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Mercredi 9 avril 2014

Standing Committee on Regulations and Private Bills

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

Chair: Peter Tabuns Clerk: Valerie Quioc Lim Président : Peter Tabuns Greffière: Valerie Quioc Lim

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Wednesday 9 April 2014

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

Mercredi 9 avril 2014

The committee met at 0900 in committee room 1.

The Chair (Mr. Peter Tabuns): The Standing Committee on Regulations and Private Bills will now come to order. We have a total of five private bills to consider.

TORONTO INTERNATIONAL FILM FESTIVAL INC. ACT (TAX RELIEF), 2014

Consideration of the following bill:

Bill Pr27, An Act respecting Toronto International Film Festival Inc.

The Chair (Mr. Peter Tabuns): As directed by the committee, we will consider Bill Pr27 as our first item of business: Pr27, An Act respecting Toronto International Film Festival Inc. Mr. Marchese is sponsoring this bill.

Mr. Marchese and the applicant are before us. Could you introduce yourselves for the purposes of Hansard?

Mr. Rosario Marchese: Rosario Marchese, MPP for Trinity–Spadina.

Mr. Doug Allison: Doug Allison, chief financial officer at the Toronto International Film Festival.

The Chair (Mr. Peter Tabuns): Mr. Marchese, any comments?

Mr. Rosario Marchese: I do, but I'm going to let Doug first of all make his remarks, and then see whether there's anything that's missing. I suspect not, but we'll see.

The Chair (Mr. Peter Tabuns): Mr. Allison, please.

Mr. Doug Allison: Thank you. You probably know us best from our flagship event, the Toronto International Film Festival that takes place each year in September, but TIFF has become much more than a film festival. We are a not-for-profit charitable organization that works year-round to transform the way people see the world through film. Our programming includes screenings, galleries, exhibitions, learning activities, discussions, workshops, a talent development program and a number of other activities to stimulate Ontario's film industry.

As you've seen from the bill, we are seeking a property tax exemption for our new facility, the TIFF Bell Lightbox. This is in line with the other cultural institutions in Ontario. If we operated a large live theatre venue or museum, we would be automatically exempt under Ontario's Assessment Act, but we are a hybrid institution, Ontario's first film centre, and therefore require this private bill to move forward.

TIFF Bell Lightbox is located in Toronto's entertainment district, at the corner of King and John. Since opening in 2010, the facility has developed into both a cultural attraction and a hub for the local film industry. Our facility includes two museum-grade galleries for exhibitions, a comprehensive film library and a collection of film-related artifacts. We have five movie theatres, learning spaces and more. We operate 365 days a year.

Our case for property tax exemption is anchored by four key points.

First is the precedent set in Ontario for large cultural institutions. Through various means, our peers in the cultural sector are exempt. This includes the Four Seasons Centre, the St. Lawrence Centre for the Arts, the National Ballet School, the Shaw Festival theatre, the Stratford Festival Theatre, Roy Thomson Hall and the Royal Conservatory's Telus Centre. TIFF is the only one of these major non-profit cultural organizations in Ontario whose facility does not yet receive an exemption from property tax.

Second, museums, heritage sites and cultural attractions are exempt from property tax in Ontario. This includes the Art Gallery of Hamilton, the Bata Shoe Museum, the Ontario Science Centre, THEMUSEUM in Kitchener and many more. We're a hybrid institution. We have galleries, archives, cinemas and educational spaces.

One thing I would like to note is that there are commercial properties existing in our building which TIFF does not own or operate. Our private bill only allows for the TIFF-owned portions of our facility to become exempt, not the on-site parking, the condominiums or the restaurant spaces, which will continue to pay property taxes totalling about \$2 million per year.

Finally, TIFF is unique and important to Ontario. TIFF generates media coverage, draws in tourists, attracts investments and builds profile for Ontario. Our festival is one of the province's greatest success stories and leading newsmakers. TIFF is quickly building a year-round presence, and we have an annual impact of \$189 million.

Last year, Toronto city council offered its unanimous support for our exemption, and we hope the province will follow suit. This exemption will help to ensure that TIFF can continue to operate as a healthy and impactful notfor-profit organization in Ontario. We do not expect special treatment; we are asking for equitable treatment.

I'd like to thank Rosario Marchese for sponsoring our bill, and everyone here today for your consideration. Thank you.

The Chair (Mr. Peter Tabuns): Thank you. Mr. Marchese, any supplementary comments?

Mr. Rosario Marchese: I believe Doug covered it all. TIFF puts Trinity–Spadina on the map, it puts Toronto on the map and it puts Ontario on the world map. It has my full support, and I'm assuming and hoping that everybody agrees.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much.

Mr. Rosario Marchese: Thank you.

The Chair (Mr. Peter Tabuns): Are there any other persons present in the room who wish to address this bill? There being none, any comments from the government? Mr. Colle.

Mr. Mike Colle: Thank you for coming before us. I see where the city of Toronto passed a resolution in support of this; right?

Mr. Rosario Marchese: Yes. Unanimously, with one person absent.

Mr. Mike Colle: That's quite an achievement to do that. Some members must have been absent.

Mr. Rosario Marchese: One person. Just one person.

Mr. Mike Colle: Anyways, the question I have is this: TIFF is obviously now the world's number one film festival, even beating that film festival somewhere in France. But there's just one question I have. It seems to be very downtown-centric. I have the most iconic theatre in Toronto in my riding, the Eglinton theatre. It's a state-of-the-art art deco theatre that has helped build and create the love of movies going back to when it opened in 1928. Is it possible to have some showings outside of Trinity—Spadina? There is a Toronto north of Bloor. There are film lovers north of Bloor, but they can't always get downtown, with the congestion, the traffic and the parking. It costs you 50 bucks to park—

The Chair (Mr. Peter Tabuns): Mr. Colle, I hate to interrupt a member, but we have five bills to get through.

Mr. Mike Colle: I'm just asking them to look at maybe doing an event at the Eglinton theatre to broaden the outreach of TIFF to those of us who live north of Bloor, north of St. Clair.

The Chair (Mr. Peter Tabuns): Yours is the fifth bill, by the way, so you have an interest in things proceeding.

Mr. Doug Allison: It's a great question, a great point. I myself come from Peterborough, Ontario. I now live south of Bloor. So the cultural impact across the entire province and across the entire country is important to myself as well as TIFF.

We do run a film circuit that crosses the country and does go into a number of different venues across Ontario and the country. David might know the exact number, but it's over 100. I know that my parents take in the ones in the Peterborough area.

Most definitely, our reach through both the festival and this building is continuing to grow and continuing to have a greater impact. Certainly, the growth of film is something important for all Ontarians, all Canadians and, really, the world, in our eyes.

Mr. Mike Colle: So you mean you'll go maybe look at Eglinton?

Mr. Rosario Marchese: We're making an effort.

Mr. Doug Allison: We'll make an effort. I will talk to our film circuit group, and we'll see if we've got room for another venue.

Mr. Mike Colle: Okay.

The Chair (Mr. Peter Tabuns): Thank you. Questions from other members of the committee?

Mr. John Vanthof: I'd like to thank you for your presentation, and I'd like to say that we are fully in favour of this bill. Hopefully the government will see fit to pass it through the Legislature as quickly as possible.

Mr. Rosario Marchese: Thank you, members.

The Chair (Mr. Peter Tabuns): Thank you, gentlemen.

Are members of the committee 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 section 7 carry? Carried. Shall section 8 carry? Carried.

Shall section 9 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? Agreed.

Thank you.

434753 ONTARIO LTD. ACT, 2014

Consideration of the following bill:

Bill Pr22, An Act to revive 434753 Ontario Ltd.

The Chair (Mr. Peter Tabuns): Moving on swiftly, the next bill is Bill Pr22. We'll now proceed to this item, Bill Pr22, An Act to revive 434753 Ontario Ltd. Mr. Balkissoon is sponsoring this bill. Mr. Balkissoon is here. The applicants are coming forward. I would ask the applicants to introduce themselves for the purpose of Hansard.

Ms. Paula Davis: Good morning. I'm Paula Davis, and this is my dad, Evan Davis.

The Chair (Mr. Peter Tabuns): Good morning. Mr. Balkissoon, do you have any comments on this bill?

Mr. Bas Balkissoon: Thank you, Mr. Chair. We're just asking to revive this corporation that was accidentally dissolved—I should say, inadvertently dissolved—many years ago. The corporation itself continued to do business without being registered. It's a technical issue, and I hope the committee will support it.

The Chair (Mr. Peter Tabuns): All right. The applicants: Do you have any comments that you want to add? You don't have to.

Mr. Evan Davis: No.

The Chair (Mr. Peter Tabuns): Okay. Fair enough. Are there any interested parties in the room who want to speak to the bill? There being none, any comments from the government on this bill? All right. Questions from other members of the committee? Mr. Nicholls.

Mr. Rick Nicholls: Welcome, and good morning. A couple of things: Your member of provincial Parliament used the words "inadvertently dissolved." First of all, I guess what I'd like to know is the nature of the business. I guess you've still been doing business. Tell me a little bit about your business; what is it?

Mr. Bas Balkissoon: Mr. Davis can explain it.

Mr. Rick Nicholls: Thank you.

Mr. Evan Davis: Technically, it's a taxi licence.

Mr. Rick Nicholls: I'm sorry?

Mr. Bas Balkissoon: City of Toronto taxi licence plate.

Mr. Rick Nicholls: Oh, sorry. Okay. All right.

Mr. Bas Balkissoon: The taxi has always been in business. It's still there, operating on the street, but the plate itself was registered under this company rather than Mr. Davis as a private individual.

As a result of another business that he had, the CRA documents have not been filed, so the company automatically went into insolvency, and that's how it ended up not being registered anymore. He did not realize or had forgotten that the plate was under a corporate name rather than his own name.

Mr. Rick Nicholls: I see. Okay, fine. Thanks for the clarification on that. Thanks, Mr. Davis.

The Chair (Mr. Peter Tabuns): Okay. Any other questions by members of the committee? There being none, are members ready to vote? Good.

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? Agreed.

Thank you very much.

1360906 ONTARIO LIMITED ACT, 2014

Consideration of the following bill:

Bill Pr23, An Act to revive 1360906 Ontario Limited.

The Chair (Mr. Peter Tabuns): We will now proceed to item number 3 on the agenda, Bill Pr23, An Act to revive 1360906 Ontario Limited. Mr. Kwinter is sponsoring this bill.

Mr. Kwinter, you've come forward. The applicant has come forward. I'd ask the applicant to introduce himself for purposes of Hansard.

Mr. Samy Ouanounou: If I may, my name is Samy Ouanounou. I'm counsel for the applicant, Maurice Ohayon, who is a director officer of 1360906 Ontario Ltd.

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

Mr. Monte Kwinter: No. I support the applicant. He represents the principal, and he will describe the reason why they want to revive it.

The Chair (Mr. Peter Tabuns): Fair enough. Sir.

Mr. Samy Ouanounou: I'm not going to use the word "inadvertence" or "by mistake." It was under the advice of my client's accountant to dissolve this corporation. This corporation's only asset was a condominium apartment which my client used for himself and his family. Basically, that was the only activity. To avoid filing the annual returns and the expense, the accountant recommended that my client dissolve it, so my client agreed, signed the papers, and it was dissolved back in 2006. In 2012, my client decided to sell the condominium in Florida, and he found out that the corporation was dissolved. So we're trying to revive it for that sole purpose.

The Chair (Mr. Peter Tabuns): Okay. Are there any interested parties in the room who wish to speak to this bill? There being none, comments from the government? None? Questions from other members?

There being none, Mr. Kwinter, if we can have you back in your chair for votes.

I am assuming, members, that you're ready to vote. Great.

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? Agreed.

Thank you very much, sir.

Mr. Samy Ouanounou: Thank you, Mr. Chair and members.

YMCA OF HAMILTON/BURLINGTON/BRANTFORD ACT (TAX RELIEF), 2014

Consideration of the following bill:

Bill Pr28, An Act respecting YMCA of Hamilton/Burlington/Brantford.

The Chair (Mr. Peter Tabuns): Okay. We'll now proceed to item 4 on the agenda, Bill Pr28, An Act respecting YMCA of Hamilton/Burlington/Brantford. Mr. Delaney is sponsoring this bill.

You're taking your seat, Mr. Delaney. The applicants are taking a seat. Would the applicants introduce themselves for the purposes of Hansard?

Mr. Jim Commerford: Jim Commerford, chief executive officer with the YMCA.

Mr. Brian Finnigan: Brian Finnigan, solicitor for the YMCA.

The Chair (Mr. Peter Tabuns): Thank you. Mr. Delaney, do you have any comments?

Mr. Bob Delaney: Chair, I do have two motions to move at this time.

I move that the first paragraph of the preamble to the bill be struck out and the following substituted—

The Chair (Mr. Peter Tabuns): Mr. Delaney, when we actually go to the bill, that's when it would be time for you to introduce those.

Mr. Bob Delaney: Okay.

The Chair (Mr. Peter Tabuns): If you want to tell us why you're going to change the bill, that's fine, but the actual motions have to wait for that vote.

Mr. Bob Delaney: Okay. Fair enough. At this point, Chair, I'm ready to proceed to the consideration of the bill

The Chair (Mr. Peter Tabuns): Okay. Do the applicants have any information they want to impart to us?

Mr. Brian Finnigan: Yes, I would like to speak for a few minutes to give you some background to the bill, Mr. Chairman and members of the committee, and then I'd like to pass it on to Mr. Commerford to give you some explanation as to the particular development that we're engaged in right now that has given the impetus to move forward with this bill.

By way of background, the Brantford YMCA was incorporated in 1874, and it has enjoyed a municipal property tax exemption since 1903. The Hamilton YMCA was incorporated in 1886 and has enjoyed a municipal property tax exemption since 1911. So both of these organizations have enjoyed a property tax exemption for over 100 years.

The Hamilton YMCA eventually became the Hamilton/Burlington YMCA. In 2008, the Brantford YMCA merged with the Hamilton/Burlington YMCA, and the organization changed its name to the YMCA of Hamilton/Burlington/Brantford. This organization has operated a small YMCA in Brantford.

Currently, we are working with Wilfrid Laurier University to develop a joint-use facility in the city of Brantford. This is going to be a very significant development for downtown Brantford. It is supported by all levels of government, and Mr. Commerford will give you a description of this development in just a moment.

The purpose of this bill is to continue the property tax exemption for the YMCA of Hamilton/Burlington/Brantford in the city of Brantford. The city of Brantford has confirmed that it does not object to the passage of this bill; a copy of that confirmation is in the compendium. We advertised the bill—we actually advertised it twice because it took quite a while to go through the development process, the main reason being that other bills of this nature are usually for one-owner properties.

This is a joint development project between Wilfrid Laurier and the YMCA. Wilfrid Laurier already has a tax exemption; it doesn't need a tax exemption. Because it's

proposed to be a joint-use facility, the YMCA needs to revive its tax exemption.

I'd like to ask Mr. Commerford to give you a description of the particular project that we're involved in right now.

Mr. Jim Commerford: As was mentioned by Mr. Finnigan, we've got a 150-year history of serving Brantford and surrounding communities. The reason we are here today is really as a result of our merger between these two registered charities, which has allowed us to more effectively and efficiently deliver programs and services across the region.

While we're best known for our health and fitness, we are also a large provider—in fact, the largest provider—of newcomer services, settlement services, in the region. Many newcomers to not only Hamilton and Brantford but surrounding areas come through the YMCA. We are also a provider of career counselling and development for young people and a very large provider of early learning programs in partnership with the provincial government as it relates to full-day learning. In fact, some of these programs have been extended not only through the schools and community settings but on to and in partnership with the Six Nations community on the Six Nations reserve.

With that, we have a partnership with Wilfrid Laurier University under way to construct the first university varsity athletic facility and YMCA in North America. It will serve not only Brantford but the surrounding communities. We have received funding of \$16.7 million from the federal and provincial governments, as well as an additional \$5.2 million from the city of Brantford for this project. Our other partners as we are designing and building this facility include the Six Nations community, Nipissing University and Mohawk College.

As mentioned earlier, we do have support from the city for the continuation of the tax-exempt status that we have enjoyed for the last 150 years.

I'd close by saying that one of the fundamental tenets of the YMCA is that no individual will be turned away due to an inability to pay a fee. So whether it's in our membership facilities or whether it's in our career counselling or early learning initiatives, the YMCA strives to ensure that the entire community is able to participate in our programs. Therefore, these programs are made available through the philanthropic support of our donors.

I'm here to answer any questions.

0920

The Chair (Mr. Peter Tabuns): Thank you very much.

Are there any other interested parties in the room who want to address the committee on this bill?

There being none, any government comment? None?

Mr. Brian Finnigan: Mr. Chairman, I'm just wondering if I can explain briefly the reasons for the motions.

The Chair (Mr. Peter Tabuns): For the amendments?

Mr. Brian Finnigan: For the amendments, yes, if you would like to hear that.

The Chair (Mr. Peter Tabuns): If members—were you going to ask that?

Mrs. Jane McKenna: I was just going to ask [*inaudible*] motions I bring forward myself, so that's good for me to hear.

Mr. Brian Finnigan: The purpose of the motions there are two technical motions for this bill. The first one has to do with paragraph 1 of section 5, and results from the numbering of the 1911 act. That act, in section 1, provided for Hamilton's tax exemption. There was a subsequent act in 1940 that added subsection 1(2) to allow the Hamilton YMCA to acquire land outside Hamilton. However, the adding of subsection 1(2) did not change the numbering of the original act, because the bills were not consolidated like public acts. So what we had was a section 1 and a subsection 1(2), but there was never a subsection 1(1). This became apparent after review, and in consultation with legislative counsel, we determined that it would be more accurate to have the repealing section of the private bill refer to section 1 of the 1911 act as it read then, before amendment by the 1940 act, rather than subsection 1(1), as the draft was presented in first reading, because there never really was a subsection 1(1). It's just numbering.

Mrs. Jane McKenna: That's fine.

Mr. Brian Finnigan: The second motion asked for a change to the preamble. Wilfrid Laurier University is referred to in the bill because of the joint-use facility that may be partly owned by the university. The university is exempt from municipal taxation already, and this bill does not change that fact or affect its exemption. It is referred to in the bill merely because of the possibility of joint ownership of the facility. It is only the YMCA that will obtain a tax exemption as a result of the bill.

On reflection, counsel for the university concluded that it would be more appropriate to have the YMCA be the applicant as the only organization the exemption would pertain to and for the university to consent to the application, and the YMCA is content with this amendment. It's simply that we agree with counsel for the university that it more accurately reflects who the applicant for this bill is.

We have worked very closely with Laurier and with their counsel in this whole development, and they're completely on board with this; it's just a matter of how they wanted it expressed in the bill.

The Chair (Mr. Peter Tabuns): Questions satisfied?

Mrs. Jane McKenna: Just to welcome Mr. Commerford here today. He's the best darned CEO in Hamilton. We're going to put that on the record, because YMCAs touch all of our hearts. I want to say that, myself, my mother passed at a young age, and that was a staple for me on Drury Lane. So I just thank you for coming.

Mr. Jim Commerford: Thank you.

The Chair (Mr. Peter Tabuns): Are members ready to vote?

Mrs. Jane McKenna: Yes.

The Chair (Mr. Peter Tabuns): Mr. Delaney, if you could come back to your seat.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Mr. Delaney, you have an amendment to section 5.

Mr. Bob Delaney: I move that paragraph 1 of section 5 of the bill be struck out and the following substituted:

"1. Section 1 of An Act respecting the Hamilton Young Men's Christian Association, being chapter 145 of the Statutes of Ontario, 1911, as it read before it was amended by section 1 of the Hamilton Y.M.C.A. Act, 1940."

The Chair (Mr. Peter Tabuns): Any discussion?

All those in favour? Opposed? Carried.

Shall section 5, as amended, carry? Carried.

Shall section 6 carry? Carried.

Shall section 7 carry? Carried.

You have an amendment on the preamble, Mr. Delaney.

Mr. Bob Delaney: I move that the first paragraph of the preamble to the bill be struck out and the following substituted:

"Preamble

"The board of directors of YMCA of Hamilton/Burlington/Brantford has applied for special legislation to permit YMCA of Hamilton/Burlington/Brantford to acquire and hold real property in the cities of Hamilton, Burlington and Brantford, to exempt from taxation for municipal and school purposes, other than local improvement rates, any land in the city of Brantford that is owned by YMCA of Hamilton/Burlington/Brantford or by Wilfrid Laurier University, or by both of them, and whose occupation and use meet specified conditions and to cancel the taxes for municipal and school purposes, other than local improvement rates, that were payable on the land for the years 2010 to 2013. The board of governors of Wilfrid Laurier University has consented to the application."

The Chair (Mr. Peter Tabuns): Any questions? There being none, all those in favour? Opposed? Carried.

Shall the preamble, as amended, carry? Carried.

Shall the title carry? Carried.

Shall the bill, as amended, carry? Carried.

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

Thank you very much.

394557 ONTARIO LIMITED ACT, 2014

Consideration of the following bill:

Bill Pr29, An Act to revive 394557 Ontario Limited.

The Chair (Mr. Peter Tabuns): Now, Mr. Colle, the item you've been waiting for. We'll now proceed to the last item on the agenda, Bill Pr29, An Act to revive 394557 Ontario Limited.

Mr. Colle, you're sponsoring the bill?

Mr. Mike Colle: Yes, I'm sponsoring this bill. I would like basically to say that the applicant would like to revive a corporation in order to deal with a certain property that was held in the corporation's name at the time of dissolution, and the Ministry of Finance has no issues with this.

The Chair (Mr. Peter Tabuns): Okay. The applicant is before us. Would you introduce yourself for Hansard?

Mr. Vincent Muia: Certainly. Good morning. My name is Vincent Muia, and I am the applicant and the owner of 394557 Ontario Limited.

The Chair (Mr. Peter Tabuns): Mr. Colle, I assume you've made your comments.

Sir, do you want to make any comments on this bill?

Mr. Vincent Muia: To repeat what was said, it's necessary for me to revive the corporation in order that I can deal with certain assets that were held by the corporation at the time that it was dissolved.

The Chair (Mr. Peter Tabuns): Any interested parties in the room who want to speak to the bill? There being none, comments from the government? None. Any questions from committee members? No. Are members ready to vote? Okay.

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? Agreed.

Thank you.

Mr. Vincent Muia: Thank you.

The Chair (Mr. Peter Tabuns): That's it. Our business is done for the day. We stand adjourned.

The committee adjourned at 0927.

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