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**Official Report
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Wednesday 24 February 2010

**Journal
des débats
(Hansard)**

Mercredi 24 février 2010

**Standing Committee on
Regulations and Private Bills**

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Chair: Michael Prue
Clerk pro tem: Trevor Day

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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

Wednesday 24 February 2010

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Mercredi 24 février 2010

The committee met at 0903 in room 151.

REGISTERED RETIREMENT SAVINGS
PROTECTION ACT, 2010

LOI DE 2010 SUR LA PROTECTION
DES RÉGIMES ENREGISTRÉS D'ÉPARGNE
EN VUE DE LA RETRAITE

Consideration of Bill 96, An Act respecting protection for registered retirement savings / Projet de loi 96, Loi visant à protéger les régimes d'épargne-retraite enregistrés.

The Chair (Mr. Michael Prue): Let's get this meeting under way. We're going to do a couple of things today.

First of all, we're going to deal with Mr. Leal's bill; that is, Bill 96, An Act respecting protection for registered retirement savings. At the conclusion of that, if there is still time—and I anticipate that there may be—we're going to move to the second bill before us, which is Bill 106, standing in the name of Mr. Naqvi, An Act to provide for safer communities and neighbourhoods.

On the last occasion of Mr. Leal's bill, if my memory serves me correctly, there was a request for a 20-minute time-out to caucus. That 20 minutes having expired, we are now moving to the amendment, which was an amendment—

The Clerk of the Committee (Mr. Trevor Day): An amendment to the amendment.

The Chair (Mr. Michael Prue): Excuse me; it's the amendment to the amendment. This was moved by Mr. Leal and, just so everybody has it in front—you can understand, because it has been some time. Yes, his motion was that “the motion to amend the bill by adding section 4.1 be amended by striking out subsection 4.1(2).”

Mr. Jeff Leal: And the original has been—

The Chair (Mr. Michael Prue): And the original—you also have that before you. So we're dealing with the amendment to the amendment. Is there any discussion?

The Clerk of the Committee (Mr. Trevor Day): We've got to vote.

The Chair (Mr. Michael Prue): We've got to vote. I'm sorry—not even any discussion. This is the amend-

ment. All those in favour of the amendment to the amendment? Opposed? That carries.

Which takes us back to the main motion, as amended, also moved by Mr. Leal. Mr. Leal, the floor is yours to move it.

Mr. Jeff Leal: It has already been moved.

The Chair (Mr. Michael Prue): My memory is not as good as—okay, it has already been moved. Any discussion on the motion, as amended? No discussion? All those in favour of the amendment? Opposed? That carries.

Are there any amendments to section 5? Is this properly before us? Mr. Leal, just so everybody understands, there was a motion last time, or a purported motion, that subsection 5(2) of the bill—you're aware of that motion? You have it before you?

Mr. Jeff Leal: Yes.

The Chair (Mr. Michael Prue): Do you wish to move it?

Mr. Jeff Leal: No.

The Chair (Mr. Michael Prue): Are there any other motions? Does anybody else have any other motions?

Any discussion on section 5? None? Okay. Shall section 5 carry? Carried.

Numbers 6 and 7 were previously carried, as well as the title.

All that is left on this bill is: Shall the title of the bill—no, we've done that. Shall Bill 96, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

That's the end of that one. That was pretty rapid.

SAFER COMMUNITIES
AND NEIGHBOURHOODS ACT, 2010

LOI DE 2010 SUR LA SÉCURITÉ ACCRUE
DES COLLECTIVITÉS ET DES QUARTIERS

Consideration of Bill 106, An Act to provide for safer communities and neighbourhoods / Projet de loi 106, Loi visant à accroître la sécurité des collectivités et des quartiers.

The Chair (Mr. Michael Prue): Which takes us to Mr. Naqvi's bill, which is Bill 106.

Interjection.

The Chair (Mr. Michael Prue): We're just going to give the clerk a second here to make sure that we're on track and nothing gets missed. Legislative counsel has to change seats.

On the last occasion, Mr. Martiniuk had made an amendment to the amendment. You have that before you in the package. It is the second document, the amendment to the amendment. Mr. Martiniuk has moved it. It is now open for debate. Mr. Martiniuk, I would recognize you, if you want to explain your amendment to the amendment.

Mr. Gerry Martiniuk: I'm looking for it. Which—

The Chair (Mr. Michael Prue): It's 4.2.1. I have it on page 2 of my package. In the top right-hand corner it reads, "Mr. Martiniuk motion."

Mr. Gerry Martiniuk: Yes. I wanted to merely ensure that the director had received, as I had stated, the proper training, oaths and scope of employment. In effect, they are making semi-judicial decisions. I think it's only fair, if we're going to be judged in our society, that the person who is judging us have minimum requirements for training, and the fact that they're acting in good faith. I don't think it's a radical motion; I think it makes a great deal of sense.

The Chair (Mr. Michael Prue): Further discussion? Seeing none, all those in favour of the amendment to the amendment? Those opposed? That is defeated.

Which takes us back to Mr. Colle's motion, which is the first one in my package. Has this been moved? Yes, it has been moved. Any debate on this motion? Seeing no debate, shall it carry? Carried.

Shall section 4, as amended, carry? Carried.

Section 5: Are there any amendments to section 5? I don't have any, but are there any amendments? There being no amendments, any discussion on section 5? There being no discussion, all those in favour of section 5? Opposed? That carries.

Section 6: Are there any amendments to section 6? Any proposed amendments? No. Any discussion on section 6? Seeing no discussion, all those in favour of section 6? Opposed? That carries.

0910

Section 7: Any discussion on section 7? No discussion on section 7. I'll come to the vote. All those in favour of section 7? Opposed? That carries.

Section 8: I have a motion that has been filed here, and it has been moved? No, it has not been moved.

Mr. Naqvi, this is the one with your name in the top right-hand corner, so I'll go to you.

Mr. Yasir Naqvi: I move that section 8 of the bill be amended by adding the following subsections:

"Multiple frivolous or vexatious complaints

"(3) If the Director has determined that three complaints from the same complainant in respect of the same activities on or near the same property have been frivolous or vexatious, the Director may give the complainant written notice that if the complainant makes a subsequent complaint in respect of the same activities on or near the same property, the complainant may be required to pay for costs associated with processing the

complaint, not exceeding the amount prescribed by the regulations.

"Costs

"(4) If the Director has given a notice to a complainant under subsection (3), the Director may, upon receipt from the complainant of a subsequent complaint mentioned in that subsection, require the complainant to pay to the Director the costs associated with processing the complaint, not exceeding the amount prescribed by the regulations."

The Chair (Mr. Michael Prue): Discussions? Any discussion? Seeing no discussion, all those in favour of the motion? Opposed? That carries.

Shall section 8, as amended, carry? Carried.

We now move to section 9. You have another motion again with Mr. Naqvi's name in the top right-hand corner. I don't believe it has been moved.

Mr. Naqvi, the floor is yours.

Mr. Yasir Naqvi: I move that subsection 9(3) of the bill be amended by striking out "the application" and substituting "an application for a community safety order."

The Chair (Mr. Michael Prue): The motion is properly before us. Any discussion of the motion? Seeing none, all those in favour? Opposed? That carries.

Shall section 9, as amended, carry? Carried.

We have sections 10 through 14. We don't have any amendments before us, but let's just err on the side of safety.

Section 10: Is there any discussion on section 10? Shall section 10 carry? Carried.

Section 11: Is there any discussion on section 11? Shall section 11 carry? Carried.

Section 12: Is there any discussion on section 12? Shall section 12 carry? Carried.

Section 13: Is there any discussion on section 13? No discussion. Shall section 13 carry? Carried.

Section 14: Is there any discussion on section 14? No discussion. Shall section 14 carry? Carried.

Section 15: I do have a proposed amendment here with Mr. Naqvi's name in the top right-hand corner.

Mr. Gerry Martiniuk: Chair, I have no objections nor any amendments to any of the individual sections and will only speak when we come to the bill.

The Chair (Mr. Michael Prue): Thank you.

Mr. Yasir Naqvi: I move that subsection 15(8) of the bill be amended by striking out "a variation order" in the portion before clause (a) and substituting "a variation order under this part."

The Chair (Mr. Michael Prue): Any discussion on the motion? Seeing none, all those in favour? Opposed? That carries.

Shall section 15, as amended, carry? Carried.

Section 16: Is there any discussion on 16? Seeing no discussion, shall section 16 carry? Carried.

Section 17: I have a further motion in front of me, item number 8 in the name of Mr. Naqvi.

Mr. Yasir Naqvi: I move that subsection 17(4) of the bill be amended by striking out "it may, in addition to

any other order for costs, order the complainant to pay costs to the Director” and substituting “it may order the complainant to pay costs to one or more of the Director, the respondent and the resident.”

The Chair (Mr. Michael Prue): I’m just wondering—the motion that I have, should it not read “Directors”? I’m just thinking in terms of grammatical sense: “to one or more of the Director...”?

Mr. Yasir Naqvi: There’s only one director. It’s a full cap D; it’s defined.

The Chair (Mr. Michael Prue): All right. I just wanted to make sure. It just didn’t make grammatical sense, but it might make legal sense. They’re not always the same.

Mr. Yasir Naqvi: It’s a defined term.

The Chair (Mr. Michael Prue): All right. Any discussion on this motion? Seeing no discussion, all those in favour of the motion? Opposed? That carries.

Shall section 17, as amended, carry? Shall section 17, as amended, carry? I don’t see anyone voting.

Mr. Yasir Naqvi: Carried.

The Chair (Mr. Michael Prue): Carried. Okay.

I have no other proposed amendments. We can do them one at a time, but that’s probably wasteful. Are there any other amendments that anyone wants to propose in any of the other sections, 18 through 43?

Mr. Mario Sergio: I’ve been thinking about it.

The Chair (Mr. Michael Prue): You’ve been thinking about it? Okay. Can we deal with them all at once? Shall sections 18 through 43 carry? Carried.

The next item—we’re getting near the bottom here: Shall the title of the bill carry? Carried.

Shall Bill 106, as amended, carry? Mr. Martiniuk had already indicated his wish to speak to this.

Mr. Gerry Martiniuk: Very shortly, I thank Mr. Naqvi for bringing this before us. I understand his motive and agree with it. I think we all agree that we are concerned about the safety of our communities and the individuals therein.

Unfortunately, I cannot support this bill because I believe it adds an additional layer of bureaucracy, a paid bureaucracy and a paid cost. I realize the bill is permissive, not compulsory, for municipalities; however, I am concerned about the extra cost. I’m also concerned that we will inject a bureaucracy which may discourage individuals who are presently working with the same aims in our communities as volunteers from volunteering. We have Neighbourhood Watch groups, in our municipality we have a crime prevention council—all

volunteers, all working with the same intent, to make our communities safer.

I believe that this is a needless level of bureaucracy and therefore, though I admire the motives and agree with the motives, I cannot support the bill.

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

Mr. Peter Tabuns: I understand the basis upon which Mr. Naqvi has brought forward this bill. I’ve dealt with disruptive houses in my riding. The problems that were outlined by my colleague Cheri DiNovo with the bill I think are valid. I think that there will be problems arising from this that you may not intend in your original drafting of this piece of legislation. I hear, on a regular basis, commentary about keeping out people from a neighbourhood that often has nothing to do with their behaviour but everything to do with their complexion. Anything that expedites the moving people out of neighbourhoods based not on law but on potential prejudice is something that I see as highly problematic.

This bill does not propose moving people out of neighbourhoods based on their complexion or their ethnic background, but I can tell you now that in a lot of neighbourhoods the identification of problem houses will follow those lines. That’s a huge problem.

I intend to vote against this, but I understand why it was brought forward. I just don’t think it’s going to solve the problem.

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

Mr. Gerry Martiniuk: Recorded vote.

The Chair (Mr. Michael Prue): If there is no further debate, we have a request for a recorded vote.

Ayes

Johnson, Leal, Naqvi, Sergio.

Nays

Martiniuk, Tabuns.

The Chair (Mr. Michael Prue): That carries.

Shall I report the bill, as amended, to the House? Agreed? Agreed.

Thank you very much. I’m absolutely shocked and astounded. I thank the committee for its work. We’re finished at 20 after nine. The meeting is adjourned.

The committee adjourned at 0921.

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