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Official Report of Debates (Hansard)

SP-28

Standing Committee on Social Policy

Building Better Communities and Conserving Watersheds Act, 2017

2nd Session
41st Parliament

Tuesday 24 October 2017

Chair: Peter Tabuns
Clerk: Jocelyn McCauley

Journal des débats (Hansard)

SP-28

Comité permanent de la politique sociale

Loi de 2017 visant à bâtir de meilleures collectivités et à protéger les bassins hydrographiques

2e session
41e législature

Mardi 24 octobre 2017

Président : Peter Tabuns
Greffière : Jocelyn McCauley

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON SOCIAL POLICY

COMITÉ PERMANENT DE LA POLITIQUE SOCIALE

Tuesday 24 October 2017

Mardi 24 octobre 2017

The committee met at 1600 in committee room 1.

BUILDING BETTER COMMUNITIES AND CONSERVING WATERSHEDS ACT, 2017

LOI DE 2017 VISANT À BÂTIR DE MEILLEURES COLLECTIVITÉS ET À PROTÉGER LES BASSINS HYDROGRAPHIQUES

Consideration of the following bill:

Bill 139, An Act to enact the Local Planning Appeal Tribunal Act, 2017 and the Local Planning Appeal Support Centre Act, 2017 and to amend the Planning Act, the Conservation Authorities Act and various other Acts / Projet de loi 139, Loi édictant la Loi de 2017 sur le Tribunal d'appel de l'aménagement local et la Loi de 2017 sur le Centre d'assistance pour les appels en matière d'aménagement local et modifiant la Loi sur l'aménagement du territoire, la Loi sur les offices de protection de la nature et diverses autres lois.

The Chair (Mr. Peter Tabuns): Good afternoon, committee members and members of the audience and staff. It's good to see you all here. I'm calling this meeting to order for clause-by-clause consideration of Bill 139, An Act to enact the Local Planning Appeal Tribunal Act, 2017 and the Local Planning Appeal Support Centre Act, 2017 and to amend the Planning Act, the Conservation Authorities Act and various other Acts. Sibylle Filion from legislative counsel is here to assist us with our work. Welcome.

A copy of the bill as well as the numbered amendments are on your desk. Also before you are three additional amendments: government motions 67.1, 69.1 and 70.1. You've been very busy, Mr. Rinaldi.

We will resume consideration of PC motion 37: schedule 3 to the bill, subsection 6(20), subsection 17(49.3.1) of the Planning Act. Mr. Hardeman, you have the floor.

Mr. Ernie Hardeman: I believe, Mr. Chair, that the motion has been read into the record—

The Chair (Mr. Peter Tabuns): It has.

Mr. Ernie Hardeman: —and I think as many good comments as I could think of to try to convince the government to vote for it have also been put on the record, so we'll maybe leave it at that. I think we already had the debate on this motion too.

The Chair (Mr. Peter Tabuns): That's fine.

Mr. Ernie Hardeman: So I have no more to say on it. Thank you.

The Chair (Mr. Peter Tabuns): No other discussion? People are ready for the vote?

Mr. Ernie Hardeman: Recorded vote.

The Chair (Mr. Peter Tabuns): A recorded vote has been requested; thank you, sir.

Ayes

Hardeman, Hatfield, Norm Miller.

Nays

Berardinetti, Dickson, Malhi, McMeekin, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go now to PC motion 38. Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 6(20) of schedule 3 to the bill be amended by adding the following subsections:

"Second appeal - time limit for commencement

"(49.6) An appeal referred to in subsection (49.5) shall commence within 60 days of the municipality making the new decision.

"Second appeal - time limit for decision

"(49.7) The tribunal shall makes its decision no more than 30 days after the conclusion of the hearing."

This amendment would set the time limits for when appeals begin and how long the tribunal has to make a decision. I think it's important to recognize that's the decision after they have heard the appeal—so the appeal process is done, and this would dictate that they would get 30 days to actually write their decision. There are already a lot of delays in the planning process, and it appears the second hearing will simply make this worse. The Ontario Home Builders' Association mapped out a timeline for the appeal process and says that it could take up to 1,000 days with all the delays. This would help to reduce it.

We heard a lot of complaints that the OMB cases aren't heard quickly enough because there aren't enough adjudicators and resources. This would ensure that the new tribunal has to meet a timeline that would ensure that the resources are in place to make that happen. By the time the appeal reaches the second hearing, the par-

ties and the issues are known, so it should not be a challenge to ensure that the hearing starts in a reasonable time frame. If there are delays in the planning process, all those carrying costs are simply passed on to the new homeowners and renters. It would also help the community groups that are stressed by the process and would like it to be resolved as quickly as possible.

I think this really is just trying to shorten it up and make it more efficient and effective.

The Chair (Mr. Peter Tabuns): Further discussion? There is none. You're ready for the vote?

Mr. Norm Miller: Recorded vote.

The Chair (Mr. Peter Tabuns): A recorded vote has been requested.

Ayes

Hardeman, Norm Miller.

Nays

Berardinetti, Dickson, Malhi, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go on to government motion number 39. Will that be you, Mr. Rinaldi?

Ms. Malhi, you're moving motion 39?

Ms. Harinder Malhi: Yes.

The Chair (Mr. Peter Tabuns): Okay. Please proceed.

Ms. Harinder Malhi: I move that subsection 6(20) of schedule 3 to the bill be struck out and the following substituted:

"(20) Section 17 of the act is amended by adding the following subsections:

"'Powers of LPAT — appeals under subss. (24) and (36)

"'(49.1) Subject to subsections (49.3) to (49.9), after holding a hearing on an appeal under subsection (24) or (36), the tribunal shall dismiss the appeal.

"'Same

"'(49.2) If the tribunal dismisses all appeals made under subsection (24) or (36) in respect of all or part of a decision after holding a hearing, the tribunal shall notify the clerk of the municipality or the approval authority and,

"'(a) the decision or'"—

Mr. Percy Hatfield: Could you put the mike up?

Ms. Harinder Malhi: Sorry—"'that part of the decision that was the subject of the appeal is final; and

"'(b) the plan or part of the plan that was adopted or approved and in respect of which all the appeals have been dismissed comes into effect as an official plan or part of an official plan on the day after the day the last outstanding appeal has been dismissed.

"'Refusal and notice to make new decision

"'(49.3) Unless subsection (49.4), (49.7) or (49.8) applies, if the tribunal determines that a part of a decision to which a notice of appeal under subsection (24) or (36) relates is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan,

"'(a) the tribunal shall refuse to approve that part of the plan; and

"'(b) the tribunal shall notify the clerk of the municipality that adopted the official plan that the municipality is being given an opportunity to make a new decision in respect of the matter.

"'Revised plan with consent of parties

"'(49.4) Unless subsection (49.8) applies, if a revised plan is presented to the tribunal with the consent of all of the parties specified in subsection (49.11), the tribunal shall approve the revised plan as an official plan except for any part of it that is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan.

"'Same, notice to make new decision

"'(49.5) If subsection (49.4) applies and the tribunal determines that any part of the revised plan is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan,

"'(a) the tribunal shall refuse to approve that part of the plan; and

"'(b) the tribunal shall notify the clerk of the municipality that adopted the official plan that the municipality is being given an opportunity to make a new decision in respect of the matter.

"'Rules that apply if notice is received

"'(49.6) If the clerk has received notice under clause (49.3)(b) or (49.5)(b), the following rules apply:

"'1. The council of the municipality may prepare and adopt another plan, subject to the following:

"'i. Subsections (16) and (17.1) do not apply.

"'ii. If the plan is not exempt from approval,

"'A. the reference to "within 210 days" in subsection (40) shall be read as "within 90 days",

"'B. subsection (40.1) does not apply,

"'C. references to "210 days" and "210th day" in subsection (40.2) shall be read as "90 days" and "90th day", respectively, and

"'D. the reference to "210-day period" in subsection (40.4) shall be read as "90-day period".

"'2. If the decision that was the subject of the appeal was in respect of an amendment adopted in response to a request under subsection 22(1) or (2), the references to "within 210 days after the day" shall be read as "within 90 days after the day notice under clause (49.3)(b) or (49.5)(b) was received".

"'Second appeal

"'(49.7) Unless subsection (49.8) applies, on an appeal under subsection (24) or (36) that concerns a new

decision that the municipality was given an opportunity to make in accordance with subsection (49.6) or 22(11.0.12), the tribunal may make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan, if the tribunal determines that the decision is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan.

"'Same, revised plan with consent of parties

"'(49.8) If, on an appeal under subsection (24) or (36) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (49.6) or 22(11.0.12), a revised plan is presented to the tribunal with the consent of all of the parties specified in subsection (49.11), the tribunal shall approve the revised plan as an official plan except for any part of it that is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan.

"'Same

"'(49.9) If subsection (49.8) applies and the tribunal determines that any part of the revised plan is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the tribunal may make modifications to that part of the revised plan and approve it as modified as part of an official plan or refuse to approve all or part of that part of the revised plan.

1610

"'Coming into effect of plan

"'(49.10) If the tribunal approves all or part of a revised plan as an official plan or part of an official plan under subsection (49.4) or (49.8), the plan or part of the plan that is approved comes into effect as an official plan or part of an official plan on the day after the day the plan or part of the plan was approved.

"'Specified parties

"'(49.11) For the purposes of subsection (49.4) and (49.8), the specified parties are:

"'1. The municipality that adopted the plan.

"'2. The appropriate approval authority, if the approval authority is a party.

"'3. The minister, if the minister is a party.

"'4. If applicable, the person or public body that requested an amendment to the official plan.

"'5. All appellants of the decision which was the subject of the appeal.

"'Effect on original plan

"'(49.12) If subsection (49.4) or (49.8) applies, the version of the plan that was the subject of the notice of appeal shall be deemed to have been refused.'"

The Chair (Mr. Peter Tabuns): Thank you, and congratulations, by the way. But I need you to go back one page, because you left out about 10 words.

Ms. Harinder Malhi: Where?

The Chair (Mr. Peter Tabuns): Next page, item number 2, starting with, "'If the decision that was the subject'"—and if you would just reread that paragraph because you left about 10 words out in the middle. Otherwise, great performance.

Ms. Harinder Malhi: What page are we on?

The Chair (Mr. Peter Tabuns): Starting with number 2, "'If the decision'"—

Ms. Harinder Malhi: "'2. If the decision that was the subject of the appeal was in respect of an amendment adopted in response to a request under subsection 22(1) or (2)'"?

The Chair (Mr. Peter Tabuns): Keep going. Yes.

Ms. Harinder Malhi: —"'the references to "within 210 days after the day the request is received" in paragraphs 1 and 2 of subsection 22(7.0.2) shall be read as "within 90 days after the day notice under clause (49.3)(b) or (49.5)(b) was received".'"

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

Ms. Harinder Malhi: All in one breath.

The Chair (Mr. Peter Tabuns): I have Mr. Rinaldi, I have Mr. Hatfield and then I have Mr. Hardeman.

Mr. Lou Rinaldi: Thank you, Chair. Now you know why I got MPP Malhi to read it. Otherwise, I'm not sure the two-hour frame we have would have been enough for me.

Basically, that motion will repeal and replace subsection 6(20) of schedule 3 to Bill 139 to add subsections 17(49.1) to (49.12) to the Planning Act.

These subsections to the Planning Act will apply to appeals of official plans and amendments. The proposed motion will provide the tribunal with the authority to approve a settlement to which all specified parties—the appellants, applicants, municipality, approval authority and minister—have agreed to.

The tribunal will be required to confirm that the settlement is aligned with the provincial local policy plans, such as the consistency and conformity standard. This motion will not change the intent of the current proposed Bill 139 provisions that would make the tribunal function more like an appellant body and give a municipality an opportunity to make a second decision.

A number of subsections proposed to Bill 139 will remain unchanged, except for the technical changes such as updating cross-references.

The Chair (Mr. Peter Tabuns): Mr. Hatfield.

Mr. Percy Hatfield: I have an amendment, but before I make it, I wonder if we need the committee's unanimous consent to not ask Ms. Malhi to read that over again—because anytime any of the rest of us do our numbers we put brackets in front of them. I just want Hansard to realize that she should have read "brackets" in front of the numbers and they should be in the motion.

If we don't get unanimous consent, I'd hate to have you read it all over again.

The Chair (Mr. Peter Tabuns): Unless legal counsel has further commentary, I don't believe we need to do that.

Mr. Percy Hatfield: Oh, so we don't have to read brackets either, then.

Mr. Lorenzo Berardinetti: They have a copy.

The Chair (Mr. Peter Tabuns): Well, it's always a good thing to do, but it is not an obstacle to proceeding at this moment.

Mr. Percy Hatfield: Thank you. I do have an amendment, Chair.

The Chair (Mr. Peter Tabuns): Mr. Hatfield, we haven't had a vote on this particular motion yet. You will be able to—

Interjection.

The Chair (Mr. Peter Tabuns): My apologies. Please proceed.

Mr. Percy Hatfield: I move that motion 39 be amended by striking out paragraphs 1 and 2 of subsection 17(49.6) of the Planning Act, as set out in the motion, and substituting the following:

"1. The council of the municipality may prepare and adopt another plan, subject to the following:

"i. Subsections (16) and (17.1) do not apply.

"ii. If the plan is not exempt from approval,

"A. the reference to 'within 210 days' in subsection (40) shall be read as 'within 120 days',

"B. subsection (40.1) does not apply,

"C. references to '210 days' and '210th day' in subsection (40.2) shall be read as '120 days' and '120th day', respectively, and

"D. the reference to '210-day period' in subsection (40.4) shall be read as '120-day period'.

"2. If the decision that was the subject of the appeal was in respect of an amendment adopted in response to a request under subsection 22(1) or (2), the references to 'within 210 days after the day the request is received' in paragraphs 1 and 2 of subsection 22(7.0.2) shall be read as 'within 120 days after the day notice under clause (49.3)(b) or (49.5)(b) was received'."

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

With that, the Clerk will distribute. I'm going to call a five-minute recess while we do that, then we'll resume.

The committee recessed from 1616 to 1622.

The Chair (Mr. Peter Tabuns): Members of the committee, we're back in session. We have Mr. Hatfield's amendment to the motion before us.

Mr. Hatfield, did you want to speak to that?

Mr. Percy Hatfield: Chair, I think it's pretty self-explanatory. I think all members have had an opportunity to read it and recognize the wisdom in it, and I'm sure they're ready to vote in favour.

The Chair (Mr. Peter Tabuns): Thank you. Any other speakers who want to address this amendment? Mr. Hardeman.

Mr. Ernie Hardeman: We will not be supporting this amendment, as I think it does increase the timelines and lengthens the process. We've been trying to encourage the government to look at any place we can find to reduce the time, so we can get the process moving faster. We will not be supporting this amendment.

The Chair (Mr. Peter Tabuns): Thank you. Unless there's other discussion, are you ready for the vote?

Mr. Lou Rinaldi: We're voting on the amendment?

The Chair (Mr. Peter Tabuns): The amendment to your motion—the NDP amendment, 39.0.1, which is amending government motion 39.

All those in favour of the NDP amendment, 39.0.1, please indicate. All those opposed, please indicate. It is lost.

Mr. Hatfield, you had a few other—no; sorry. We're going back to 39. Mr. Hatfield, you had moved your amendment.

Mr. Percy Hatfield: I do have two other amendments, but since that one has not passed, I'll go back to the main amendment.

The Chair (Mr. Peter Tabuns): We're going back to the main amendment. When we're finished with the main amendment, we can come to your other motions.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Tabuns): Mr. Hardeman?

Mr. Ernie Hardeman: I have a question. First of all, I'd like to commend the member opposite for reading it in. I know there is such a thing as speed-reading, but I've never heard it done out loud. It was a wonderful job.

Of course, it is such a long amendment, and it has a major impact. I just wanted to go to "Same, (49.9)," that subsection, and ask for the thrust of that paragraph, what it actually means—"the tribunal may make modifications to ... the revised plan and approve it as modified as part of an official plan or refuse" approval at all. Does that mean the tribunal now has the power to change municipal documents without the consent of the municipality?

The Chair (Mr. Peter Tabuns): Mr. Rinaldi.

Mr. Lou Rinaldi: I'm going to ask for some help.

The Chair (Mr. Peter Tabuns): Staff help has been requested.

Welcome back. Please introduce yourself for Hansard.

Mr. Peter Matheson-Young: My name is Peter Matheson-Young. I'm counsel with the Ministry of Municipal Affairs and the Ministry of Housing, legal services branch.

The proposed subsection (49.9) relates to the situation where, on a second appeal, this settlement is presented with the consent of the parties specified in subsection (49.11), and so (49.8) would provide that if such a settlement is presented, the tribunal is required to approve the settlement, except for any part that has an issue vis-à-vis provincial policy or local policy.

Subsection (49.9) then describes the situation that occurs where the tribunal has made that finding that there is a part or all of the settlement that is inconsistent or doesn't conform, and would provide that in respect of

that limited part the tribunal could make its own determination in the same manner as it does today.

The Chair (Mr. Peter Tabuns): Mr. Hardeman.

Mr. Ernie Hardeman: Is the intent of that the same as—I think there was a previous motion that at the will of everybody concerned, you could actually void the second hearing.

Mr. Peter Matheson-Young: It would not void the second hearing. The tribunal would have to do something, I suppose, to satisfy itself as to the initial question of whether the proposed settlement was consistent and conformed. Should it find that, no, the settlement was inconsistent or did not conform, then the tribunal would presumably need to satisfy itself that some alternative was the right decision. So it doesn't provide a particular framework for the tribunal's consideration other than the framework that exists today in terms of, it still has to make a decision that's consistent with the PPS, that conforms with the provincial plans and that conforms with applicable official plans.

Mr. Ernie Hardeman: So this isn't meant to provide the ability, with everybody's consent, to avoid a second hearing.

Mr. Peter Matheson-Young: It is not.

The Chair (Mr. Peter Tabuns): Do you have further questions, Mr. Hardeman?

Mr. Ernie Hardeman: Well, it's part of a whole amendment, but I noticed it most in that—where it says "the tribunal may make modifications to that part of the revised plan and approve it as modified as part of an official plan or refuse to approve all or part of that part of the revised plan."

Mr. Peter Matheson-Young: That reflects a similar sort of language as is in the act today to describe the tribunal's authority in respect of any appeal of an official plan. But the key thing is, it talks about the revised plan, that being this new document that has been presented to the tribunal with the consent of the municipality and the other applicable parties. So where there's an issue with that new document, that's where the tribunal now has the authority to do a similar sort of thing as it does today.

The Chair (Mr. Peter Tabuns): Mr. Hatfield, do you have any questions?

Mr. Percy Hatfield: I do not.

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

You have the floor. Do you have anything further to say?

Mr. Ernie Hardeman: No.

The Chair (Mr. Peter Tabuns): Any further discussion? There being none, are you ready for the vote?

Mr. Ernie Hardeman: Recorded.

The Chair (Mr. Peter Tabuns): A recorded vote has been requested.

Ayes

Berardinetti, Dickson, Hardeman, Malhi, McMeekin, Norm Miller, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go to NDP motion 39.1.

Mr. Percy Hatfield: I move that subsection 17(49.4) of the Planning Act, as set out in subsection 6(20) of schedule 3 to the bill, be amended by striking out "90 days" wherever it appears and substituting in each case "120 days".

1630

The Chair (Mr. Peter Tabuns): Mr. Hatfield, unfortunately, I have to rule the amendment out of order, as it seeks to amend a paragraph that no longer appears in the bill because of a previous amendment that was passed by committee. So you're out of order, I'm afraid.

Next is NDP motion 39.2, which you may find is in a similar situation.

Mr. Percy Hatfield: That being the case, Chair, I would withdraw.

The Chair (Mr. Peter Tabuns): Okay. Then you have 39.3, which you may find to be in a similar situation.

Mr. Percy Hatfield: I have found that to be in a similar situation, and because of that, in the interest of a speedy afternoon, I would withdraw as well.

The Chair (Mr. Peter Tabuns): Thank you. Then we go to government motion number 40.

Mr. Ted McMeekin: It's going to go to our speed-reader here.

The Chair (Mr. Peter Tabuns): Ms. Malhi, it's all yours.

Ms. Harinder Malhi: I move that subsection 17(50.1) of the Planning Act, as set out in subsection 6(22) of schedule 3 to the bill, be amended by striking out "subsections (49.5) and (50)" in the portion before clause (a) and substituting "subsections (49.7), (49.9) and (50)".

The Chair (Mr. Peter Tabuns): Is there any discussion on this matter? Mr. Hatfield, Mr. Rinaldi, and then Mr. Hardeman.

Mr. Percy Hatfield: Well, we have her working on the brackets. Next time, maybe we should get into the quotation marks as well. That's all I have to say.

The Chair (Mr. Peter Tabuns): Fine. I'll go to Mr. Rinaldi.

Mr. Lou Rinaldi: If you noticed, that was much slower this time.

Mr. Percy Hatfield: Not a lot.

Mr. Lou Rinaldi: What the motion does is propose to amend subsection 17(50.1) to clarify that the tribunal authority is limited to only dealing with matters that are part of council decisions. It's a technical motion. It is proposed to amend cross-references in the subsection. This motion is consequential to proposed government motion 39, to provide the tribunal with the authority to approve a settlement to which all specified parties have agreed.

The Chair (Mr. Peter Tabuns): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Maybe it would be easier if the staff people just stayed in the chair. I wonder if we

could get an explanation of what this is supposed to do. It appears that you can't amend an existing plan, but what impact would this have on the bill?

The Chair (Mr. Peter Tabuns): Mr. Rinaldi, are you going to ask someone?

Mr. Lou Rinaldi: Let me give it a try.

The Chair (Mr. Peter Tabuns): Please.

Mr. Lou Rinaldi: And then we'll get staff if we need to.

This is a technical motion that will amend cross-references as a result of another proposed government motion that will provide the tribunal with the authority to implement a settlement to which all parties have agreed.

Mr. Ernie Hardeman: Okay. Thank you.

The Chair (Mr. Peter Tabuns): Further discussion? There being none, is the committee is ready for the vote?

Interjection: Yes.

The Chair (Mr. Peter Tabuns): All those in favour of government motion 40, please indicate. All those opposed? It is carried.

With that, we get to vote on section 6 as a whole. Are there questions about section 6 before we go to the vote? None?

Mr. Ernie Hardeman: Recorded vote.

The Chair (Mr. Peter Tabuns): Shall schedule 3, section 6, as amended, carry?

Mr. Ernie Hardeman: Recorded.

The Chair (Mr. Peter Tabuns): Oh, my apologies. We'll go to a recorded vote.

Shall schedule 3, section 6, as amended, carry?

Ayes

Berardinetti, Dickson, Hatfield, Malhi, Rinaldi.

Nays

Hardeman, Norm Miller.

The Chair (Mr. Peter Tabuns): It is carried.

Then we go on to schedule 3, section 7, which has no amendments. Is there any discussion of schedule 3, section 7, before we go to the vote? None? Okay.

You're fine?

Mr. Ernie Hardeman: I'm fine.

The Chair (Mr. Peter Tabuns): Shall schedule 3, section 7, carry? Carried.

We then go to schedule 3, section 8. We have NDP motion 40.1. Mr. Hatfield.

Mr. Percy Hatfield: I move that clause 22(7.0.0.1)(a) of the Planning Act, as set out in subsection 8(3) of schedule 3 to the bill, be struck out and the following substituted:

"(a) the existing part or parts of the official plan that would be affected by the requested amendment,"—do we call these small letters "i"? What do we call these little things?

Ms. Sibylle Filion: You could just say "bracket i."

Mr. Percy Hatfield: "Bracket i" and then "bracket double i"?

Ms. Sibylle Filion: Yes.

Mr. Percy Hatfield: All right.

"(i) are inconsistent with a policy statement issued under subsection 3(1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan, or

"(ii) were made without regard to the matters of provincial interest set out in section 2; and"

The Chair (Mr. Peter Tabuns): Do you wish to speak to that, Mr. Hatfield?

Mr. Percy Hatfield: Well, I just think that it's a clarification clause that would help clarify what it's in there for. I won't go beyond that, Chair.

The Chair (Mr. Percy Hatfield): Any further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: My question would be to the mover. If a decision for the appeal is "made without regard to the matters of provincial interest," who decides whether they had regard for it or didn't? That's kind of a subjective term. We've been through the Planning Act a lot of times over "shall have regard to" or "shall be consistent with," and there's a tremendous amount of difference between the two. "Having regard for" doesn't mean that it has any impact on the end decision.

The Chair (Mr. Peter Tabuns): After you, Mr. Hatfield, we go to Mr. Rinaldi, if you wanted to respond to that.

Mr. Lou Rinaldi: Sure. Thank you, Chair. This is similar—

Interjection.

Mr. Lou Rinaldi: Is it—

The Chair (Mr. Peter Tabuns): This was NDP motion 40.1.

Mr. Percy Hatfield: Oh, did you want me to respond to him before you went to Mr. Rinaldi?

The Chair (Mr. Peter Tabuns): No, because I saw you before I saw him.

Mr. Percy Hatfield: So I go first?

The Chair (Mr. Peter Tabuns): Yes.

Mr. Lou Rinaldi: Oh, okay.

Mr. Percy Hatfield: Thank you, Chair.

I think what is important here is, if you're doing something that is inconsistent with the policy statements or if you're doing something and you're supposed to take the provincial interest in regard, but you've done something without regard to the provincial interest or it's inconsistent with the policy statement—I think the clause is there to recognize that.

The Chair (Mr. Peter Tabuns): Fair enough. Thank you.

Mr. Rinaldi.

Mr. Lou Rinaldi: This is similar to motion 28.2. The matters of provincial interest set out in section 2 of the Planning Act are broad objectives. They do not set out specific planning policy or tests and, as such, do not lend themselves to be used for the grounds for an appeal.

Provincial policies and plans set out the province's detailed interest in land use planning. They build on matters identified in section 2 of the Planning Act. Municipalities' approval authorities and the tribunal need to ensure their decisions are consistent and conform to these more detailed policies and plans.

The Chair (Mr. Peter Tabuns): Further discussion on this motion? There being none, you're ready for the vote? All those in favour of NDP motion 40.1, please indicate. All those opposed, please indicate. It is lost.

We then go to government motion number 41. Ms. Malhi.

Ms. Harinder Malhi: I move that clause 22(7.0.0.1)(a) of the Planning Act, as set out in subsection 8(3) of schedule 3 to the bill, be struck out and the following substituted:

"(a) the existing part or parts of the official plan that would be affected by the requested amendment,

"(i) are inconsistent with a policy statement issued under subsection 3(1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan, or

"(ii) were made without regard to the matters of provincial interest set out in section 2; and"

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The Chair (Mr. Peter Tabuns): Ms. Malhi, what we have before us does not seem to be number 41.

Ms. Harinder Malhi: Oh, sorry. That was me. Let me just get to the right one.

The Chair (Mr. Peter Tabuns): Number 41.

Ms. Harinder Malhi: I move that subsection 22(7.0.0.2) of the Planning Act, as set out in subsection 8(3) of schedule 3 to the bill, be amended by striking out "subsection (11.0.10) or subsection 17(49.4)" at the end and substituting "subsection (11.0.12) or subsection 17(49.6)".

The Chair (Mr. Peter Tabuns): Thank you. Mr. Rinaldi.

Mr. Lou Rinaldi: This is another technical motion that would amend the cross-reference as a result of other proposed government motions that would provide the tribunal with the authority to implement a settlement to which all parties have agreed.

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

Mr. Ernie Hardeman: Just a question to the parliamentary assistant: This is reflected back to motion number 39—is this a change to motion 39 that we passed earlier, the long one, the well-read one?

The Chair (Mr. Peter Tabuns): Mr. Rinaldi.

Mr. Lou Rinaldi: I'm not sure. Is it? Yes, I believe it is. Mr. Hardeman, I believe it is.

Mr. Ernie Hardeman: Thank you very much.

The Chair (Mr. Peter Tabuns): Further discussion on this? There being none, we'll go to the vote on government motion 41. All those in favour of government motion 41, please indicate. All those opposed? It is carried.

We then go to PC motion number 42. Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 8(4) of schedule 3 to the bill be struck out.

The Chair (Mr. Peter Tabuns): Discussion? Mr. Hardeman.

Mr. Ernie Hardeman: This amendment would shorten the planning process by returning this section to the 180 days instead of the 210. This amendment would mean that councils or planning boards have to adopt requested amendments within 180 days rather than the 210 before notice can be given to the hearing registrar under the Consolidated Hearings Act. This is one of a number of similar amendments we'll be making.

This subsection of the Planning Act allows an appeal if the council or planning board doesn't adopt the official plan amendment within the set number of days. Over the 13 years this government has been in office, they have lengthened the planning process over and over. While you can justify each one—that 30 days would give additional time for the process to work—all of those extensions add up. As the government has lengthened the process and added more red tape, Ontario has seen a growing housing crisis. We have 1% vacancy rates and over 171,000 families waiting on the social housing list. We need to take steps to shorten that process, and I think this just takes it back to the way it was. There was very little concern at the time as to how long it was, or that it needed more time, so I think we should shorten it down.

The Chair (Mr. Peter Tabuns): Mr. Rinaldi?

Mr. Lou Rinaldi: This motion is like motions 30, 33, 34, 35 and 36. This motion is contrary to the intent of the bill. It would mean shorter timelines, less public consultation and potentially more cases going to the tribunal.

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

Mr. Ernie Hardeman: Recorded vote.

The Chair (Mr. Peter Tabuns): A recorded vote is requested.

Ayes

Hardeman, Norm Miller.

Nays

Berardinetti, Dickson, Malhi, McMeekin, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go, then, to PC motion 43. Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 8(7) of schedule 3 to the bill be amended by adding the following subsection:

"Same

"(11.0.9.1) Subsection (11.0.9) applies only if the council of a municipality passes a motion that,

"(a) requests the opportunity to make a new decision in respect of the matter; and

"(b) indicates the municipality is prepared to make a new decision in respect of the matter."

The Chair (Mr. Peter Tabuns): Did you wish to speak to that?

Mr. Ernie Hardeman: Yes. If this appeal is put forward for the lack of decision, this would allow the tribunal to make that decision at the first hearing, unless the municipality passes a motion indicating that they are prepared to make a new decision and requesting the opportunity to do so. Before an appeal can be filed, the municipality has almost 200 days to make a decision. If, by the time the appeal hearing is actually scheduled, the municipality is still not ready to make a decision, referring it back to them is unlikely to resolve the issue. It will simply cause another delay. However, this still gives the municipalities the option to have the appeal referred back if they simply pass a motion indicating that they are ready and would like to make the decision. The planning process is already long; adding more delays is not beneficial.

Again, this is one of these amendments that, if the municipality is not prepared to make a decision, they send it to the board. If they're going to in all likelihood do exactly the same thing if it goes back for the second time, it would seem that it would benefit all parties if it didn't go back the second time and the tribunal just did what they were going to do the second time, if that's what the council wants them to do.

The Chair (Mr. Peter Tabuns): Mr. Rinaldi.

Mr. Lou Rinaldi: Again, I would say that this is like motion 37. This motion runs contrary to the intent of the bill. Bill 139 proposes to give a municipality the opportunity to address the shortcomings of their position while continuing to have the ability to address local matters in proposing a new decision.

The Chair (Mr. Peter Tabuns): Further discussion? There being none—

Mr. Ernie Hardeman: Recorded vote.

The Chair (Mr. Peter Tabuns): A recorded vote has been requested.

Ayes

Hardeman, Norm Miller.

Nays

Berardinetti, Dickson, Malhi, McMeekin, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go then to government motion number 44. Ms. Malhi.

Ms. Harinder Malhi: Can we dispense it?

Mr. Percy Hatfield: I want Mr. Rinaldi to do it.

Mr. Lou Rinaldi: You'll fall asleep.

Mr. Ernie Hardeman: No person should have to do two in a row.

Mr. Lou Rinaldi: She volunteered.

The Chair (Mr. Peter Tabuns): She's hardy. Please, proceed.

Ms. Harinder Malhi: I move that subsections 22(11.0.8) to (11.0.13) of the Planning Act, as set out in subsection 8(7) of schedule 3 to the bill, be struck out and the following substituted:

"Powers of LPAT — appeals under subs. (7)

"(11.0.8) Subject to subsections (11.0.9) to (11.0.17), after holding a hearing on an appeal under subsection (7), the tribunal shall dismiss the appeal.

"Notice re opportunity to make new decision

"(11.0.9) Unless subsection (11.0.10) or (11.0.13) applies, on an appeal under subsection (7), the tribunal shall notify the clerk of the municipality or the secretary-treasurer of the planning board, as the case may be, that received the request for an official plan amendment that the municipality or planning board is being given an opportunity to make a new decision in respect of the matter, if the tribunal determines that,

"(a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3(1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; and

"(b) the requested amendment is consistent with policy statements issued under subsection 3(1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan.

"Revised amendment with consent of parties

"(11.0.10) Unless subsection (11.0.16) applies, if a revised amendment is presented to the tribunal with the consent of all of the parties specified in subsection (11.0.19), the tribunal shall approve the revised amendment as an official plan amendment except for any part of it that is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan.

"Same, notice to make new decision

"(11.0.11) If subsection (11.0.10) applies and the tribunal determines that any part of the revised amendment is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the tribunal shall notify the clerk of the municipality or the secretary-treasurer of the planning board, as the case may be, that received the request for an official plan amendment that the municipality or planning board is being given an opportunity to make a new decision in respect of the matter.

"Rules that apply if notice received

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"(11.0.12) If the clerk or secretary-treasurer has received notice under subsection (11.0.9) or (11.0.11), the following rules apply:

"1. The council of the municipality or the planning board may prepare and adopt an amendment, subject to the following:

"i. Subsections 17(16) and (17.1) do not apply.

"ii. If the amendment is not exempt from approval,

"A. the reference to 'within 210 days' in subsection 17(40) shall be read as 'within 90 days', and

"B. subsection 17(40.1) does not apply.

"2. The references to 'within 210 days after the day the request is received' in paragraphs 1 and 2 of subsection (7.0.2) shall be read as 'within 90 days after the day notice under subsection (11.0.9) or (11.0.11) was received'.

"Second appeal

"(11.0.13) Subsections (11.0.14) to (11.0.16) apply with respect to an appeal under subsection (7) that concerns a request in respect of which the municipality or planning board was given an opportunity to make a new decision in accordance with subsection (11.0.12) or subsection 17(49.6).

"Same

"(11.0.14) In the case of an appeal brought in accordance with paragraph 1 or 2 of subsection (7.0.2), the tribunal may approve all or part of the requested amendment as an official plan amendment, make modifications to all or part of the requested amendment and approve all or part of the requested amendment as modified as an official plan amendment or refuse to approve all or part of the requested amendment.

"Same

"(11.0.15) Unless subsection (11.0.16) applies, in the case of an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), the tribunal may approve all or part of a requested amendment as an official plan amendment, make modifications to all or part of the requested amendment and approve all or part of the requested amendment as modified as an official plan amendment or refuse to approve all or part of the requested amendment, if the tribunal determines that,

"(a) the existing part or parts of the official plan that would be affected by the requested amendment are inconsistent with a policy statement issued under subsection 3(1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan; and

"(b) the requested amendment is consistent with policy statements issued under subsection 3(1), conforms with or does not conflict with provincial plans and, in the case of a requested amendment to the official plan of a lower-tier municipality, conforms with the upper-tier municipality's official plan.

"Same, revised amendment with consent of parties

"(11.0.16) If, on an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), a revised amendment is presented to the tribunal with the consent of all of the parties specified in subsection (11.0.19), the tribunal shall approve the revised amendment as an official plan amendment except for any part of it that is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan.

"Same

"(11.0.17) If subsection (11.0.16) applies and the tribunal determines that any part of the revised amendment is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of an amendment to the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the tribunal may make modifications to that part of the revised amendment and approve it as modified as part of an official plan amendment or refuse to approve all or part of that part of the revised amendment.

"Coming into effect

"(11.0.18) If the tribunal approves all or part of a revised amendment as an official plan amendment or part of an official plan amendment under subsection (11.0.10) or (11.0.16), the amendment or part of the amendment that is approved comes into effect as an official plan amendment or part of an official plan amendment on the day after the day the amendment or part of the amendment was approved.

"Specified parties

"(11.0.19) For the purposes of subsection (11.0.10) and (11.0.16), the specified parties are:

"1. The municipality or planning board that received the request for an official plan amendment.

"2. The appropriate approval authority, if the approval authority is a party.

"3. The minister, if the minister is a party.

"4. The person or public body that requested an amendment to the official plan."

Mr. Lou Rinaldi: Wow.

Ms. Harinder Malhi: We're almost there. We're done.

Interjection.

Ms. Harinder Malhi: Now what did I do wrong, Percy? We're done.

The Chair (Mr. Peter Tabuns): You're done. Mr. Hatfield.

Mr. Percy Hatfield: Chair, I have an amendment.

The Chair (Mr. Peter Tabuns): Please proceed.

Mr. Percy Hatfield: I move that subsection 22(11.0.12) of the Planning Act, as set out in motion 44, be amended by striking out "90 days" wherever it appears and substituting in each case "120 days".

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

Members of the committee, copies of the motion will be circulated to you. We'll have a five-minute recess.

The committee recessed from 1655 to 1700.

The Chair (Mr. Peter Tabuns): Members of the committee, we're back in session. Everyone has a copy of Mr. Hatfield's motion 44.0.1.

Mr. Hatfield, did you want to address this?

Mr. Percy Hatfield: Very briefly, Chair. I believe it was the Association of Municipalities of Ontario that had suggested this is something that they would like to see in here, and that's why it's here.

The Chair (Mr. Peter Tabuns): Thank you. Further discussion? There being none, people are ready to vote on this amendment to the motion?

Mr. Ernie Hardeman: This is the amendment?

The Chair (Mr. Peter Tabuns): Yes. All those in favour of NDP motion 44.0.1, please indicate.

Well done, sir.

All those opposed?

Well done, members of the committee. It's clear it is lost.

We go back to the main motion, government motion 44. Mr. Rinaldi, did you want to speak to this?

Mr. Lou Rinaldi: Chair, this is basically the same as motion 39, so I'm not going to repeat all the things I said then. We had some clarification from staff as well. So I will encourage members to support it.

The Chair (Mr. Peter Tabuns): Is there anyone else who wants to speak to this?

Mr. Hardeman.

Mr. Ernie Hardeman: Yes. I think this is a similar motion to number 39. I would just like to ask for clarification on what the difference is, and what it is we're actually trying to do. When you read it without the context of the whole plan, it's hard to figure out. It appears that the tribunal can approve a plan, or a part of a plan, but if part of it is in conflict—if somebody sends in the application to change that part of the local plan that is conflict with the official plan, then it could be approved. Would that be done to avoid a second hearing, or is this going to help facilitate it? At which point is that happening?

The Chair (Mr. Peter Tabuns): Mr. Rinaldi?

Mr. Lou Rinaldi: Sure. What this motion does, in a broad sense—it's the ability to approve a settlement if it's unanimously approved by all parties. It's technical in nature. It's not a return to the de novo hearings. It's really somewhat of a technical. Once all parties approve, then it gives the agency the authority to approve it. Once again, it's to avoid the return of the de novo hearings.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Rinaldi. Mr. Hardeman?

Mr. Ernie Hardeman: I want just a little bit more clarification. At what point does the information to make that decision by the board—at what point does that information get to the tribunal? The appeal goes in to the tribunal, and the tribunal says, "This conflicts," and they send it back. If they don't say that it conflicts, they approve the decision.

At what point would they decide, "Why don't we ask them if they want to present more information or change their plan, so we don't need another hearing if we actually approve this application?"

The Chair (Mr. Peter Tabuns): Mr. Rinaldi.

Mr. Lou Rinaldi: My understanding is that in order for them to approve it, all parties have to agree to it. Obviously, if not all parties agree to it, then in the first go-round, they won't approve it and they'll send it back. That's in general terms.

The Chair (Mr. Peter Tabuns): Any further discussion? I see no further discussion. People are ready to vote on government motion 44?

Mr. Ernie Hardeman: Recorded.

The Chair (Mr. Peter Tabuns): A recorded vote has been requested. All those in favour of government motion 44, please indicate.

Ayes

Berardinetti, Dickson, Hardeman, Malhi, McMeekin, Norm Miller, Rinaldi.

Nays

Hatfield.

The Chair (Mr. Peter Tabuns): It is carried.

Mr. Hatfield, you had a motion, 44.1, but with the passage of the government motion, I think you would have difficulties.

Mr. Percy Hatfield: I realize that, Chair. In the interest of currying favour with the majority government—I would hope that I get something passed later today—I shall withdraw 44.1.

The Chair (Mr. Peter Tabuns): We'll go on, then, to NDP motion 44.2, but you may have a similar problem here.

Mr. Percy Hatfield: I'm still trying to curry favour and look for votes down the road. I'll withdraw that one as well.

The Chair (Mr. Peter Tabuns): That is withdrawn.

We'll go to government motion number 45. Ms. Malhi.

Ms. Harinder Malhi: I move that paragraph 1 of subsection 22(11.3) of the Planning Act, as set out in subsection 8(9) of schedule 3 to the bill, be amended by striking out "Subsections (11.0.8) to (11.0.13)" at the beginning and substituting "Subsections (11.0.8) to (11.0.19)".

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

Mr. Lou Rinaldi: This is similar to a previous motion. It's a technical motion that will amend a cross-reference as a result of another proposed government motion that would provide the tribunal with the authority to implement a settlement to which all parties have agreed.

The Chair (Mr. Peter Tabuns): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: This subsection says that the second hearing provisions do not apply if the minister has provided notice that a matter of provincial interest is affected by the amendment. How did we get to the fact that there's an application that goes in and the only reasons that you can appeal is based on whether they

apply to the official plan or government interests? And then, why do we have a section, that the minister can say it has the interest—so it doesn't go to the hearing?

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

Mr. Lou Rinaldi: I'm going to ask staff to help us out.

The Chair (Mr. Peter Tabuns): Mr. Rinaldi, you're asking staff to come forward?

Mr. Lou Rinaldi: Please.

The Chair (Mr. Peter Tabuns): Welcome back, sir. Again, please introduce yourself.

Mr. Peter Matheson-Young: My name is Peter Matheson-Young. I'm counsel with the ministry.

That's correct—paragraph 1 of subsection 22(11.3) would provide that certain subsections within section 22 would not apply, and they're the ones that the committee just dealt with, dealing with some of the tribunal's authority on an appeal. Paragraph 2, however, would provide for what the tribunal would do when there's an appeal.

So the combined effect of that, together with paragraph 3, which says the tribunal's decision isn't final until it goes to the Lieutenant Governor in Council, would mean that you'd basically short-circuit the process and go directly to more like the hearing today on the merits, in order that the matter could then go to the Lieutenant Governor in Council for the final decision where the minister had given the notice.

Mr. Ernie Hardeman: This allows for an appeal to be turned down by the minister before it goes to the tribunal?

Mr. Peter Matheson-Young: No. The minister gives notice to the tribunal that a matter of provincial interest may be adversely affected. The tribunal still has a hearing, but there's no potential for a second hearing. It just goes immediately to the end state, the hearing on the merits that would exist today. Following that hearing, assuming it is held, the matter would go to the Lieutenant Governor in Council for a final decision to confirm, vary or rescind the tribunal's decision.

The Chair (Mr. Peter Tabuns): Mr. Hatfield, you had a question?

Mr. Percy Hatfield: Yes, I do.

I could be wrong, but my understanding of the current terms—if the minister wants to interject and say, "This is a matter of provincial interest," he or she has to do that prior to an OMB hearing?

Mr. Peter Matheson-Young: That's correct.

Mr. Percy Hatfield: And if that notice is given, the hearing isn't held. And then what happens?

Mr. Peter Matheson-Young: The current provisions provide that notice needs to be given at least 30 days prior to the hearing. It does not mean, though, that the hearing is not held. It may be the case that the notice changes considerations for the parties, and so things may change, and it may be the case that there's a settlement or parties withdraw their appeals.

But there's nothing in the Planning Act that says when a notice is made that the hearing is not held. In fact, the act provides for the hearing still to be held. It's just that the decision of the tribunal is not final. It needs to go to the LGIC in order to be made final.

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The Chair (Mr. Peter Tabuns): No further questions? Thank you very much.

Any further discussion? There being none, we're ready for the vote?

Mr. Ernie Hardeman: Recorded.

The Chair (Mr. Peter Tabuns): A recorded vote has been requested.

Ayes

Berardinetti, Dickson, Hardeman, Hatfield, Malhi, McMeekin, Norm Miller, Rinaldi.

The Chair (Mr. Peter Tabuns): It is carried.

We now go to vote on section 8, as amended. Any questions before we go to the vote?

Mr. Ernie Hardeman: Recorded vote.

The Chair (Mr. Peter Tabuns): A recorded vote has been requested. All those in favour of adoption of schedule 3, section 8, as amended, please indicate.

Ayes

Berardinetti, Dickson, Hatfield, Malhi, McMeekin, Rinaldi.

Nays

Hardeman, Norm Miller.

The Chair (Mr. Peter Tabuns): It is carried.

We now go to schedule 3, section 9. There are no amendments. Before we go to the vote, are there any questions about section 9? There are none. Ready for the vote? Shall schedule 3, section 9, carry? Carried.

We then go on to section 10 and we have PC motion 46. Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 34(11.0.0.0.1) of the Planning Act, as set out in subsection 10(1) of schedule 3 to the bill, be amended by striking out "210 days" and substituting "180 days".

The Chair (Mr. Peter Tabuns): Did you want to speak to that, Mr. Hardeman?

Mr. Ernie Hardeman: Yes. This amendment would mean that appeals can only be filed if the application is refused or the council fails to make a decision on it within 180 days after the receipt by the clerk of the application. It would make the timeline match with other proposed timelines for the bill: 180 days instead of 210.

Again, it's for the same reasons that I mentioned in a number of other instances: to try to find a more efficient and time-effective use in the process. If we're not going to make a decision, it would seem 180 days is quite a

while to be looking at it. That should be long enough, rather than 210.

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

Mr. Lou Rinaldi: My comments are similar to the other motion of the same type. This is against the intent of the bill, of course. We want to make sure there is adequate time for feedback from consultation and for negotiations. This will potentially help avoid appeals, so we propose voting against it.

The Chair (Mr. Peter Tabuns): Any further discussion? There being none, you're ready for the vote? A recorded vote is requested.

Ayes

Hardeman, Norm Miller.

Nays

Berardinetti, Dickson, Hatfield, Malhi, McMeekin, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go to NDP motion 46.1. Mr. Hatfield.

Mr. Percy Hatfield: I move that clause 34(11.0.0.0.2)(a) of the Planning Act, as set out in subsection 10(1) of schedule 3 to the bill, be struck out and the following substituted:

"(a) the existing part or parts of the bylaw that would be affected by the amendment that is the subject of the application,

"(i) are inconsistent with a policy statement issued under subsection 3(1), fail to conform with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, fail to conform with the upper-tier municipality's official plan, or

"(ii) were made without regard to the matters of provincial interest set out in section 2; and"

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

Mr. Percy Hatfield: Sir, this is self-explanatory.

The Chair (Mr. Peter Tabuns): Fine. Any others? There being none, you're ready for the vote? All those in favour of NDP motion 46.1, please indicate. All those opposed? The motion is lost.

NDP motion 46.2, Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 34(19.0.1) of the Planning Act, as set out in subsection 10(5) of schedule 3 to the bill, be struck out and the following substituted:

"Basis for appeal

"(19.0.1) An appeal under subsection (19) may only be made on the basis that the bylaw,

"(a) was made without regard to the matters of provincial interest set out in section 2; or

"(b) is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan."

The Chair (Mr. Peter Tabuns): Discussion? Mr. Hatfield?

Mr. Percy Hatfield: Self-explanatory, sir.

The Chair (Mr. Peter Tabuns): Any other discussion? There being none, we'll go to the vote. All those in favour of NDP motion 46.2, please indicate. All those opposed, please indicate. This motion is lost.

We go on to NDP motion 46.3. Mr. Hatfield.

Mr. Percy Hatfield: Going for a third time lucky, Chair.

I move that section 10 of schedule 3 to the bill be amended by adding the following subsection:

"(7.1) Section 34 of the act is amended by adding the following subsection:

"'No appeal re landfill site

"'(19.9) Despite subsection (19), there is no appeal in respect of the parts of a bylaw that do not allow a new landfill site or the expansion of a landfill site.'"

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

Mr. Percy Hatfield: No, I'll leave that for the others at this moment.

The Chair (Mr. Peter Tabuns): Okay. Mr. Hardeman?

Mr. Ernie Hardeman: We will be supporting the amendment. There can be no appeal in respect of the parts of a bylaw that do not allow new landfill sites to expand. We support this as it will assist in giving communities a say in whether or not a landfill is located in their municipality; however, we have a similar amendment coming in section 51 that we think is more effective in achieving this.

In his committee presentation, Mayor Comiskey said that municipalities don't have a role in the landfill decision-making process other than as a bystander. They are not asked whether they approve of the projects, where they should be, or how they should operate, yet they can have a permanent scar on the face of communities. Mayor Comiskey said that municipalities should have the power to choose and to say yes or no. And for those that say yes, it will give them the ability to negotiate agreements with private waste companies that suit the municipality's needs, or to say no and move in a different direction. Communities should not be left on the sidelines on issues such as this that have significant impacts on their quality of life.

Mr. Chair, although we do have another one coming up that we think makes a better motion, I will be supporting this one too.

The Chair (Mr. Peter Tabuns): Mr. Hatfield and Mr. Rinaldi. Mr. Hatfield first.

Mr. Percy Hatfield: Yes, the mayor was here. I don't know if the staff in the audience have the response that the minister said he would deliver to the committee when asked about the suggestion that a municipality has the divine right to accept—we were talking about casinos, about repository sites for nuclear waste or a landfill site. The mayor was saying that the municipality should have

the ability to say aye or nay. When we asked the minister at the time, he turned to the audience—the staff people in his ministry—and he said, "We will get back to you on that." I'm hoping that this is the right time to get back to us on that, that there is somebody out there—we took the minister at his word that he would have a response for the committee. I would hope that response is available before we go further.

The Chair (Mr. Peter Tabuns): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I don't have the response. Maybe it is available; I don't have it. But I think one of the things is—and I had the opportunity to speak off-line with the proponent, His Worship, the mayor of Ingersoll. I would say that certainly that's not something that came up, in the consultation process, from AMO or any of the municipalities. I would say that, with this particular bill, inserting such a motion without further acknowledgement of AMO or other municipalities I don't think would be appropriate, although, outside of this particular legislation, maybe it's a discussion we need to have. That was my discussion I had with His Worship, the mayor of Ingersoll. He certainly understood.

1720

The other piece I would add: When it comes to regulatory processes for a waste disposal site, it's primarily controlled by environmental legislation. Any changes with respect to that regulation of landfills will require extensive study and, as I said a minute ago, proper consultation.

The Chair (Mr. Peter Tabuns): Mr. Hatfield.

Mr. Percy Hatfield: I'd just express my disappointment that we don't have that response from the minister. I would hope, before the hearings conclude, that we do have something in writing, unless the minister wants to come back and deliver it in person.

The Chair (Mr. Peter Tabuns): Further discussion of this matter? Mr. Hardeman.

Mr. Ernie Hardeman: I just want to point out that I find, let's say, passing strange, the comments from the parliamentary assistant. When our good mayor from Ingersoll was here, and the minister was here at the same time—that was the hearing he was speaking at—everyone seemed to agree. As Mr. Hatfield pointed out, the ministry even agreed to look into it and get back to us with information. But everybody seemed to agree that the suggestion had merit. Now the parliamentary assistant says, "But this is not the place to do it. This is a bill about appeals and planning appeals and setting official plans and deciding where everything is going. We wouldn't want to include landfill in that process."

It just doesn't make any sense. The planning process was, shall we say, usurped when the government dealt with casinos. All of a sudden, before anyone could build a casino in a municipality, it had to be a willing host. With atomic energy—the mayor mentioned it to us—the nuclear energy plants and the storing of nuclear waste have to have local approval.

All of a sudden, we're doing a bill on approvals. The question that needs to be made for a landfill site in a community is, in fairness, unless we pass a motion like this, going to be referred to a tribunal of some kind. I think natural justice says that they have a right to be heard. This bill is removing the present place where that would be heard, which is the Ontario Municipal Board.

It would seem to me that this would be the perfect place to have the discussion about whether the bylaw to limit the ability of putting a landfill in a community should be appealable to the tribunal or should not be appealable. That's really what this section says: that that should not be appealable. If a municipality makes that decision, it's not appealable to the tribunal.

I don't know how we could decide that this was not the appropriate place to do it.

The Chair (Mr. Peter Tabuns): I have Mr. Rinaldi.

Mr. Lou Rinaldi: Sure. I would say that although I can't speak on behalf of the minister, if I recall the comments specifically of the minister, it was something that one would look into—and I would agree with that portion. I think some of the rationale that I gave you today was after the discussion that the ministry and the minister looked into. Some of the rationale that I've brought forward today—I think it was the intent of the minister on the day of the questioning—obviously, it was kind of a curveball thrown at him about this particular issue, because I can tell you, I took part in a number of consultations and this is not something that was ever brought up before.

The Chair (Mr. Peter Tabuns): Ms. Forster.

Ms. Cindy Forster: This is interesting, because certainly I have experienced this in my past life, where municipalities turned over their ownership of their landfill sites to the regional municipality. In my region, for example, where we probably had five landfill sites—one in Grimsby, one in Welland—one in Welland that actually had 50 years left on it when the region took the landfill site over—one in Niagara Falls, one in Fort Erie and, I think, one in Port Colborne. At the end of the day, they filled up the Niagara Falls, Fort Erie and Port Colborne sites.

The Grimsby landfill site was never allowed to have waste from any other municipality. That was part of their deal with the regional municipality when they signed on to the region taking over their landfill site.

In my city, they have proposed lifts to that landfill site. If people are in opposition to having a landfill site expansion done, where would they end up being able to go to oppose having lifts in their area? If they can't appeal through this process, then where would they go? Would they have to go to the courts? Can anyone answer that question for me?

The Chair (Mr. Peter Tabuns): I'll see if someone will answer that question for you. Do you have anything further to say?

Ms. Cindy Forster: No.

The Chair (Mr. Peter Tabuns): Then I have Mr. Hatfield, and I have Mr. McMeekin. Mr. Hardeman, you wanted to speak as well?

Mr. Percy Hatfield: I guess I'm somewhat troubled by this, because when the mayor was here from Ingersoll,

Mayor Comiskey, he indicated that in his community, there's an understanding that the city of Toronto, or the greater Toronto area, is in need of a new landfill, and the word in his community is that it could very well end up in his community. He just didn't think that his community wanted to be the host site of another landfill for Toronto. His argument was that in rural Ontario, the rural people are looking after their own waste, and he thought that the municipality of the greater Toronto area should be looking after its own waste.

I'm somewhat concerned, because I think we can all accept in principle—Mr. Rinaldi comes from a rural riding, and there are one or two other members of your caucus who come from rural ridings, but for the most part, you're Toronto-centric—I think that's a fair observation—greater Toronto-centric. So there's almost like a conflict here in the sense that the greater caucus of the Liberal Party represents urban areas.

We heard from a rural mayor: "We don't want your garbage, and we want this act changed so that we don't have to take your garbage, unless"—and he said there will be willing host communities in the rural areas that will take it. He just didn't want it in his, or in his region. He spoke on behalf of that area, I believe, and said, "We don't want it."

It's the same with the nuclear waste sites. Some communities are actively lobbying for it, and some aren't. Some communities want casinos, and some don't. That's fair. You should have that right, that ability, to negotiate or to make a decision.

The member from Oxford knows the mayor very well. The member from Oxford knows his area very well. He says that we need something in here to protect areas such as his against Big Brother, if you will, or Big Sister from Queen's Park coming in and saying, "Sorry, pal, you're going to take the landfill. Like it or lump it."

I think this is a perfect opportunity for your caucus to show rural Ontario that we do respect rural Ontario—and we'll put that in there because we know there will be other parts of the province that would like to make a few dollars by accepting to be the host municipality for municipal waste. I think he was actually talking about industrial, commercial and whatever waste—ICI, I think.

I hope, before the hearing concludes, that we hear from the minister. The minister said he'd get back to us on it, on whether this is the most appropriate, or whether there's a commitment at some point in the near future to put it in writing somewhere at Queen's Park that the mayor of Ingersoll raised a good point, and legislation will be forthcoming to protect communities such as his that need protection if they don't want something from another municipality. I just leave it at that.

1730

The Chair (Mr. Peter Tabuns): I have Mr. McMeekin.

Mr. Ted McMeekin: This is a difficult one. There are two sides, in many cases, to a story. My fear—the other side of the coin—is that this opens the door to municipalities potentially not accepting responsibility to handle their own waste, and they pass a bylaw just saying, "We're not going to have any more landfill here." Then we've got a dilemma here. It's not straight up.

I've been mayor of a rural municipality and fearful of—in fact, we got gobbled up—Mr. Hardeman knows something about that because he was somewhat involved in it—through the amalgamation process. I wish there had been an appeal mechanism there.

Mr. Lou Rinaldi: Consultation.

Mr. Ted McMeekin: Consultation.

That's another chapter of the book I'm going to write someday. I can't write it now because I don't have enough liability insurance.

Mr. Chairman, you would know that there are some maybe who don't equitably share the obligation to handle their own waste, so to come down on one side and to say you're not going to allow an appeal there I think is difficult. My hunch is, this having been raised and the minister having allegedly made the comment—I must have been out of the room when he did that. Notwithstanding, I'm sure it's an accurate representation. Maybe this is something that the parliamentary assistant can recommend be considered from a regulatory stream rather than having to choose here. Perhaps in your response to me—I'm not suggesting that is the case, but that was my fear.

The Chair (Mr. Peter Tabuns): I have Mr. Hardeman.

Mr. Ernie Hardeman: Before I start, I just want to point out, in an article in the Sentinel Review—that's the local paper in Woodstock—on April 25, 2015: "If Toronto went looking for another landfill, we'd be looking for willing hosts. We're not about to just go and purchase this land and stick a landfill site somewhere where we wouldn't be welcomed." That was Derek Angove. He's director of processing and resource management, I believe—it doesn't say here, but I believe he's the director in Toronto.

What was more interesting about that—in February 2016, there was an article by Brian Donlevy, who was the individual who was here with the mayor of Ingersoll when the mayor made the presentation. For the record, I do want to point out that the landfill site that he was referring to is not in Ingersoll; it is in Zorra township, which also is not a willing host. It is very close to Ingersoll. The mayor's real problem is that they have no say at all in the process because they are not the host municipality, even though the host municipality doesn't want it either. So they are now, I believe, working together.

In that article that Brian Donlevy wrote: "Municipal Affairs Minister Ted McMeekin says if the GTA wants to send their garbage west, they better make sure the west wants it." He went on to say that if Toronto wants to do business with regard to waste disposal, it better be with a willing host."

Agriculture minister Jeff Leal endorsed McMeekin's comments by reiterating that "before any decisions would be made, you have to have a willing host, no question

about that. I just want to emphasize what Minister McMeekin said on this topic.'

"Two provincial cabinet ministers say that if Toronto and York region want to ship their garbage"—this is from an article of February 26, 2016. "Two provincial cabinet ministers say that if Toronto and York region want to ship their garbage to Oxford, they better make sure Oxford county wants it.

"Both the Toronto and York region strategic plans say the next step for disposal of their waste is in Oxford county.

"Municipal affairs minister Ted McMeekin says if the GTA wants to send their garbage west, they better make sure the west wants it."

I can tell you, the west doesn't want it.

"'It is absolutely incumbent, if they want to avail themselves of doing waste disposal with another municipality, the other municipality needs to be a willing host, and you only get to be a willing host if you are talking to them.'

"McMeekin's opinion is shared by Jeff Leal, the Minister of Agriculture, Food and Rural Affairs, who said, 'I will reiterate what Minister McMeekin said on this topic, before any decisions would be made, you have to have a willing host, no question about that. I just want to emphasize what Minister McMeekin said on this topic.'

"When told of Leal's and McMeekin's comments, Zorra mayor Margaret Lupton was emphatic in her township's opposition to trash coming. 'There is no way that we would ever be a willing host for someone else's garbage.'

"Lupton and everyone else in the county is waiting to see if the Ministry of the Environment approves the terms of reference for the proposed landfill which would go into an old Carmeuse quarry in Centreville."

Now that is pretty explicit as to what Mr. McMeekin, who is now on this committee, and the present Minister of Agriculture felt at the time about this proposal—not hedging on, "Well, we'll have to see. There are two sides to the story." It was pretty clear: If they want to bring garbage there, they have to have a willing host.

I find it hard to believe that he could sit here today and suggest that this is not the right time to put an amendment in that if a municipality passes a bylaw that they are not a willing host—and that it would not be appropriate to put it in this bill. I think there is no better time and no better piece of legislation to deal with that, because this is all about appeals to municipal bylaws and how they should be dealt with. To me, this is a perfect place.

The minister seemed quite receptive to looking into it. We have the former minister sitting here at committee. Mr. Leal, I'm sure, hasn't changed his mind. I'm sure he knew what he was talking about because he, in his wisdom, was supporting Mr. McMeekin's position.

I just can't see why the government at this point, when this is the only opportunity to get it into legislation—to even suggest that somehow we should look at doing it with a private member's bill, I know that's double-speak for saying it will never happen. Because we all know what happens, if the government is not in favour of it—which they have the opportunity to show here whether they are or whether they are not—we know that the government would have to call it back for third reading if this was in a private member's bill. That's just not an option in this case.

The option to solve the problem that the mayor brought here was to pass this amendment so that a bylaw—you can make the assumption that they can come up with such a deal that the municipality would become a willing host. I find that hard to believe. But if the municipality passes a bylaw that they don't want waste from outside of their municipality coming in, they don't have to take it and that bylaw is not appealable.

The other thing that I just want to point out: Mr. McMeekin suggested that there were two sides to the story, because sometimes one municipality does and one doesn't—for our own waste. This is not about our own waste. In Oxford, we have enough room for waste for the foreseeable future. It's my backyard, so I know about that.

But the truth is that this is strictly for waste from elsewhere, and we believe that if the municipalities get to decide where the Tim Hortons goes then they should also get to decide if and where a landfill site goes.

The Chair (Mr. Peter Tabuns): Mr. McMeekin.

Mr. Ted McMeekin: There's no contradiction in my previously articulated position. I just want to make that clear.

We're talking about more than just Oxford county. This is a big province, and there are some municipalities we know that don't want to handle their own waste. They could pass a bylaw saying that, and the citizens who want to see the municipality handle their own waste wouldn't have any right to appeal—that's bizarre, I would say.

As for the whole business of consultation and the whole issue of being a willing host, in a previous lifetime, I felt very strongly about that when a previous government inflicted amalgamation on a community that was not a willing host.

The Chair (Mr. Peter Tabuns): Further discussion? Mr. Hatfield, then Mr. Hardeman.

Mr. Percy Hatfield: Good point, Mr. McMeekin.

I also come from a part of the province where being a willing host, for example, to windmills has been an issue, and the Liberal government saw fit to strip the property rights of homeowners and municipalities to impose its will on—

Interjections.

1740

Mr. Percy Hatfield: —imposition of windmills on the territory. Some people were willing hosts. Some wanted them; some didn't.

I think in this case—and I commend Mr. McMeekin as a former minister who, when he said those things, took into account rural Ontario. But I believe that the current regime, the current government—the current ministers, cabinet, the Premier—haven't shown enough respect for

rural Ontario. Here's a perfect time and place for that to change and for the government members, the majority members, to say, "You know what? We thought it was a good idea to take back and consider and bring back to the committee last week, and we still think it's a good idea for consideration," and make a commitment that, before these hearings conclude, they will come back to us with some kind of a statement that recognizes the value of rural Ontario and the value of municipalities in rural Ontario making up their own minds about being a willing host.

As I said before, if you respect their intelligence and ability to decide whether they want a casino or whether they want to host nuclear waste, surely you can give them the same opportunity to make that decision for themselves on whether they should be a willing host for somebody else's industrial or commercial or residential waste.

The Chair (Mr. Peter Tabuns): Thank you. I have Mr. Hardeman.

Mr. Ernie Hardeman: Yes. Thank you very much, Mr. Chair. I just want to make a comment. Mr. McMeekin suggested that somehow the comments that I read into the record were made on a different basis than what we're talking about here because it was for province-wide and so forth. I just want to suggest—

Mr. Ted McMeekin: That's not what I said.

Interjections.

The Chair (Mr. Peter Tabuns): Please. Mr. Hardeman has the floor.

Mr. Ernie Hardeman: I just want to suggest that the comments that were made weren't to any specific site. It was on the generalities of a landfill site, and that's what—this motion does exactly that. This is not necessarily just dealing with the ability of one being put in Oxford. This motion says that if a municipality wants to have one or not have one, they can decide with their zoning and that is not appealable. So it cannot be forced or foisted upon a municipality that doesn't want it, but anyone that wants one can work out any deal they like to facilitate that. I really don't think his argument holds up much, unless he has changed his mind on the principle of having a willing host for a landfill site.

The Chair (Mr. Peter Tabuns): Mr. McMeekin?

Mr. Ted McMeekin: Well, my comment on the waste and willing host stands—but also my comment about being a willing host in terms of forced amalgamation. We heard a lot of rhetoric from the previous government and Mr. Hardeman, in particular, who was appointed as a special review person about self-determination. When push came to shove, there was very little self-determination. To this day, that's why you have a lot of trouble politically in that part of the world. I don't mind reminding you of that. You played a key role in denying my community that. I've forgiven you for it, and I've moved on, but—

Interjections.

The Chair (Mr. Peter Tabuns): Mr. McMeekin has the floor.

Mr. Ted McMeekin: I've forgiven you for it and I've moved on from it, but, you know, John F. Kennedy said, "Always forgive your enemies, but never forget to write down their names." Thank you.

The Chair (Mr. Peter Tabuns): Any further speakers on this matter?

Mr. Percy Hatfield: I've got to just take names first.

Laughter.

Mr. James J. Bradley: Finally, some life in this committee—I'm seeing some life.

The Chair (Mr. Peter Tabuns): Thanks, Mr. Bradley.

There being no further discussion on the matter, we're ready for the vote.

Interjection: Recorded vote.

The Chair (Mr. Peter Tabuns): A recorded vote has been requested. All those in favour of NDP motion 46.3, please indicate.

Ayes

Hardeman, Hatfield, Norm Miller.

Nays

Berardinetti, Dickson, Malhi, McMeekin, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go to NDP motion 46.4. Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. It's much along the same vein, I guess.

I move that section 10 of schedule 3 to the bill be amended by adding the following subsection:

"(7.2) Section 34 of the act is amended by adding the following subsection:

"'No appeal re casino

"'(19.10) Despite subsection (19), there is no appeal in respect of the parts of a bylaw that do not allow a new casino or the expansion of a casino.'"

The Chair (Mr. Peter Tabuns): Did you wish to speak to that?

Mr. Percy Hatfield: No, I think it's almost like "dispense," Speaker.

The Chair (Mr. Peter Tabuns): All right. Anyone else? Any other member of the committee who would like to speak to this? There being none, you're ready for the vote?

Interjections.

The Chair (Mr. Peter Tabuns): Okay. We're going to go to the vote, then. All those in favour of NDP motion 46.4, please indicate. All those opposed, please indicate. The motion is lost.

We go to NDP motion 46.5. Mr. Hatfield.

Mr. Percy Hatfield: Maybe I'll get lucky on the third try, Chair. It's pretty well the same.

I move that section 10 of schedule 3 to the bill be amended by adding the following subsection:

"(7.3) Section 34 of the act is amended by adding the following subsection:

"'No appeal re incinerator site

"'(19.11) Despite subsection (19), there is no appeal in respect of the parts of a bylaw that do not allow a new incinerator site or the expansion of an incinerator site.'"

The Chair (Mr. Peter Tabuns): Did you wish to speak to that?

Mr. Percy Hatfield: I do, but in the interest of time—I know it wouldn't do a lot of good at this point.

The Chair (Mr. Peter Tabuns): Okay. Any others who want to speak to this? There being none, we'll go to the vote. All those in favour of NDP motion 46.5, please indicate. All those opposed, please indicate. The motion is lost.

We go, then, to government motion number 47.

Ms. Harinder Malhi: Get ready for it.

The Chair (Mr. Peter Tabuns): Ms. Malhi.

Ms. Harinder Malhi: Okay, let's do this.

I move that subsection 10(14) of schedule 3 to the bill be struck out and the following substituted:

"(14) Subsection 34(26) of the act is repealed and the following substituted:

"'Powers of LPAT

"'(26) Subject to subsections (26.1) to (26.10) and (26.13), after holding a hearing on an appeal under subsection (11) or (19), the tribunal shall dismiss the appeal.

"'Notice re opportunity to make new decision—appeal under subs. (11)

"'(26.1) Unless subsection (26.3), (26.6), (26.7) or (26.9) applies, on an appeal under subsection (11), the tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter, if the tribunal determines that,

"'(a) the existing part or parts of the bylaw that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3(1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and

"'(b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3(1), conforms with or does not conflict with provincial plans and conforms with applicable official plans.

"'Same—appeal under subs. (19)

"'(26.2) Unless subsection (26.3), (26.8) or (26.9) applies, if, on an appeal under subsection (19), the tribunal determines that a part of the bylaw to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan,

"'(a) the tribunal shall repeal that part of the bylaw; and

"'(b) the tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter.

"'Powers of LPAT—draft bylaw with consent of parties

"'(26.3) Unless subsection (26.9) applies, if a draft bylaw is presented to the tribunal with the consent of all of the parties specified in subsection (26.11), the tribunal shall approve the draft bylaw except for any part of it that is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.

"'Notice to make new decision

"'(26.4) If subsection (26.3) applies and the tribunal determines that any part of the draft bylaw is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter.

"'Rules that apply if notice received

"'(26.5) If the clerk has received notice under subsection (26.1), clause (26.2)(b) or subsection (26.4), the following rules apply:

"'1. The council of the municipality may prepare and pass another bylaw in accordance with this section, except that clause (12)(b) does not apply.

"'2. The reference to "within 150 days after the receipt by the clerk of the application" in subsection (11) shall be read as "within 90 days after the day notice under subsection (26.1), clause (26.2)(b) or subsection (26.4) was received".

"'Second appeal, subs. (11)—failure to make decision

"'(26.6) On an appeal under subsection (11) that concerns the failure to make a decision on an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the tribunal may amend the bylaw in such manner as the tribunal may determine or direct the council of the municipality to amend the bylaw in accordance with the tribunal's order.

"'Second appeal, subs. (11)—refusal

"'(26.7) Unless subsection (26.9) applies, on an appeal under subsection (11) that concerns the refusal of an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the tribunal may amend the bylaw in such manner as the tribunal may determine or direct the council of the municipality to amend the bylaw in accordance with the tribunal's order if the tribunal determines that,

"'(a) the existing part or parts of the bylaw that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3(1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and

"'(b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3(1), conforms with or does not conflict with provincial plans and conforms with all applicable official plans.

"'Second appeal—subs. (19)

"'(26.8) Unless subsection (26.9) applies, on an appeal under subsection (19) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (26.5), the tribunal may repeal the bylaw in whole or in part or amend the bylaw in such manner as the tribunal may determine or direct the council of the municipality to repeal the bylaw in whole or in part or to amend the bylaw in accordance with the tribunal's order, if the tribunal determines that the decision is inconsistent with policy statements issued under subsection 3(1), fails to conform with or conflicts with provincial plans or fails to conform with an applicable official plan.

"'Draft bylaw with consent of the parties

"'(26.9) If, on an appeal referred to in subsection (26.7) or (26.8), a draft bylaw is presented to the tribunal with the consent of all of the parties specified in subsection (26.11), the tribunal shall approve the draft bylaw as a zoning bylaw except for any part of it that is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.

"'Same

"'(26.10) If subsection (26.9) applies and the tribunal determines that any part of the draft bylaw is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the tribunal may refuse to amend the zoning bylaw or amend the zoning bylaw in such manner as the tribunal may determine or direct the council of the municipality to amend the zoning bylaw in accordance with the tribunal's order.

"'Specified parties

"'(26.11) For the purposes of subsection (26.3) and (26.9), the specified parties are:

"'1. The municipality.

"'2. The minister, if the minister is a party.

"'3. If applicable, the applicant.

"'4. If applicable, all appellants of the decision which was the subject of the appeal.

"'Effect on original bylaw

"'(26.12) If subsection (26.3) or (26.9) applies in the case of an appeal under subsection (19), the bylaw that was the subject of the notice of appeal shall be deemed to have been repealed.

"'Non-application of s. 24(4)

"'(26.13) An appeal under subsection (11) shall not be dismissed on the basis that the bylaw is deemed to be in conformity with an official plan under subsection 24(4).'"

Done.

The Chair (Mr. Peter Tabuns): Thank you. Well done.

Ms. Harinder Malhi: I wanted to be done. I was not reading that again another day.

The Chair (Mr. Peter Tabuns): Colleagues, there's a vote—

Mr. Percy Hatfield: Just before we break, let me go on record saying that we'll have an amendment to that motion.

The Chair (Mr. Peter Tabuns): Fair enough. With that, we will adjourn.

We stand adjourned until 2 p.m. Monday, October 30, when we will resume clause-by-clause consideration of Bill 139. And now, off for the vote.

The committee adjourned at 1753.

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Mr. Peter Tabuns (Toronto–Danforth ND)

Vice-Chair / Vice-Présidente
Miss Monique Taylor (Hamilton Mountain ND)

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Mr. Bob Delaney (Mississauga–Streetsville L)
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Mr. Joe Dickson (Ajax–Pickering L)
Ms. Harinder Malhi (Brampton–Springdale L)
Mrs. Gila Martow (Thornhill PC)
Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Westdale L)
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Mr. Ernie Hardeman (Oxford PC)
Mr. Percy Hatfield (Windsor–Tecumseh ND)
Mr. Norm Miller (Parry Sound–Muskoka PC)
Mr. Lou Rinaldi (Northumberland–Quinte West L)

Also taking part / Autres participants et participantes
Mr. James J. Bradley (St. Catharines L)
Ms. Cindy Forster (Welland ND)
Mr. Peter Matheson-Young, counsel, legal services branch,
Ministry of Municipal Affairs and Ministry of Housing

Clerk / Greffière
Ms. Jocelyn McCauley

Staff / Personnel
Ms. Sibylle Filion, legislative counsel