orders in contracts. In my case, the developer put a clause in the contract saying that the developer can unilaterally cancel a contract if they perceive the homebuyer as creating a dispute between the homebuyer and the home seller. But it's allowing all kinds of egregious and unscrupulous behaviour to take place and completely muzzling the homebuyers from being able to complain about it, because if they complain about it publicly, the developer can cancel the contract, keep the deposit, and these people don't get their home at all, so they just have to take the egregious behaviour with no recourse whatsoever.

This is one of many cases we've seen across the province where developers are engaging in completely unacceptable behaviour and using the gag order clause as a way of ensuring that nobody is allowed to do anything about the egregious behaviour—people who are having large fees for homes that weren't in the original contract extorted from them, but if they complain, that's seen as creating a dispute between them and the contractor.

This takes me to the most glaring omission in this legislation, which is that it does nothing to protect people who are making the largest purchase of their life: homebuyers. I have constituents in the Ottawa West–Nepean who are being held hostage by a developer, Greatwise Developments. These constituents have paid tens of thousands of dollars in deposits for a new home in the Fresh Towns development, and they've been waiting five years for the developer to actually build their homes. The Fresh Towns development is quite near my house, so I drive past it every time I'm coming home from the office in Ottawa. The land has not even been touched after five years. These constituents were supposed to receive these homes three years ago, but they don't even know when construction is going to start now.

Partly, they don't know when construction is going to start because the developer has not communicated with some of the homebuyers in 24 months now, which is contrary to the requirements of the legislation. The developer has also provided inaccurate information to the homebuyers when they have communicated with them. They blamed the city of Ottawa for failing to issue permits that, in fact, the developer never applied for. So, technically, they are correct that there are no permits, but they neglected to say that there's no permit because they never submitted an application for it, which is an essential part of getting a permit.

The developer has claimed unavoidable delays due to the pandemic for three years running, despite the fact that the rest of the housing market has resumed in Ottawa and,

in fact, this particular developer is building another project funded by the CMHC in Ottawa. Somehow only when it comes to this development, supplies and labour are not available in Ottawa.

At least two homeowners know that their deposit has been spent on previous phases of the development, despite the fact that their contract explicitly says that the deposit is only supposed to be used for the construction of their unit. One of the homeowners has asked for a refund, and 60 days later the developer and its lawyer have yet to acknowledge the request, let alone return the deposit.

This is having an incredibly negative impact on my constituents, Speaker. Their lives have been on hold for years now. They can't afford to buy into the housing market because tens of thousands of their dollars are already tied up in this development, but also prices are going up. Even if they get their deposits back, they won't be able to afford to buy into the market, given what has happened with housing prices in Ottawa. But the developer will be able to turn around and sell these units for \$200,000 or \$300,000 more and, in fact, that's what has already happened with a few units where homebuyers did get their deposits back.

We've also seen, with the homes that were already built in the previous three phases, that there were significant challenges with this developer. There were significant delays in construction that were not communicated to the homebuyers. There were homeowners who were given 30-day move-in notices and then only informed the day before they were supposed to move in that the home was not move-in ready, after people had booked movers and taken time off work.

There were significant construction issues that are not being addressed. The houses are not well-constructed. The developer has refused to turn over streets to the municipalities so that homeowners are able to call bylaw when streets are obstructed—fire lanes are being blocked, but the homeowners have no recourse because they're not city streets, and there is no municipal snow removal.

With all of these frustrations, homebuyers have been completely unable to get any kind of accountability or help from the government. It's been 29 months since the first complaint was filed with the Home Construction Regulatory Authority. There has been no action by the HCRA. I met personally with the HCRA in June, and while they would not discuss specifics of the case with me, they explained how they act based on risk perception, and they said that they had received concerning info regarding the risk level with this Greatwise development. Yet, six months later, there's no sign of any action from them whatsoever, and that's despite the fact that we learned just this fall from the Home Construction Regulatory Authority that the developer failed to register these homes with Tarion, contrary to the law in Ontario. There have been no penalties, no fines, no orders issued—nothing whatsoever.

My constituents have reached out to the Minister of Public and Business Service Delivery—the previous minister, got no response; the current minister, got no response. I hand-delivered a letter to the Premier in June

about this situation asking for his engagement, and despite the fact that the Premier likes to talk tough about bad developers, there's zero action.

And this is not the only case in the province. My constituents are not the only ones who are suffering in this way. There are a number of other cases that have eerily similar patterns and the same lack of action by the HCRA, same lack of action by Tarion, same lack of action by the Premier and his ministers.

In Brampton, homebuyers who bought houses with Vandyk Properties put down tens of thousands of dollars for their homes six years ago—six years ago—and are still waiting for construction on those homes to begin. There's also another case in Markham where a developer sold hundreds of units without registering them with Tarion or without obtaining a licence. In that case, there was finally some action from the HCRA, but it was to pull the licence, and so these homebuyers still are out tens of thousands of dollars with no new houses. This is what we're really seeing, Speaker: There's no action to actually compel developers to deliver what they're promising.

I want to read this quote from John Zinati, a real estate lawyer, in the Toronto Star, who said: "We're seeing projects get into trouble and more and more buyers being stuck in contracts with builders that are not going to be able to complete the property or have excessively delayed the completion of the property and have left buyers in a very difficult predicament."

I just want to read this statement by Barbara Captijn, who's an advocate for homebuyers, someone who I've gotten to know because of her excellent advocacy on behalf of my constituents. Barbara says:

"This bill does not address major problems in lack of consumer protection in Ontario. It excludes protections for new home buyers in the biggest purchase of one's life.

"Leaving significant gaps in this bill seems like repairing the roof of a car when the engine is faulty. Doing a few touch-ups to the 2002 act isn't significantly improving consumer protection.

"The subtitle of the bill, the Consumer Protection Act, 'protecting consumers, protecting businesses' mixes two very different things. Individual consumers don't have the financial resources businesses have, nor the time or tax deductibility advantages to resolve injustices in the courts. Consumers are the most vulnerable party in a business transaction, which is why we need a strong Consumer Protection Act.

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"Some of the proposals in Bill 142 are a step in the right direction, such as providing an exit to time-share agreements, limiting automatic contract renewals without specific consent and preventing suppliers from soliciting at a consumer's dwelling etc.

"But this bill ignores the 900-pound gorilla in the room, unfair business practices in new home sales. As with the Consumer Protection Act in 2002, this new bill specifically excludes real estate transactions except, oddly, for time-share purchases.

"New home buying is an area where consumers need to be protected, since one's life savings are often at stake, as well as one's well-being and stability. But there are growing numbers of reports in the media about unscrupulous practices in this area, such as developers taking deposits and not building homes they've contracted to, project cancellations, price escalations, preventing consumers from speaking out about problems with developers and selling homes without the necessary provincial approvals or the finances to complete the project.

"The government announced they are clamping down on what they call 'bad actors' and 'unscrupulous builders,' but there's nothing in the Consumer Protection Act to protect consumers in the biggest investment of their lives."

When the minister spoke earlier, he kept repeating that there's no law without strong enforcement, and yet what we're seeing from this government time and time again is a lack of enforcement. We're seeing a complete unwillingness to act to protect homebuyers in the province of Ontario. Despite the fact that they are willing to call them bad actors, despite the fact that they're willing to refer to unscrupulous builders, there's just no action, and at the end of the day, if you talk and there's no action, your talk is meaningless.

I would urge the government to take their own words seriously, to take action to protect homebuyers in the province of Ontario, to provide meaningful protection for homebuyers and to provide meaningful protection for all consumers in the province of Ontario by creating an Ontario consumer watchdog.

The Acting Speaker (Ms. Bhutla Karpoche): Questions?

Mr. Lorne Coe: I just wanted to thank the member opposite for her presentation. She will know, because she has been here for several hours now debating Bill 142, that one of the key aspects of this legislation is consumer protection, but as it applies to seniors and other members of our general population who have vulnerabilities, and that relates to notices of security interest in particular.

I know that within her riding there will be similar sectors, so I'd like her to talk about her willingness to support the bill in general, but in particular, this part, which the member spoke probably a good half hour about—its applicability and the why. So I'd like her to speak how she sees this particular section of the bill and its effect within her riding.

Ms. Chandra Pasma: Thanks to the member for Whitby for that question, which is kind of a funny question because I did talk about notices of security interest and their impact on my constituents at great length. In fact, I have a constituent who is facing nine notices of security interest on the estate of his mother because of three unscrupulous contracts that were signed and then sold and resold and resold, with every new company placing a notice of security interest. My constituent and his siblings are losing out on \$24,000 of their mother's estate for equipment that his mother did not need.

This legislation, in fact, does nothing to improve this situation for my constituent, which is why I urge the

government to go further than what they're doing and actually ban this unscrupulous practice in Ontario.

The Acting Speaker (Ms. Bhutla Karpoche): Next question?

Mr. Wayne Gates: I can tell you that for my father-in-law, when he passed away, the executor to the estate was his son Vince, and they found out that he was actually tied in to a contract for 20 years and the family didn't know about it—the very same thing that happened to you, and now you're scrambling to try to get it taken care of. It costs the family a lot of money, and nothing in this bill will address that. It's something that's happening to seniors over and over again.

So my question to you is pretty simple: Why do you think that if they're going to bring a bill like this forward, not take our recommendations when we're in committee and not protect seniors—because, in this game, it's mostly seniors that are taken advantage of. That's what I see all the time. I think we all see it in our ridings. We see it in our offices. It's seniors, seniors, seniors. Why does the Conservative government not care about seniors?

Ms. Chandra Pasma: Thanks to the member for Niagara Falls for that question. It's an excellent question. What we see from this government time and time again is that they talk a lot about issues, but they refuse to use the powers they actually have to improve them. We definitely see it with affordability, which is something that affects many seniors right now, who can't afford to buy food or pay rent. The government is busy pretending that they're helpless to do anything about affordability.

We see it with these notices of security interest, where they're refusing to ban them outright or create strict limitations on them while they're talking about them. We see it with students, where the government talks a lot about the need to support students, and yet they're completely underfunding students.

What we need is a government that's actually willing to do its job, willing to listen to the people of Ontario, willing to listen to the opposition and come forward with policy solutions that actually address the challenges people in Ontario are facing right now.

The Acting Speaker (Ms. Bhutla Karpoche): Next question?

Mr. Brian Saunderson: I enjoyed listening to my colleague opposite's comments. I think there's unanimity across the floor that the Consumer Protection Act needed updating; it hadn't been updated in 21 years. When I listened to the comments of the member opposite, I guess what it really leaves me with is the sense that while the NDP maybe would like this act to go further, they don't disagree with what we have in the act.

I'm going to repeat my question that I asked your colleague earlier: Will you support this bill on the third reading?

Ms. Chandra Pasma: Thank you to the member opposite from Simcoe–Grey for the question, which is reminding me a little bit about some conversations that I'm having with my children these days about, “I passed the class. Why isn't that good enough?” I come from a long

line of Dutch Calvinists, so “just passed the class” is never good enough. We're supposed to be doing our best at everything we can do, and all I can say is that it really, really frustrates me to hear a government that has power to do good for the people of Ontario saying, “Well, don't we at least deserve a pass?”

The Acting Speaker (Ms. Bhutla Karpoche): Next question?

Mrs. Lisa Gretzky: Thank you to my colleague from Ottawa West–Nepean for her very thoughtful comments on this legislation before us. She talked at length about people getting roped into these contracts, or sometimes where they haven't actually entered into a contract with a company, and yet are still being told they had and are being held to that and it's costing tens of thousands of dollars for things like water heaters and furnaces, and how that affects seniors, mostly.

But I'm wondering if maybe she could talk a bit about an amendment that we tabled at committee that the Conservatives voted against, which would protect buyers of new homes that are being built. As I had said earlier, I've talked to many of my constituents who have purchased a new home, only through that process to find out that the builder is now saying they need to pay \$150,000 more than was originally agreed upon, or even more than that.

I'm wondering if my colleague could talk about why the government would possibly vote against an amendment that we brought forward to protect people when they are purchasing a new-build home?

Ms. Chandra Pasma: Thanks to the member for Windsor West for that question, and it really is the million-dollar question. I've been here for 18 months now and I've seen with piece of legislation after piece of legislation that the government brings something forward that is rushed and not thorough. Members of the public come and participate in the process in good faith and say, “Here are meaningful ways that the government could improve this legislation that would actually make it better, accomplish what the government says they want to accomplish and address significant challenges that the people of Ontario are facing in their lives,” and the government votes against them all, seemingly on the principle that they don't need to listen to anybody.

The end result is that they have to keep bringing forward new legislation to correct what they screwed up previously, or we get franchises of bills as they keep trying to address new challenges. And so I would just encourage the government to please listen to the people of Ontario, who are the real experts on what they need.

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The Acting Speaker (Ms. Bhutla Karpoche): Next question?

Mr. Ric Bresee: Speaker, I just heard the member answer a question of one of my colleagues with the idea that she was disappointed that this bill and this government are pursuing getting something done, but it's not enough. And, yet, the opposite to that would be continuing to study, continuing to add, continuing to modify, and doing that for

year after year after year, which we saw the prior government do for 15 years: do lots, but actually get nothing done.

And so, if it was a choice between getting something done or getting nothing done, which would the member actually prefer?

Ms. Chandra Pasma: Thank you for that question. I think we've just identified the answer to the million-dollar question, which is that apparently the government thinks it has two choices: do a poor job and do no job at all. What I'm advocating for is for the government to please listen to the people of Ontario and do a good job for once.

The Acting Speaker (Ms. Bhutila Karpoche): Next question?

Ms. Sandy Shaw: I just wanted to ask my colleague: There are so many things that this government could have done. They could have done a good job and they could have gone further. What do you think is the thing that's most disappointing, the thing that was left out? Is it the consumer watchdog? Is it the fact that their hotline got 30,000 calls and not one—zero—was acted upon? What do you think is the biggest disappointment with the shortcomings of this bill?

Ms. Chandra Pasma: Thank you to the member from Hamilton West—Ancaster—Dundas for that question. There are many disappointments in this bill, but I think one thing that would really help to address many of them is the creation of the Ontario consumer watchdog, because what we see with this government time and time again is regulatory capture, and what we really need is an independent third party who is standing up for consumers in a variety of areas—including home buying, which is an area completely left out of this legislation—so that people don't have to depend on this government, people don't have to depend on regulators that are captured by the industries they are supposed to be regulating, but they actually have somebody who is standing up directly for consumers.

The Acting Speaker (Ms. Bhutila Karpoche): Further debate?

Mr. Ted Hsu: It's a pleasure to stand up and speak today about Bill 142, about updating consumer protection. I want to compliment, first of all, my colleague from Ottawa West—Nepean for giving that really excellent example of her constituent who ended up renting things that she didn't need and has all these financial issues as a result. I think that was a great example of why we need consumer protections.

For me, I think about, "When do I ever read those emails that come in and say, 'We're changing the terms and conditions' of some contract that I don't have time to read or understand?" That's pretty minor compared to the example that was given by the member for Ottawa West—Nepean of somebody who was tricked into renting things, then had to deal with financial issues for years and years after that.

One of the good things about this bill, Madam Speaker—and let me just say that I intend to vote in favour of this bill—is prohibiting businesses from creating unneces-

sary barriers when consumers are trying to cancel a subscription or a membership-based contract.

Before I start, I should have said this just a second earlier: I'd like to speak about some of the bigger-picture issues that updating consumer protection rules does, and how it benefits the overall economy. We know that many things in our economy have moved from an outright purchase to a subscription-based model. It's a different model for revenue, and it's something that actually increases revenue for companies, so we have to be a bit careful about that. We have to make sure that consumers are protected. In particular, if we're moving to a subscription-based model, we have to make it not too hard for consumers to switch—to choose a competitor, to switch to a competitor. It has to be easy to exit a contract and change to get a better deal.

And so, this is something that updating the Consumer Protection Act does, and I think I want to talk about the bigger economic ramifications. If we have more choice and more competition because it's easier for consumers to switch providers, to switch from subscribing to one service over to a competitor, we're going to get more innovation in our economy. We're going to get more productivity in the long run if we have more innovation. So there are bigger-picture economic reasons for updating laws to make sure that consumers benefit the most from competition.

Let me go beyond this bill to say, something that I hope this government looks into is that—I think the province has a role in spurring competition and making sure that there is enough competition at every level. The Competition Bureau is a federal institution that regulates competition on a national level. That's a very important thing. But think about something that is on a very local, everyday level: grocery prices. How do we make sure that a consumer has a choice when they go shopping for their groceries? That's not an easy thing to do. It's not like you can have one grocery store and then a competitor right next door—it's not always practical, but we want to encourage the idea of making sure that if somebody lives in a neighbourhood, it's not too hard to buy groceries from another place. That's ensuring competition at a very local level. I think the province has a role to play in encouraging competition at that local level, and I hope they start by looking at the cost of groceries and how different stores compete for the business of consumers buying everyday items.

I'm pleased that in this bill some of the penalties have been increased. Very often, these numbers don't get adjusted for many, many years, and they don't keep up with inflation. So I'm glad that the numbers have been increased in this bill, when individuals or companies violate rules that are meant to protect consumers.

What I would call upon this government to do, beyond this bill, is to look at the whole of government and look at all the places in all the legislation and all the laws of Ontario where numbers need to be updated in order to keep up with inflation over the years.

One of them that comes to mind, and this involves protection of consumers when it comes to injury, is when somebody gets injured and cannot work—there's a num-

ber right now; it's roughly \$400 a week in compensation for somebody who cannot work. An income of \$400 a week times four, \$1,600 a month, in the last few years, has become a figure that is too hard to live on. It needs to be adjusted for inflation. It hasn't been adjusted for—I forget the exact number, but it's around 10 years. I would hope this government looks through all of the laws and regulations of the province of Ontario and looks at the numbers that need to be raised to account for inflation, to protect average, everyday people who are vulnerable.

The last thing I'll say about this bill is that I think there should be an automatic review of consumer protections every 10 years or so. I think the government will agree with me that 20 years was perhaps a little bit long, because the consumer landscape is changing. It is changing because of things like e-commerce or artificial intelligence now tracking individual consumers. I'm pretty sure that in 10 years we're going to have to look again at legislation to protect consumers, because people with bad intentions and trying to make as much money as possible off consumers are going to be finding ways to use artificial intelligence to make money off consumers in an unfair way. So I would recommend that the government, in some way, makes sure that, in 10 years, there's another review of consumer protections so that we don't have to suffer. In fact, whenever something comes up, I think the government should be

proactive and adjust rules, whenever technology changes. I think that's something that I would like to see in any future government—a proactive approach to changing laws whenever technology changes.

That's all I have to say, Madam Speaker. I'll be voting in favour of this bill.

The Acting Speaker (Ms. Bhutla Karpoche): Questions? Questions?

Further debate? Further debate?

Mr. McCarthy has moved third reading of Bill 142, An Act to enact the Consumer Protection Act, 2023, to amend the Consumer Reporting Act and to amend or repeal various other Acts. Is it the pleasure of the House that the motion carry? I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

Third reading agreed to.

The Acting Speaker (Ms. Bhutla Karpoche): Orders of the day? I recognize the member from Chatham-Kent–Leamington.

Mr. Trevor Jones: Thank you, Speaker. No further business.

The Acting Speaker (Ms. Bhutla Karpoche): With no further business, the House stands adjourned until tomorrow morning, 9 a.m.

The House adjourned at 1951.

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Gélinas, France (NDP)	Nickel Belt	
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Gretzky, Lisa (NDP)	Windsor West / Windsor-Ouest	
Grewal, Hardeep Singh (PC)	Brampton East / Brampton-Est	
Hardeman, Ernie (PC)	Oxford	
Harden, Joel (NDP)	Ottawa Centre / Ottawa-Centre	
Harris, Mike (PC)	Kitchener—Conestoga	
Hazell, Andrea (LIB)	Scarborough—Guildwood	
Hogarth, Christine (PC)	Etobicoke—Lakeshore	
Holland, Kevin (PC)	Thunder Bay—Atikokan	
Hsu, Ted (LIB)	Kingston and the Islands / Kingston et les Îles	
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Martin, Robin (PC)	Eglinton—Lawrence	
McCarthy, Hon. / L'hon. Todd J. (PC)	Durham	Minister of Public and Business Service Delivery / Ministre des Services au public et aux entreprises
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McGregor, Graham (PC)	Brampton North / Brampton-Nord	
McMahon, Mary-Margaret (LIB)	Beaches—East York	
Mulroney, Hon. / L'hon. Caroline (PC)	York—Simcoe	President of the Treasury Board / Présidente du Conseil du Trésor Minister of Francophone Affairs / Ministre des Affaires francophones
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Pasma, Chandra (NDP)	Ottawa West—Nepean / Ottawa-Ouest—Nepean	
Piccini, Hon. / L'hon. David (PC)	Northumberland—Peterborough South / Northumberland—Peterborough-Sud	Minister of Labour, Immigration, Training and Skills Development / Ministre du Travail, de l'Immigration, de la Formation et du Développement des compétences
Pierre, Natalie (PC)	Burlington	
Pirie, Hon. / L'hon. George (PC)	Timmins	Minister of Mines / Ministre des Mines
Quinn, Nolan (PC)	Stormont—Dundas—South Glengarry	
Rae, Matthew (PC)	Perth—Wellington	
Rakocevic, Tom (NDP)	Humber River—Black Creek	
Rasheed, Kaleed (IND)	Mississauga East—Cooksville / Mississauga-Est—Cooksville	
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Romano, Ross (PC)	Sault Ste. Marie	
Sabawy, Sheref (PC)	Mississauga—Erin Mills	
Sandhu, Amarjot (PC)	Brampton West / Brampton-Ouest	
Sarkaria, Hon. / L'hon. Prabmeet Singh (PC)	Brampton South / Brampton-Sud	Minister of Transportation / Ministre des Transports
Sarrazin, Stéphane (PC)	Glengarry—Prescott—Russell	
Sattler, Peggy (NDP)	London West / London-Ouest	
Saunderson, Brian (PC)	Simcoe—Grey	
Schreiner, Mike (GRN)	Guelph	
Scott, Laurie (PC)	Haliburton—Kawartha Lakes—Brock	
Shamji, Adil (LIB)	Don Valley East / Don Valley-Est	
Shaw, Sandy (NDP)	Hamilton West—Ancaster—Dundas / Hamilton-Ouest—Ancaster—Dundas	
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Smith, David (PC)	Scarborough Centre / Scarborough-Centre	
Smith, Hon. / L'hon. Graydon (PC)	Parry Sound—Muskoka	Minister of Natural Resources and Forestry / Ministre des Richesses naturelles et des Forêts
Smith, Laura (PC)	Thornhill	
Smith, Hon. / L'hon. Todd (PC)	Bay of Quinte / Baie de Quinte	Minister of Energy / Ministre de l'Énergie
Stevens, Jennifer (Jennie) (NDP)	St. Catharines	
Stiles, Marit (NDP)	Davenport	Leader, Official Opposition / Chef de l'opposition officielle Leader, New Democratic Party of Ontario / Chef du Nouveau Parti démocratique de l'Ontario
Surma, Hon. / L'hon. Kinga (PC)	Etobicoke Centre / Etobicoke-Centre	Minister of Infrastructure / Ministre de l'Infrastructure
Tabuns, Peter (NDP)	Toronto—Danforth	
Tangri, Hon. / L'hon. Nina (PC)	Mississauga—Streetsville	Associate Minister of Small Business / Ministre associée déléguée aux Petites Entreprises
Taylor, Monique (NDP)	Hamilton Mountain / Hamilton-Mountain	
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Vanthof, John (NDP)	Timiskaming—Cochrane	Opposition House Leader / Leader parlementaire de l'opposition officielle

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West, Jamie (NDP)	Sudbury	
Williams, Hon. / L'hon. Charmaine A. (PC)	Brampton Centre / Brampton-Centre	Associate Minister of Women's Social and Economic Opportunity / Ministre associée des Perspectives sociales et économiques pour les femmes
Wong-Tam, Kristyn (NDP)	Toronto Centre / Toronto-Centre	
Yakabuski, John (PC)	Renfrew—Nipissing—Pembroke	
Vacant	Kitchener Centre / Kitchener-Centre	
Vacant	Lambton—Kent—Middlesex	