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(Hansard)**

Wednesday 20 March 2013

**Journal
des débats
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Mercredi 20 mars 2013

**Standing Committee on
Regulations and Private Bills**

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

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

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

Wednesday 20 March 2013

Mercredi 20 mars 2013

The committee met at 0900 in committee room 1.

The Chair (Mr. Peter Tabuns): Good morning. Will the Standing Committee on Regulations and Private Bills come to order?

The items on the agenda are as follows: Bill Pr5, An Act to revive Terra Paving Inc.; Bill Pr11, An Act respecting The Royal Conservatory of Music; Bill Pr12, An Act to revive Universal Health Consulting Inc.; and Bill Pr14, An Act to revive Aspen Drywall Inc. Then we'll have a briefing by Mark Spakowski, chief legislative counsel.

TERRA PAVING INC. ACT, 2013

Consideration of the following bill:

Bill Pr5, An Act to revive Terra Paving Inc.

The Chair (Mr. Peter Tabuns): We'll now proceed with the first item on the agenda, Bill Pr5, An Act to revive Terra Paving Inc. Mr. Shurman will be sponsoring this bill. Mr. Shurman, you're here and the applicant is here. I would ask the applicant to introduce himself for the purposes of Hansard.

Mr. Vito Petrozza: My name is Vito Petrozza. I used to be the owner of this company.

The Chair (Mr. Peter Tabuns): Thank you, sir. Does the sponsor, Mr. Shurman, have any comments?

Mr. Peter Shurman: No. Mr. Petrozza is a constituent in Thornhill. The company, for administrative reasons, wound up, being dormant, and he wants to reactivate it. It's as simple as that.

The Chair (Mr. Peter Tabuns): Okay. Sir, do you have any comments you'd like to make?

Mr. Vito Petrozza: My accountant made a mistake. He closed the company—I don't know for what reason; for no reason.

The Chair (Mr. Peter Tabuns): Fair enough. Are there any other interested parties in the room who want to speak to this?

Are there any comments from the government?

Are there any questions from any committee members?

Are you ready to vote, members of the committee? Okay, we'll start.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried.

Done. Thank you.

Mr. Peter Shurman: Thank you, Chair.

**ROYAL CONSERVATORY OF MUSIC ACT,
2013**

Consideration of the following bill:

Bill Pr11, An Act respecting The Royal Conservatory of Music.

The Chair (Mr. Peter Tabuns): The second item is Bill Pr11, An Act respecting The Royal Conservatory of Music. Mrs. Cansfield will be sponsoring this bill. Would the applicants please come forward? Mrs. Cansfield, you can speak from there. I would ask the applicants to introduce themselves for the purposes of Hansard.

Mr. Tony Flynn: Good morning. My name is Tony Flynn. I'm the chief administrative officer of the Royal Conservatory of Music.

Mr. Frank Palmay: Good morning. I'm Frank Palmay, partner with McMillan and general counsel to the conservatory.

The Chair (Mr. Peter Tabuns): Okay. Mrs. Cansfield, do you have any comments?

Mrs. Donna H. Cansfield: Just to say that the Royal Conservatory was established by legislation and this is coming forward in order to comply with new legislation in the not-for-profit sector. The government has no concerns at all.

The Chair (Mr. Peter Tabuns): Do you as applicants have any comments?

Mr. Frank Palmay: No, but we'd be pleased to answer any questions you might have.

The Chair (Mr. Peter Tabuns): Fair enough. Are there any other interested parties in the room who want to speak to this?

Any further comments from the government? Good.

Any questions from committee members?

Are members ready to vote? Excellent.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall section 5 carry? Carried.
 Shall section 6 carry? Carried.
 Shall the preamble carry? Carried.
 Shall the title carry? Carried.
 Shall the bill carry? Carried.
 Shall I report the bill to the House? Carried.
 Done. Thank you.

UNIVERSAL HEALTH CONSULTING
 INC. ACT, 2013

Consideration of the following bill:
 Bill Pr12, An Act to revive Universal Health Consulting Inc.

The Chair (Mr. Peter Tabuns): The next item is Bill Pr12, An Act to revive Universal Health Consulting Inc. Mr. O'Toole, you're sponsoring this bill. Would you come forward, and the applicant as well? I'd ask the applicant to introduce himself for the purposes of Hansard.

Mr. Kip Daechsel: Yes, Mr. Chair. My name is Kip Daechsel. I'm counsel to the applicant. I'm also the applicant's son.

The Chair (Mr. Peter Tabuns): Thank you. Mr. O'Toole, do you have any comments as sponsor?

Mr. John O'Toole: Yes. It's my distinct pleasure to introduce this bill for the second time. The first time, with all the work that had been done and the legal side, it was dismissed because the House was prorogued. So Kip is going to explain the reason for reviving this corporation.

Mr. Kip Daechsel: Mr. Chair, I actually provided the Clerk with a summary of the chronology and the events relating to this corporation.

It was set up by my father in 1981. My father was with Health and Welfare Canada, as it was then known. He left and retired, and he set up this company to provide consulting services. He also used the company to purchase property in the Ottawa Valley; my father, who is 85, has resided for some time in Ottawa.

Unbeknownst to him, the company dissolved—and we actually found out several years ago—and it was too late to revive by the traditional methods, so we had to use this method.

The Chair (Mr. Peter Tabuns): Fair enough. Are there any interested parties in the room who want to speak to this matter?

Any comments from the government on this? None.
 Any questions from committee members?
 Are members ready to vote? Excellent.
 Shall section 1 carry? Carried.
 Shall section 2 carry? Carried.
 Shall section 3 carry? Carried.
 Shall the preamble carry? Carried.
 Shall the title carry? Carried.
 Shall the bill carry? Carried.
 Shall I report the bill to the House? Carried.
 Done. Thank you.

ASPEN DRYWALL INC. ACT, 2013

Consideration of the following bill:
 Bill Pr14, An Act to revive Aspen Drywall Inc.

The Chair (Mr. Peter Tabuns): The next item is Bill Pr14, An Act to revive Aspen Drywall Inc.

Mr. O'Toole is sponsoring this bill. The applicant has come forward. I would ask the applicant to introduce himself for the purposes of Hansard.

Mr. Adam Worboy: Good morning. My name is Adam Worboy. I am a representative of Aspen Drywall Inc.

The Chair (Mr. Peter Tabuns): Thank you. Mr. O'Toole, any comments?

Mr. John O'Toole: Yes, on behalf of my constituent, they are resurrecting this company, and I'm here to support him. Adam will explain the details.

Mr. Adam Worboy: We wish to revive the corporation to deal with real property that is in the company's name, and to look after its affairs.

The Chair (Mr. Peter Tabuns): Fair enough. Are there any interested parties in the room who want to speak to this matter?

Any comments from the government?
 Any questions from committee members?
 Are members ready to vote? Excellent.

Shall section 1 carry? Carried.
 Shall section 2 carry? Carried.
 Shall section 3 carry? Carried.
 Shall the preamble carry? Carried.
 Shall the title carry? Carried.
 Shall the bill carry? Carried.
 Shall I report the bill to the House? Carried.
 Done. Thank you.

That is the private bills section of the agenda.

BRIEFING

The Chair (Mr. Peter Tabuns): We have Mr. Spakowski, chief legislative counsel, here to brief us on regulations.

Mr. Mark Spakowski: Thank you very much. I'm going to give you an overview of regulations. I'm going to follow, generally, the handout that was prepared by our office and has been distributed to you.

Regulations are laws, but they are made by someone other than the Legislature. Under the Constitution, the Legislature has the authority to pass legislation, statutes or acts. The authority to make regulations is set out in such an act. So the Legislature passes the act but gives the authority to someone else to make regulations. So this is really a delegation from the Legislature, and that's why regulations are sometimes called delegated legislation.

The act that provides the authority to make regulations will specify who can make those regulations. In most cases, that will be the Lieutenant Governor in Council or the minister, but there are other possibilities that sometimes arise in legislation. The act that provides for the authority to make regulations also sets out the scope

in which regulations can be made. So it will enumerate what those regulations could be about.

0910

The common law also provides some limitations on what can be done by regulations. Essentially, the common law has a number of presumptions that they operate by, presuming that a power to make regulations doesn't cover something unless the statute is particularly clear on that. So the limitations on regulations are both in the statute but also, to some extent, in common law.

I want to explain a bit about the difference between making regulations and filing them. Regulations are made when they're signed by whoever has the authority to make them or when the final approval is given by whoever has the authority to approve them. But a regulation has no legal effect unless it's filed with the registrar of regulations. This legal requirement, and the others that I'm going to speak about in the next little while, are all under the Legislation Act.

Regulations have to be filed with the registrar of regulations in order to be effective. The registrar of regulations is a lawyer in our office who's appointed as the registrar by the Lieutenant Governor in Council. The registrar oversees the filing of regulations and also has general duties within our office with respect to the making of regulations.

Regulations come into force generally when the regulation is filed, unless the regulation itself provides otherwise. So the regulation could say within it that it comes into force on a different day. There is a provision in the Legislation Act that provides that a regulation is not effective against someone who does not have actual notice of it until it's published. Once it's published, it binds everyone. Before it's published, it only affects those who have actual notice of it.

Regulations that are filed—there is a requirement under the Legislation Act to publish them. They must be published in two places: on the e-Laws website, which is an electronic publication, and in the Ontario Gazette, which is a weekly hard-copy publication, although it's also available on the Internet. The publication on the e-Laws website generally takes place very quickly—often the same day or the next day. Our service standard is within two business days, but it's usually considerably quicker than that. Publication in the gazette is usually a little over two weeks after it's filed. All of the regulations

filed in a certain week are published in the gazette that's dated the third Saturday after that week—at least, that's usually the case.

Statutes sometimes clarify that something is not a regulation for the purpose of the Legislation Act. Sometimes this is just to clarify doubtful cases; sometimes it's to provide that something should not be treated as a regulation. If that's the case, then it's taken out of the regulation scheme; it doesn't have to go through filing etc.

Mr. John O'Toole: Is there any provision for retroactivity?

Mr. Mark Spakowski: I indicated that the common law has certain presumptions. One of the presumptions is that there is no authority to make retroactive regulations unless the statute clarifies that, and many statutes do clarify it. There's no general authority to make retroactive regulations, but many statutes do provide for that specifically.

Regulations are drafted by lawyers within our office, legislative counsel within our office, on the instruction of ministry lawyers. So we're the ones who draft it, but the ministries are responsible for its content—what it does.

The handout describes a few different kinds of regulations: parent regulations, amending regulations and revoking regulations. Whatever the sort is, when regulations are made, their effect is incorporated in the consolidated regulations, which is on the e-Laws website, and that's usually done quite quickly—within usually a couple of days.

Ontario currently has a little over 1,700 consolidated parent regulations; that number goes up and down as new ones are made or old ones are revoked.

The total number of regulations that are filed each year varies, but the average over the past 10 years is a little over 500 a year. Last year there were 448, and this year there are 106 so far, as of yesterday.

A little less than half of Ontario's regulations are bilingual. Where regulations are bilingual, the French version is also prepared in our office. So we prepare both the English and French versions of bilingual regulations.

That's the end of the remarks I was going to make. I'm happy to answer any questions if there are any.

The Chair (Mr. Peter Tabuns): Any questions from the committee?

There being none, I declare this committee adjourned.
The committee adjourned at 0916.

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