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**Official Report
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(Hansard)**

G-13

**Journal
des débats
(Hansard)**

G-13

**Standing Committee on
General Government**

Getting Ontario Moving Act
(Transportation Statute Law
Amendment), 2019

1st Session
42nd Parliament
Monday 27 May 2019

**Comité permanent des
affaires gouvernementales**

Loi de 2019 pour un Ontario
en mouvement (modifiant
des lois en ce qui concerne
le transport)

1^{re} session
42^e législature
Lundi 27 mai 2019

Chair: Dave Smith
Clerk: Julia Douglas

Président : Dave Smith
Greffière : Julia Douglas

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 27 May 2019

Lundi 27 mai 2019

The committee met at 0900 in committee room 1.

**GETTING ONTARIO MOVING ACT
(TRANSPORTATION STATUTE LAW
AMENDMENT), 2019**

**LOI DE 2019 POUR UN ONTARIO
EN MOUVEMENT (MODIFIANT DES LOIS
EN CE QUI CONCERNE LE TRANSPORT)**

Consideration of the following bill:

Bill 107, An Act to amend the Highway Traffic Act and various other statutes in respect of transportation-related matters / Projet de loi 107, Loi modifiant le Code de la route et diverses autres lois à l'égard de questions relatives au transport.

The Chair (Mr. Dave Smith): Good morning. We're here to discuss clause-by-clause on Bill 107, An Act to amend the Highway Traffic Act and various other statutes in respect of transportation-related matters.

Does anyone have any questions before we start? None? Okay.

Could I have consent, please, to stand down sections 1, 2 and 3 until after we have gone through all of the schedules?

Ms. Christine Hogarth: Agreed.

The Chair (Mr. Dave Smith): Thank you. We'll stand down sections 1, 2 and 3 until we have completed all of the schedules.

We'll start with schedule 1 then. There are no proposed amendments for sections 1 to 23 of schedule 1; therefore, I propose we bundle sections 1 to 23 together. Do I have an agreement on this?

Ms. Christine Hogarth: Agreed.

The Chair (Mr. Dave Smith): Is there any debate or any comments on sections 1 through 23 of schedule 1? Seeing none, are the members ready to vote? Those in favour of sections 1 to 23 of schedule 1, please raise your hand. Those opposed, please raise your hand. Sections 1 to 23 of schedule 1 will carry.

Schedule 1, section 24: This is amendment number 1. Mr. Schreiner.

Mr. Mike Schreiner: Good morning, everyone. I move that section 24 of schedule 1 to the bill be amended by the following subsections:

“(2) Subsection 128(5) of the act is repealed and the following substituted:

“Rate in school zones

“(5) The rate of speed for motor vehicles driven on portions of highways that adjoin land used for the purposes of a school, including the portions of the highway adjoining the entrance to or exit from a school, is 20 kilometres per hour, unless a lower rate of speed on a portion of the highway is set by regulation or bylaw.

“Mandatory photo-radar in school zones

“(5.1) The entity responsible for enforcing speed limits on a portion of highway described in subsection (5) shall ensure that the speed limits set out in subsection (5) are enforced through the use of a photo-radar system.

“(3) Subsection 128(5.1) of the act, as enacted by subsection (2), is amended by striking out “a photo-radar system” at the end and substituting “an automatic speed enforcement system”.”

The Chair (Mr. Dave Smith): Could I get you to repeat the first sentence, please? I missed something there.

Mr. Mike Schreiner: Okay. I move that section 24 of schedule 1 to the bill be amended by adding the following subsections.

The Chair (Mr. Dave Smith): Thank you very much. Is there any debate on the amendment?

Mr. Mike Schreiner: Do you want me to do a quick introduction?

The Chair (Mr. Dave Smith): Sure.

Mr. Mike Schreiner: Absolutely. Thank you, Chair. The purpose of this amendment is primarily to address safety concerns in school zones. I actually wanted to compliment the government on the safety provisions they have brought in this legislation around school buses. I just wanted to build upon that by putting forward this amendment.

There is numerous research that has shown that lower speeds in school zones save lives. I think our children's safety is of utmost importance. Some municipalities have already moved in this direction, but it would be nice to see it consistent across the province. So, I'm putting this amendment forward, really, because we know speed kills, and as an opportunity to increase safety in school zones.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Mike Schreiner: A recorded vote.

Ayes

Schreiner.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): The amendment is lost. Shall schedule 1, section 24, carry? Any debate? Seeing none, are the members ready to vote? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 1, section 24, carries.

Schedule 1, section 25: Ms. French.

Ms. Jennifer K. French: Good morning. I move that section 25 of schedule 1 to the bill be amended by adding the following subsection:

“(0.1) Schedule 130 of the act is amended by adding the following subsections:

“Attendance at hearing

“(3.1) The defendant in a proceeding in respect of an offence under subsection (3) shall personally attend every sentencing hearing in respect of the offence, even if the defendant acts by representative in the proceeding.

“Defendant fails to attend

“(3.2) If the defendant is not in personal attendance at a sentencing hearing in respect of the offence, the court shall not hold the hearing until the defendant is in personal attendance, despite clause 54(1)(a) of the Provincial Offences Act, except under subsection 52(1) of that act.

“Compel attendance

“(3.3) For greater certainty, the court may exercise its powers under clause 54(1)(b) of the Provincial Offences Act if the defendant fails to personally attend sentencing proceedings.

“Victim impact statement

“(3.4) In determining the penalty and other consequences to be imposed for an offence under subsection (3), the court shall consider any statement of a person who has suffered or claims to have suffered physical or emotional harm, property damage or economic loss as the result of the commission of the offence, including a person who has suffered or claims to have suffered physical or emotional harm, property damage or economic loss as the result of the commission of the offence against another person, describing,

“(a) the physical or emotional harm, property damage or economic loss they have suffered as the result of the commission of the offence; and

“(b) the impact of the offence on them.

“Presentation of statement

“(3.5) A person may present the statement to the court in any manner that the court considers appropriate.

“Consideration of statement

“(3.6) In considering the statement, the court shall take into account the portions of the statement that it considers relevant to determining the penalty and other consequences and disregard any other portion.”

The Chair (Mr. Dave Smith): Thank you, Ms. French. Could I get you to repeat the first section, up to “Attendance at hearing,” please?

Ms. Jennifer K. French: Up to where?

The Chair (Mr. Dave Smith): “Attendance at hearing,” so 0.1.

Ms. Jennifer K. French: Okay.

I move that section 25 of schedule 1 to the bill be amended by adding the following subsection:

“(0.1) Section 130 of the act is amended by adding the following subsections:”

The Chair (Mr. Dave Smith): Thank you. Ms. French, would you like to comment on it?

Ms. Jennifer K. French: I would, thank you.

Motorists convicted of careless driving causing bodily harm or death must show up to court for sentencing and must hear victim impact statements. I know that the committee heard from several witnesses who emphasized the importance of the offenders who injure or kill being required to hear from those impacted. As it stands now, motorists, for example, who might kill a child don’t have to personally face any consequences. They don’t have to show up to court for sentencing. They can simply mail in a cheque. So this amendment proposes that, in keeping with Bill 62, the Protecting Vulnerable Road Users Act—this amendment responds to the fact that the motorists don’t have to show up at court. This remedies that.

The Chair (Mr. Dave Smith): Any further discussion? Ms. Wai.

Mrs. Daisy Wai: The moving stories that we heard are a strong reminder of how careless driving and dangerous driving can affect and be devastating for families and people’s lives. However, this is out of order, as we already—last year, in September, the bill already passed on covering this. So today we are not duplicating it. This is not part of what we are discussing in this bill.

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The Chair (Mr. Dave Smith): Mr. Schreiner.

Mr. Mike Schreiner: Yes, I just had a quick question for the Clerk, if that was possible.

The Clerk of the Committee (Ms. Julia Douglas): Yes, go ahead.

Mr. Mike Schreiner: Thank you. I know there are elements of amendment 2 that are applicable to amendment 4, but amendment 4 is more comprehensive than amendment 2. Would the vote on this amendment affect the applicability of amendment 4?

Thank you. I appreciate you taking the time.

The Clerk of the Committee (Ms. Julia Douglas): Yes, it could affect how amendment 4 would go, because there is some overlap in content between the amendments.

Mr. Mike Schreiner: Right. Okay, thank you.

The Chair (Mr. Dave Smith): Ms. French.

Ms. Jennifer K. French: I would be glad to counter the member opposite’s point. As far as I understand—and the Clerk, I hope, will correct me—this is not out of order. This is perfectly in order.

The Chair (Mr. Dave Smith): I have not ruled this out of order. This amendment is in order.

Ms. Jennifer K. French: Okay, thank you.

The Chair (Mr. Dave Smith): Any further discussion? Are the members ready to vote?

Ms. Jennifer K. French: Recorded vote.

Ayes

French, Glover.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Section 25 to schedule 1 of the bill, amendment number 3: Ms. French.

Ms. Jennifer K. French: I move that section 25 of schedule 1 to the bill be amended by adding the following subsection:

“(0.2) Section 130 of the act is amended by adding the following subsections:

“Same

“(4.1) If an offence under subsection (3) resulted in bodily harm or death being caused to a person who was vulnerable by virtue of the fact that the person was a pedestrian, cyclist or person working upon the highway, the person who is convicted of the offence shall be subject to the following penalties and consequences:

“1. Any penalties set out in subsection (4).

“2. A probation order that, despite clauses 72(3)(b) and (c) of the Provincial Offences Act, shall contain,

“i. a condition that the defendant successfully complete a driving instruction course that satisfies the requirements, if any, provided for by the regulations, and

“ii. a condition that”—it says “that that the defendant.” Okay, I’ll read it as written, but it only needs one “that.”

“a condition that the defendant perform no less than 50 hours and no more than 200 hours of community service as set out in the order.

“3. A licence suspension, which shall be for the duration of the probation order if one is imposed.

“Probation order

“(4.2) A person who fails to comply with the conditions of the probation order set out in subparagraphs 2i and ii of subsection (4.1) is subject to the following consequences in the following circumstances:

“1. Despite clause 75(d) of the Provincial Offences Act, if the person is convicted of an offence under section 75 of the Provincial Offences Act in respect of the probation order, the person is liable to a fine of not more than \$50,000 and, in addition, their licence or permit may be suspended for a period of not more than two years.

“2. If the person is not convicted of an offence under section 75 of the Provincial Offences Act in respect of the probation order and the person shows good cause for failing to comply with the probation order, a court may continue the probation order with such changes or additions and for such extended term, not exceeding one addition year, as the court considers reasonable.”

The Chair (Mr. Dave Smith): Ms. French, would you like to explain it?

Ms. Jennifer K. French: Yes. Okay, so, in addition to existing penalties, motorists convicted of careless driving

causing bodily harm or death of a vulnerable road user would also be subject to additional consequences, including licence suspension, community service and mandatory driver training as a condition of probation. Violating probation can result in a penalty of up to \$50,000 and loss of the driver’s licence for up to a year. These are meaningful and reasonable consequences for someone who seriously injures someone or ends a life. As I know the committee heard, just writing a cheque is not sufficient. As several committee witnesses pointed out, the point of a vulnerable road user law is to foster a culture of responsibility in which drivers understand they must take extra care where there are vulnerable road users present.

The Chair (Mr. Dave Smith): Any further debate? Ms. Hogarth.

Ms. Christine Hogarth: I just want to thank the NDP for bringing this motion forward. We did hear a lot of people speaking about this. There are a few items in here that I do like and I think are very important, but there are a few areas where it needs to be tweaked. From speaking with the Ministry of Transportation, I understand that this can be done after the fact through a regulation. So I just want to put that on the table: that this can be done through a regulation, following the legislation.

The Chair (Mr. Dave Smith): Any further comments? Seeing none, are the members ready to vote?

Ms. Jennifer K. French: Recorded vote, please.

Ayes

French, Glover.

Nays

Calandra, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): The motion is lost.

For amendment number 4 and for the purpose of orderliness, I suggest we postpone consideration of section 25 of schedule 1 and the filed amendment until after the committee considers section 28 of schedule 1. This is because the proposed amendment on page 4 relates to another amendment filed in section 28 of schedule 1. Is there unanimous consent to stand down section 25 of schedule 1 until after section 28 of schedule 1? Thank you.

We’ll move on to amendment number 5—

Interjection.

The Chair (Mr. Dave Smith): We’ll move to schedule 1, section 26. There are no amendments to schedule 1, section 26. Is there any debate? Seeing none, are the members ready to vote. Shall schedule 1, section 26, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 1, section 26, carries.

Schedule 1, section 27, amendment number 6: Mr. Schreiner.

Mr. Mike Schreiner: I move that section 27 of schedule 1 to the bill be amended by adding the following subsections:

“(1) Subsection 147(1) of the act is amended by striking out ‘Any vehicle travelling upon a roadway’ at the beginning and substituting ‘Any vehicle, except a bicycle, travelling upon a roadway’.

“(2) Subsection 147(2) of the act is amended by adding ‘or’ at the end of clause (b), striking out ‘or’ at the end of clause (c) and repealing clause (d).

“(3) Section 147 of the act is amended by adding the following subsections:

“‘Bicycles to travel on right side

“(2.1) Subject to subsection (2.2), a cyclist travelling upon a roadway shall, where practicable, proceed in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway.

“‘Exception

“(2.2) Subsection (2.1) does not apply if any of the following circumstances exist:

“1. The cyclist is overtaking and passing another cyclist or vehicle proceeding in the same direction.

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“2. The cyclist is preparing for a left turn at an intersection or into a private road or driveway.

“3. The cyclist, by exercising reasonable caution, is avoiding fixed or moving objects, including vehicles, bicycles, pedestrians, animals or surface hazards.

“4. The cyclist is proceeding in a lane that is too narrow for a bicycle and another vehicle to travel safely side by side.

“5. The cyclist is proceeding side by side with another bicycle.

“6. The cyclist is in a lane designated under subsection 153(2) for travel in the opposite direction of traffic.”

The Chair (Mr. Dave Smith): Debate and comments? Mr. Schreiner, would you like to start debate or comments?

Mr. Mike Schreiner: This amendment primarily is designed to set up the next amendment, just to be clear with every member of the committee. It essentially establishes safe passing rules for cyclists, and it outlines where a cyclist can safely travel. That is to essentially set up an amendment to have paved shoulders on highways. So those two amendments are linked.

It’s really around how we create roads and streets that are safe for cyclists and all road users, and in many respects, actually creates the conditions for us to (1) encourage more cycling, because safety is the number one barrier to more people cycling, and (2) leverage the economic opportunities in cycling tourism. In Quebec, it’s a multi-million dollar economic contributor to their province. We haven’t fully utilized or taken advantage of those opportunities in Ontario. This amendment and the next amendment establish the conditions for Ontario to do that.

The Chair (Mr. Dave Smith): Any further comments? Mr. Glover.

Mr. Chris Glover: I’m speaking in favour of this amendment. It’s something that I fully support, as an avid cyclist here in downtown Toronto. I think all of us who drive occasionally in downtown Toronto recognize that cars no longer fit here, and that a bicycle takes up far less

space. This establishes some safety rules around cycling, around sharing the road between cyclists and cars.

On the weekend, I was up in Huntsville. I rode my bike from downtown Huntsville out to a friend’s place about 10 miles out of town. There were sections where there was a paved shoulder, and it was wonderful. It was just great to ride along those sections. But where there was no paved shoulder, it was very tight, especially if there were cars coming in both directions. Later, when I was driving on the weekend, I was passing cyclists on that highway, Highway 60. It’s the same thing: If there’s a car coming from the other way, it’s very difficult to get past.

So I think this is a good amendment, and I would support the paved shoulders on the highways as well.

The Chair (Mr. Dave Smith): Any further debate? Mr. Schreiner.

Mr. Mike Schreiner: I wanted to add one more point. Sorry; I forgot. Sometimes motorists suggest that one of the reasons they may be opposed to additional cycling infrastructure is the need for cyclists to obey the rules of the road. This is actually establishing some clear rules of the road for cyclists, which I think will be not only a benefit to cyclists but also to motorists.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Mike Schreiner: Recorded vote, please.

Ayes

French, Glover, Schreiner.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Shall schedule 1, section 27, carry? Any debate on that? Are the members ready to vote? Shall schedule 1, section 27, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 1, section 27, carries.

Schedule 1, section 28: Mr. Schreiner.

Mr. Mike Schreiner: I move that section 28 of schedule 1 to the bill be amended by adding the following subsections:

“(0.1) Subsection 148(2) of the act is amended by adding ‘other than a bicycle or motor assisted bicycle’ after ‘a vehicle on a highway’.

“Subsection 148(4) of the act is repealed.

“Subsections 148(6) to (6.2) of the act are repealed and the following substituted:

“‘Bicycles overtaken by vehicles other than bicycles

“(6) Every driver or operator of a vehicle, other than a bicycle, meeting or overtaking a person on a bicycle shall exercise due care by leaving the safe travelling distance described in subsection (6.1) between the vehicle and the bicycle.

“‘Same

“(6.1) For the purposes of subsection (6), when a vehicle other than a bicycle is meeting or overtaking a bicycle, the safe travelling distance is,

“(a) three feet between the vehicle and the bicycle, if the vehicle is travelling at a speed equal to or less than 50 kilometres per hour;

“(b) four feet between the vehicle and the bicycle, if the vehicle is travelling at a speed greater than 50 kilometres per hour, but less than 80 kilometres per hour; and

“(c) five feet between the vehicle and the bicycle, if the vehicle is travelling at a speed equal to or greater than 80 kilometers per hour.

“Presumption

“(6.2) In case of a collision between a bicycle and vehicle other than a bicycle, the driver or operator of the vehicle is presumed not to have left the safe travelling distance required under subsection (6).

“Bicycles overtaken by equestrians

“(6.3) Every person on a bicycle who is overtaken by an equestrian travelling at a greater speed shall turn out to the right and allow the equestrian to pass and the equestrian overtaking shall turn out to the left so far as may be necessary to avoid a collision.

“Motor assisted bicycles overtaken

“(6.4) Every person on a motor assisted bicycle who is overtaken by a vehicle or equestrian travelling at a greater speed shall turn out to the right and allow the vehicle or equestrian to pass and the vehicle or equestrian overtaking shall turn out to the left so far as may be necessary to avoid a collision.”

The Chair (Mr. Dave Smith): Could I get you to repeat a portion of it for me, please? I wasn't clear on it. Could you start at “(2) Subsection 148(4)” and go to “Bicycles overtaken by vehicles other than bicycles”?

Mr. Mike Schreiner: “(2) Subsection 148(4) of the act is repealed.

“(3) Subsections 148(6) to (6.2) of the act are repealed and the following substituted:”

The Chair (Mr. Dave Smith): Comments and debate? Mr. Schreiner, would you like to start the comments?

Mr. Mike Schreiner: Yes. This amendment is designed to just create safer conditions on our roads for cyclists and motorists, and those with horse-powered vehicles as well. One of the primary concerns that exists in terms of safety—and this comes out in study after study after study—is ensuring that when a motor vehicle overtakes a cyclist, there is a safe distance between the motor vehicle and the cyclist. That's really to provide safety for both, but obviously primarily the cyclist, who is the most vulnerable of the two road users.

It also prescribes clear direction to the cyclist of what their obligations are and to the motorist of what their obligations are.

This is just really designed to create rules of the road that provide clarity to the users and maximize safety for the users.

The Chair (Mr. Dave Smith): Any further comments or debate? Ms. Surma.

Miss Kinga Surma: Ontario's existing minimum one-metre passing law for motor vehicle drivers when passing cyclists addresses the intent of this motion. This law was introduced in September—

The Chair (Mr. Dave Smith): Could you move closer to the mike, please?

0930

Miss Kinga Surma: Oh, sorry. Ontario's existing minimum one-metre passing law for motor vehicle drivers when passing cyclists addresses the intent of this motion, and that law was introduced September 1, 2015. I just wanted to make it clear.

The Chair (Mr. Dave Smith): Any further comments? Ms. French.

Ms. Jennifer K. French: I think it makes sense to increase the minimum passing distance when a vehicle is travelling at a faster speed. That seems clear to me, that the faster, the more space.

However, just a point of interest, or clarification: The imperial units in this, with the three feet, the four feet and the five feet, be consistent, would be one metre and such. But anyway, that's not to say that we wouldn't support it.

The Chair (Mr. Dave Smith): Mr. Schreiner.

Mr. Mike Schreiner: Point taken. I relied on the drafters, and it all happened so fast. As you know, we have very limited time.

I do agree that it was an important step forward with the one-metre passing law, but this establishes a greater distance for higher speeds. We've heard over and over again, both from people who came to committee but also just the research documents, that speed kills, and higher speeds require a greater distance. It's just establishing those additional safety measures.

The Chair (Mr. Dave Smith): Any further comments? Ms. Wai.

Mrs. Daisy Wai: We find that this will give additional difficulties for enforcement and for public education. Plus, since the one-metre passing bill was already introduced on September 1, 2015, a full evaluation of the effectiveness of this law has not yet been completed. It is too premature to do anything to it until after it has been evaluated.

The Chair (Mr. Dave Smith): Thank you. Ms. French.

Ms. Jennifer K. French: In answer to the member opposite, it was former member Cheri DiNovo who fought long and hard to get the current one-metre rule enacted. I guess we're going to have a long and hard fight to continue to expand safety in the province of Ontario.

The Chair (Mr. Dave Smith): Any further comments? Are the members ready to vote?

Mr. Mike Schreiner: Recorded vote, please.

The Chair (Mr. Dave Smith): The amendment on page 7: section 28 of schedule 1 to the bill.

Ayes

French, Glover, Schreiner.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Shall schedule 1, section 28, carry? Is there any discussion?

Seeing none, are members ready to vote? Those in favour of schedule 1, section 28, please raise your hand. Those opposed to schedule 1, section 28, please raise your hand. Schedule 1, section 28, carries.

Since we had unanimous consent to stand down section 25 until after section 28, we'll now return to section 25 of schedule 1. I'll give you a moment to find your spots. It's page 4 of the amendments.

Mr. Mike Schreiner: Can you believe the length of this?

Interjections.

The Chair (Mr. Dave Smith): Mr. Schreiner, do you have a glass of water ready?

Mr. Mike Schreiner: Yes, I think so.

The Chair (Mr. Dave Smith): Mr. Schreiner.

Mr. Mike Schreiner: I move that section 25 of schedule 1 to the bill be struck out and the following substituted:

“25(1) Section 130 of the act is amended by adding the following subsection:

“Same

“(5.1) For the purposes of subsection (3), a person is deemed to drive without reasonable consideration for other persons using the highway if the person bodily harmed or killed is a vulnerable road user and the bodily harm or death is caused by contravening one or more of the following provisions:

“1. Subsection 32(1) or (3).

“2. Subsection 44.1(1) or (2).

“3. Subsection 44.2(1) or (2).

“4. Subsection 53(1) or (1.1).

“5. Subsection 57, a regulation made under section 57 or a condition imposed on a driver's licence under a conduct review program established under section 57.

“6. Subsection 78(1).

“7. Subsection 78.1(1) or (2).

“8. Section 128.

“9. Subsection 134(1).

“10. Subsection 135(2) or (3).

“11. Subsection 136(1) or (2).

“12. Subsection 138(1).

“13. Subsection 139(1).

“14. Subsection 140(1) or (3).

“15. Subsection 141(2), (3), (5), (6) or (7).

“16. Subsection 142(1), (2) or (8).

“17. Subsection 142.1(1).

“18. Section 143.

“19. Subsection 144(5), (6), (7), (8), (9), (10), (11), (14), (15), (16), (17), (18), (19) or (21).

“20. Subsection 145(1).

“21. Subsection 146(3), (4) or (5).

“22. Subsection 146.1(3) or (4).

“23. Subsection 148(1), (4), (6.1) or (8).

“24. Subsection 149(1).

“25. Subsection 150(1) or (2).

“26. Subsection 151(5).

“27. Subsection 153(1).

“28. Subsection 154(1).

“29. Subsection 156(1).

“30. Subsection 157(1).

“31. Subsection 158(1) or (2).

“32. Subsection 159(1), (2), (3) or (4).

“33. Section 160.

“34. Section 161.

“35. Section 162.

“36. Subsection 163(1) or (2).

“37. Section 164.

“38. Subsection 165(1).

“39. Subsection 166(1) or (2).

“40. Section 167.

“41. Section 168.

“42. Subsection 170(1).

“43. Subsection 172(1).

“44. Subsection 176(3).

“45. Subsection 182(2).

“(2) Paragraph 23 of subsection 130(5.1) of the act, as enacted by subsection (1), is repealed and the following substituted:

“23. Subsection 148(1), (4), (6), (6.3), (6.4) or (8).”

“(3) Subsection 130(5.1) of the act, as enacted by subsection (1), is amended by adding the following paragraph:

“43.1 Subsection 175(11), (11.1), (12), (12.1) or (12.2).”

“(4) Subsection 130(6) of the act is amended by striking out ‘was vulnerable to a lack of due care and attention or reasonable consideration by a driver, including by virtue of the fact that the person was a pedestrian or cyclist’ at the end and substituting ‘was a vulnerable road user’.

“(5) Section 130 of the act is amended by adding the following subsections:

“Sentencing—further consequences

“(7) On conviction under subsection (3) for an offence in which the bodily harm or death was caused to a vulnerable road user, the court shall direct that the defendant comply with the conditions prescribed in a probation order, in addition to the penalty and consequences imposed under subsection (4) or under subsection 214.1(7), as the case may be, and despite anything to the contrary in subsection 214.1(7).

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“Same — probation order conditions

“(8) The probation order must remain in force for no more than one year from the date when the order takes effect and must contain the following provisions, despite clause 72(3)(b) of the Provincial Offences Act:

“1. That the defendant successfully complete a driving instruction course that satisfies the requirements, if any, provided for by the regulations.

“2. That the defendant perform a community service as set out in the order.

“Same — community service

“(9) The probation order must, in respect of the community service condition ordered under paragraph 2 of subsection (8),

“(a) set the number of hours at no less than 50 hours and no more than 200 hours; and

“(b) require the community service to include activity related to public education on driving safety or otherwise improving driving safety.

“Same — licence suspended

“(10) The defendant’s driver’s licence is suspended for the duration of the probation order.

“Same — sentencing proceedings

“(11) The following rules apply with respect to sentencing hearings for an offence under subsection (3) if the proceedings were commenced by laying an information under part III of the Provincial Offences Act and it is alleged or the court has found that the bodily harm or death was caused to a vulnerable road user:

“attendance at sentencing

“1. The defendant shall personally attend every sentencing hearing in respect of the offence, even if the defendant acts by representative in the proceeding.

“defendant fails to attend

“2. If the defendant is not in personal attendance at a sentencing hearing in respect of the offence, the court shall not hold the hearing until the defendant is in personal attendance, despite clause 54(1)(a) of the Provincial Offences Act, except under subsection 52(1) of that act.

“compel attendance

“3. For greater certainty, the court may exercise its powers under clause 54(1)(b) of the Provincial Offences Act if the defendant fails to personally attend sentencing proceedings.

“victim impact statement

“4. In determining the penalty and other consequences to be imposed for the offence, the court shall consider any statement of a person who has suffered or claims to have suffered physical or emotional harm, property damage or economic loss as the result of the commission of the offence, including a person who has suffered or claims to have suffered physical or emotional harm, property damage or economic loss as the result of the commission of the offence against another person, describing,

“i. the physical or emotional, property damage or economic loss they have suffered as the result of the commission of the offence, and

“ii. the impact of the offence on them.

“presentation of victim impact statement

“5. A person may present the statement referred to in paragraph 4 to the court in any manner that the court considers appropriate.

“Same — regulations

“(12) The Lieutenant Governor in Council may make regulations,

“(a) respecting requirements of driving instruction courses for the purpose of paragraph 1 of subsection (8);

“(b) prescribing individuals for the purpose of clause (g) of the definition of “vulnerable road user” in subsection (13).

“Definition

“(13) In this section,

““vulnerable road user” means,

“(a) a pedestrian,

“(b) an individual on a bicycle or on a motor assisted bicycle,

“(c) an individual in a wheelchair or other device driven by muscular or any other kind of power that is designed for and used by a person whose mobility is limited by one or more conditions or functional impairments,

“(d) an individual who is on the highway because the individual is engaged in construction, maintenance, repair or a similar function while on that part of the highway,

“(e) an individual who,

“(i) is,

“(A) on the highway with the individual’s vehicle and that vehicle has broken down or is undergoing mechanical problems, or

“(B) attending a call for a tow truck or mechanical help for a vehicle that has broken down or is undergoing mechanical problems, and

“(ii) is not in or on a motor vehicle, streetcar or other motor vehicle running only upon rails, motorized snow vehicle, traction engine, farm tractor, self-propelled instrument of husbandry or road-building machine,

“(f) an individual who,

“(i) is,

“(A) a police officer, a special constable, a First Nations constable, a municipal law enforcement officer or an auxiliary member of a police force, within the meaning of the Police Services Act,

“(B) a firefighter within the meaning of the Fire Protection and Prevention Act, 1997,

“(C) an individual who attends on a call for an ambulance, or

“(D) an emergency response worker, and

“(ii) is acting in the course of their duties, and

“(iii) is not in or on a motor vehicle, street car or other motor vehicle running only upon rails, motorized snow vehicle, traction engine, farm tractor, self-propelled instrument of husbandry or road-building machine, or

“(g) an individual prescribed by the regulations.’

“(6) Sub-subclause (f)(i)(A) of the definition of ‘vulnerable road user’ in subsection 130(13) of the act, as enacted by subsection (4), is repealed and the following substituted:

“(A) a police officer, a special constable, a First Nation officer, a municipal bylaw enforcement officer or an auxiliary member of a police service, within the meaning of the Community Safety and Policing Act, 2019,”

The Chair (Mr. Dave Smith): Thank you, Mr. Schreiner. A couple of small spots that I wasn’t clear on. On page 1: “5. Section 57, a regulation made under section 57”—could I get you to repeat that for me, please?

Mr. Mike Schreiner: Can you repeat that, please, Chair? Sorry.

The Chair (Mr. Dave Smith): Sure. “5. Section 57, a regulation made under section 57”. It’s the fifth point down.

Mr. Mike Schreiner: “5. Section 57, a regulation made under section 57 or a condition imposed on a driver’s

licence under a conduct review program established under section 57.”

The Chair (Mr. Dave Smith): Thank you. On page 5, under “victim impact statement,” i: Could I get you to repeat that part, please?

Mr. Mike Schreiner: “i. the physical or emotional harm, property damage or economic loss they have suffered as the result of the commission of the offence, and”

The Chair (Mr. Dave Smith): Thank you. On page 6, under “definitions,” “‘vulnerable road user’ means,” could you repeat point (b), please?

Mr. Mike Schreiner: “(b) an individual on a bicycle or on a motor assisted bicycle,”

The Chair (Mr. Dave Smith): Thank you very much for that, Mr. Schreiner. Unfortunately, I’m ruling this amendment out of order, as it is dependent on a previous amendment which was lost.

Mr. Mike Schreiner: Is there any way to appeal that?

The Chair (Mr. Dave Smith): You could ask for unanimous consent to reconsider it.

Mr. Mike Schreiner: I seek unanimous consent—

Interjection: No.

Mr. Mike Schreiner: Okay.

Interjection.

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The Chair (Mr. Dave Smith): Because there wasn’t unanimous consent for that, we’ll move to section 25 of schedule 1, on page 5 of your amendments. Ms. French?

Ms. Jennifer K. French: I move that section 25 of schedule 1 to the bill be amended by adding the following subsection:

“(2) Section 130 of the act is amended by adding the following subsection:

“‘Proof of offence under sub. (3)

“(7) The conviction under this act of a driver of a motor vehicle, other than a motor assisted bicycle, is deemed to be proof of an offence under subsection (3) if the conviction is for an offence that resulted in bodily harm or death being caused to a person who was vulnerable by virtue of the fact that the person was a pedestrian, cyclist or person working upon the highway.”

The Chair (Mr. Dave Smith): Debate and comments? Ms. French?

Ms. Jennifer K. French: Yes, thank you. My colleague from University–Rosedale’s bill, Bill 62, which seeks to support and protect vulnerable road users: This is that last piece that we’ve tried to get some of the others into this legislation as amendments, but this is part of it that makes clear that death or serious injury of a vulnerable road user, due to any offence under the Highway Traffic Act, is proof of careless driving. If a motorist is convicted of any offence under the Highway Traffic Act that results in the bodily harm or death of a vulnerable road user, that should be deemed proof of the offence of careless driving.

I know that we’ve talked about it already, but you certainly heard from many folks who came to committee to speak about the realities of using our roads. This amendment, again, makes it clear that the death or serious

injury of a vulnerable road user due to any offence is proof of careless driving.

The amendment recognizes that most drivers who kill or injure vulnerable road users are never convicted of careless driving if they plead down or if it’s a lesser charge—if they are convicted of lesser offences like failure to signal or making an improper right turn, which come with less serious penalties, even if it still causes death or serious injury. This is seeking to remedy that.

The Chair (Mr. Dave Smith): Any further comments? Miss Surma.

Miss Kinga Surma: I just want to remind the members of the committee that one of the first steps that our—

Mr. Chris Glover: Sorry, a little louder, please.

Miss Kinga Surma: I just want to remind the members of the committee that one of the first steps our government took was to bring into force new, tougher penalties against careless drivers who kill and injure. Drivers convicted of careless driving causing bodily harm or death now face fines from \$2,000 to \$50,000, a driver’s licence suspension of up to five years, and up to two years in jail.

The Chair (Mr. Dave Smith): Further comments? Mr. Schreiner.

Mr. Mike Schreiner: Yes. I appreciate the member offering that statement, but it is clear that there are many instances where a vulnerable road user is seriously injured or even dies and the offence is not careless driving. Having legislation apply to all offences seems to be something that’s standing up for victims, victims of somebody who has broken the law and sometimes killed them, or done a significant injury.

Who couldn’t be moved by the young woman who came here and faced an accident in which she received an amputation, and the driver received a minimal fine—wasn’t required to show up at court and didn’t have their driver’s licence suspended. Meanwhile, this particular person, who I remind you is the victim, had their driver’s licence suspended and faced life-altering injuries.

It’s clear over and over again, both in the testimony that came here but also in information out of the coroner’s inquest, that there are other traffic violations beyond careless driving that lead to significant injury or even death, and that if we’re truly going to stand up for victims of these crimes then all traffic violations should be applicable.

The Chair (Mr. Dave Smith): Further debate? Ms. French.

Ms. Jennifer K. French: To Miss Surma’s point, the charge and conviction of careless driving is not—we’re not debating that in the changes that this government has made. This is a matter of, if someone pleads down from that charge and is convicted of, as we’ve said, a “lesser” charge—and I say “lesser” with air quotes, recognizing that bad things can happen on the roadways, that people can die or be significantly injured because of a failure to signal or an improper left turn, improper U-turn, and the outcome may be the same. So this is one way of ensuring that we can have this conversation that is in order, in this way, of protecting those vulnerable road users and saying that death or serious injury of a vulnerable road user is

clear proof of careless driving, even if it was because of an improper left turn or something else, so a lesser Highway Traffic Act violation.

I guess I would also ask the government, if they truly support a vulnerable road user act, what would that look like? How would we make that law and how can we see that in this province? Because you've heard at committee—but we certainly have been hearing for years from safety advocates and families. I have a bill coming up that wasn't in order, but that speaks to penalties being in line when people are killed or injured. I just think that we have to not just have this conversation; we have to decide to make the change. Here is a perfect example, or a perfect opportunity.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Ms. Jennifer K. French: Recorded vote, please.

Ayes

French, Glover, Schreiner.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): The amendment is lost.

Shall schedule 1, section 25, carry? Any debate? Seeing none, are the members ready to vote? Those in favour of schedule 1, section 25, please raise your hand. Those opposed, please raise your hand. Schedule 1, section 25, carries.

Since we've finished section 25, we're going to go back to the consideration of the sections in their order.

We're now on section 29 of schedule 1. Since there are no amendments, shall schedule 1, section 29, carry? Any debate? Are the members ready to vote? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 1, section 29, carries.

Schedule 1, section 30: It is the amendment on page 8. Ms. French? I'm sorry. Mr. Schreiner.

Mr. Mike Schreiner: I move that section 30 of schedule 1 to the bill be amended by adding the following subsection:

“(3) Section 151 of the act is amended by adding the following subsection:

“Bicycle exception

“(5.1) Despite subsection (5), a person may ride a bicycle on the paved shoulder of any part of the King's highway, except as otherwise prohibited by law.”

The Chair (Mr. Dave Smith): Debate and comments? Mr. Schreiner.

Mr. Mike Schreiner: This is connected to the next amendment I'm going to be putting forward, which actually is based on proposed legislation that has come from a member of the government side around paved shoulders on highways, but this establishes that cyclists are able to cycle on paved shoulders. Obviously, that

wouldn't be applicable to 400-series highways, but at least on other highways.

The Chair (Mr. Dave Smith): Any further debate? Ms. French.

Ms. Jennifer K. French: I'm seeking clarification. My understanding is that the term “King's highway” actually did refer to 400-series highways. Am I wrong?

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Mr. Mike Schreiner: Hold on one second, there. I can answer that.

The Chair (Mr. Dave Smith): Okay, Mr. Schreiner.

Mr. Mike Schreiner: Those will be explicitly prohibited by law, and so you're right, but because they are prohibited by law, it wouldn't be applicable to 400-series highways. It would be applicable to non-400-series highways.

The Chair (Mr. Dave Smith): Ms. French.

Ms. Jennifer K. French: Okay. So because it is currently explicitly prohibited by law, then we wouldn't consider them? Though as it's written, “King's highway” would include 400-series highways. But the intent of the member is not to allow bicycles on our 400 series—just checking.

Mr. Mike Schreiner: That is correct, and that's why it's written in the way it's written, yes.

The Chair (Mr. Dave Smith): Sorry. Mr. Schreiner.

Mr. Mike Schreiner: Sorry, Chair.

Yes, and that's why it's written in the way it's written.

The Chair (Mr. Dave Smith): Any further comments or debate? Seeing none, are the members ready to vote? Those in favour of the motion, please raise your hand. Those opposed to the motion, please raise your hand. This amendment is lost.

Section 30 of schedule 1 to the bill, subsection (4), page 9 of our amendments: Mr. Schreiner.

Mr. Mike Schreiner: I move that section 30 of schedule 1 to the bill be amended by adding the following subsection:

“(4) Section 151 of the act is amended by adding the following subsections:

“Paved shoulders—application

“(8) Subsections (9) to (14) apply to the portions of the King's highway prescribed by the regulations for the purposes of this section.

“Paved shoulders—duty to construct

“(9) If a prescribed portion of the King's highway does not have a paved shoulder, the minister shall construct a paved shoulder on that portion when there is a significant undertaking to repave or resurface that portion.

“Paved shoulders—width

“(10) A paved shoulder must be at least one metre wide.

“Paved shoulders—exception

“(11) The minister is not required to construct a paved shoulder where it would be impracticable to do so.

“Paved shoulders—warning sign

“(12) The beginning of a paved shoulder must be marked with a ground mounted sign that warns drivers to

watch for pedestrians and cyclists and to be prepared to share the road with them.

“Paved shoulders—regulations

“(13) The minister may make regulations prescribing portions of the King’s highway for the purposes of this section.

“Paved shoulders—same

“(14) If no regulations have been made under subsection (13) within one year after the day subsection 30(4) of schedule 1 to the Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019, comes into force, the minister shall table a report in the Legislative Assembly that provides,

“(a) reasons why such regulations have not been made; and

“(b) a description of the progress that the minister has made in identifying the portions of the King’s highway to be prescribed by such regulations.”

The Chair (Mr. Dave Smith): Thank you, Mr. Schreiner. Any debate or comments? Mr. Schreiner.

Mr. Mike Schreiner: This amendment is really based on the good work that the member from Parry Sound–Muskoka has engaged in over a number of years now, really pushing for what I feel is a very practical solution as a way to increase road safety for cyclists in particular, but also pedestrians and all road users—it could include snowmobiles in the winter months: that when a section of highway is constructed, reconstructed or significantly changed, we mandate that there be paved shoulders.

The mandate for paved shoulders would make the road safer for motorists as well, but in particular, it would provide a space for cyclists, wheeled mobility devices, pedestrians and others to have a safe place to travel, which is going to increase safety for both motorists and cyclists because now, what oftentimes happens is cyclists are actually in the lane of traffic, or right on the edge of the lane of traffic. This would pull them out of the lane of traffic by giving them a paved shoulder on which to ride, to travel. That would make things so much easier for motorists as well as for cyclists.

And not only will it increase road safety, I think it’s critically important to establishing cycling tourism in the province of Ontario. We’ve made a lot of strides in that direction over the last few years, but one of the biggest barriers, particularly in rural communities and especially in the north, is that we don’t have roads that are safe for cyclists. That limits the opportunities we have. Quebec has literally turned cycling tourism into a multi-million-dollar-a-year enterprise. I think that’s one of the reasons the member from Parry Sound–Muskoka has put forward this bill, because obviously Parry Sound–Muskoka is the kind of riding where you would have a lot of cyclists wanting to participate actively in cycling tourism.

I do a lot of cycling in the Simcoe county region, particularly around Collingwood, Blue Mountain etc., and because of the popularity of cycling now, we’re starting to see conflict between motorists and cyclists. Part of the conflict is legitimate concerns that motorists have that cyclists are starting to take up parts of the lane that they

want to travel on. Here’s an opportunity to create a space for motorists, to create a space for cyclists. We can avoid those kinds of conflicts and actually make the roads better for all users.

The Chair (Mr. Dave Smith): Further comments? Ms. French.

Ms. Jennifer K. French: As my colleague Mr. Glover had said, this is something that we support. I don’t have a tale of riding my bike back from Huntsville, though, to go with it. But I would say that when it came time to support what was then Bill 137, the member from Parry Sound–Muskoka’s bill, the NDP did support that bill at second reading. It was the Liberal government that let it die. And I find it very interesting that the member’s own government has not seen fit to include it in Bill 107 when we are talking about transportation. I think that it makes sense to ensure that provisions for cyclists are included whenever it’s a non-400-series highway, when it’s being resurfaced or reconstructed.

The Chair (Mr. Dave Smith): Any further comments or debate? Mr. Glover.

Mr. Chris Glover: I would add one other thing. When I was riding my bike along the highway there, with the spring runoff—and this happens all over our highways—the shoulder gets washed away. There were spots on the shoulder of the highway just beside the asphalt where the asphalt is starting to crumble and there’s like a one-foot gully right beside the shoulder. This actually would improve safety not only in providing a space for cyclists when they’re on the road, but also for cars. If you happen to veer off in the spring, you’re not going into a one-foot ditch that’s right on the shoulder. I think it would improve safety for both cyclists and for vehicles.

The Chair (Mr. Dave Smith): Any further debate or comments? Seeing none, are the members ready to vote?

Mr. Mike Schreiner: Recorded vote, please.

Ayes

French, Glover, Schreiner.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Shall schedule 1, section 30, carry? Is there any debate? Are the members ready to vote? Shall schedule 1, section 30, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 1, section 30, carries.

Schedule 1, the Highway Traffic Act. There are no amendments to sections 31 to 34 of schedule 1; therefore, I propose we bundle these sections together. Do I have an agreement on that?

Is there any debate on sections 31 to 34? Are the members ready to vote? Shall schedule 1, sections 31 to 34, inclusive, carry? Those in favour, please raise your

hand. Those opposed, please raise your hand. Schedule 1, sections 31 to 34, carry.

Schedule 1, section 34.1. It is an amendment. Mr. Schreiner.

Mr. Mike Schreiner: I move that schedule 1 to the bill be amended by adding the following section:

“34.1(1) Clause 205.1(1) of the act is amended by adding ‘a portion of highway referred to in subsection 128(5) or’ before ‘an area of Ontario designated by the regulations’.

“(2) Clause 205.1(1)(b) of the act, as re-enacted by section 5 of the Safer School Zones Act, 2017, is repealed and the following substituted:

“(b) in a portion of highway described in subsection 128(5) (rate in school zones).”

Actually, I’m just thinking: Given the previous vote on one of my amendments, I might as well just withdraw this amendment.

The Chair (Mr. Dave Smith): Thank you, Mr. Schreiner.

There are no amendments for sections 35 to 40 of schedule 1. I propose we bundle those together. Do I have consent for that? Yes. Is there any debate on sections 35 to 40? Seeing none, are the members ready to vote? All those in favour of schedule 1, sections 35 to 40, please raise your hand. All those opposed to schedule 1, sections 35 to 40? Sections 35 to 40 carry.

Seeing the time on the clock, I’m not sure that we have enough time before we have to end to do the next amendment. Therefore, I’m going to recess until 2 o’clock this afternoon.

The committee recessed from 1011 to 1400.

The Chair (Mr. Dave Smith): Good afternoon. We are back for clause-by-clause consideration of Bill 107, An Act to amend the Highway Traffic Act and various other statutes in respect of transportation-related matters.

Liron Taub from legislative counsel is here to assist us with our work should we have any questions for him.

Before recessing this morning, we had just voted on sections 35 through 40 of schedule 1. We’re now at the amendment on page 11, which deals with section 40.1 of schedule 1. Are there any questions before we begin?

Section 40.1 of the bill: Ms. French.

Ms. Jennifer K. French: I move that schedule 1 to the bill be amended by adding the following section:

“Highway 407 East Act, 2012

“40.1 The definition of ‘Highway 407 East’ in subsection 1(1) of the Highway 407 East Act, 2012, is repealed and the following substituted:

“‘Highway 407 East’ means the highway between the easterly end of Highway 407, as defined in the Highway 407 Act, 1998, and Highway 35/115 and any improvements and fixtures on the highway but does not include any King’s highways that connect the highway to Highway 401; (“autoroute 407 Est”)”

The Chair (Mr. Dave Smith): Thank you. I’m going to have to rule this amendment inadmissible, as it proposes amending a statute that is not before the committee. I therefore rule the motion out of order.

Ms. French.

Ms. Jennifer K. French: I hear the Chair, and I may have anticipated that. But the people of Oshawa and Whitby made it clear they want these tolls removed. I know the government has been on the record before—and I just wanted to give them the chance to maybe grant me unanimous consent to have this motion considered.

The Chair (Mr. Dave Smith): Do we have unanimous consent to consider this motion? I heard a no.

Moving on, then, to schedule 1, section 41, and schedule 1, section 42. Since there are no amendments to those two, could we bundle those together? Okay.

Is there any discussion on section 41 and section 42? Seeing none, are the members ready to vote? Shall schedule 1, section 41 and section 42, carry? Those in favour, please raise their hand. Those opposed, please raise your hand. Sections 41 and 42 of schedule 1 carry.

Schedule 1, section 43: We have an amendment—page 12 in your amendments. It is section 43(2) of the schedule. Mr. Schreiner.

Mr. Mike Schreiner: I think we can just withdraw that motion because it’s no longer applicable given the earlier votes.

The Chair (Mr. Dave Smith): Thank you. Since that one has been withdrawn, shall section 43 of schedule 1 carry? Any discussion? Seeing none, are the members ready to vote? Shall schedule 1, section 43, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 1, section 43, carries.

We have gone through all of the sections of schedule 1. Shall schedule 1 carry? Is there any discussion?

Ms. Jennifer K. French: Recorded vote.

The Chair (Mr. Dave Smith): Recorded—

Ms. Jennifer K. French: Oh, this is the whole—

The Chair (Mr. Dave Smith): The whole schedule.

Ms. Jennifer K. French: Okay. Recorded vote, while we’re here.

Mr. Mike Schreiner: All of schedule 1.

The Chair (Mr. Dave Smith): All of schedule 1.

Mr. Mike Schreiner: Can I say a real quick comment?

The Chair (Mr. Dave Smith): Sure. Mr. Schreiner.

Mr. Mike Schreiner: I had hoped that after the numerous, I thought very powerful, depositions that came to committee that talked about protecting victims’ rights and ensuring that we would have those rights protected for vulnerable road users—I think there’s numerous evidence that has shown the validity of having a vulnerable road users’ act, and I think the evidence that has been out there was backed up by the many depositions we had at committee.

I’d hoped the government would stand up for victims’ rights in this particular case, especially given our shared desire for more education to happen. I think one of the ways more education can happen is that if people contravene the act and do it in a way that leads to significant injury or death, they are actually penalized appropriately.

I had hoped the government would have accepted some of the opposition amendments that would have created safer streets and, I think, increased education on the need for safe driving around vulnerable road users, and to

ensure that vulnerable road users receive justice in our criminal justice system. It's unfortunate that those amendments were voted down.

The Chair (Mr. Dave Smith): Further debate?

Ms. Jennifer K. French: Seeing as how actually everyone on the opposition side of committee today submitted different amendments to the same point, that vulnerable road users are indeed that—they are vulnerable and they deserve protections, and we have to ensure that for those who are left behind in the wake of a death or a significant injury, there is some sort of, as much as it can be fair, fairer penalty process and outcome for those left behind. Certainly the committee heard loudly and clearly and emotionally from the broader community that this has to be considered. So in voting against all of the amendments today, that's disappointing and frustrating, but not the end of it, I think.

The government has the opportunity—with Bill 62 that's on the order paper, which is a vulnerable road users' act, and other pieces of legislation that sought to achieve what we tried to do today, there will be another opportunity for the government to do right by our vulnerable road users in the province, and if not that, then the government should challenge itself to come forward and protect those who use our roadways.

The Chair (Mr. Dave Smith): Any further debate? Ms. Wai.

Mrs. Daisy Wai: Yes. I am just as touched and as moved by all those stories that were presented. I agree with you that it's not something we just want to brush aside. However, we have just introduced a new bill on September 1, 2018. A new careless driving charge for those who cause bodily harm and death took effect, and there are fines from \$2,000 to \$50,000, six demerit points, a driver's licence suspension and up to two years in jail, and also maximum fines were fined from \$1,000, and demerit points increased from three to four. So we have already introduced that. That is already just in the works.

However, because it is just introduced, we still want to see everything before we re-evaluate or reopen it, so it should not be included in today's bill that we are reviewing. However, the Ministry of Transportation will monitor the impact of these new penalties as it looks for ways to improve road safety. We will continue to consult with the police and consult with the communities as we review them later on, but not so fast because we just introduced that on September 1, 2018.

The Chair (Mr. Dave Smith): Further debate?

Ms. Jennifer K. French: And that might be recent for this government, but these are not recent conversations. Certainly Bill 154, in the last session, sought to do something a little different than this, but again considering those who are on our roads and deserve protection or deserve an appropriate penalty in the aftermath of something bad happening.

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I am not minimizing anything to do with the careless driving charges and penalties, but I am challenging that, as you have heard, and if your government is going to be

paying attention and evaluating, then I hope that they are counting the number of careless driving charges that are pled down, that don't actually result in the careless driving conviction, because all of this is moot if it is reduced to a different Highway Traffic Act violation, and then we having nothing, no protection and no appropriate resolution for those left behind. So, on the record, I hope that that is part of the consideration.

The Chair (Mr. Dave Smith): Further debate? Mr. Schreiner.

Mr. Mike Schreiner: I appreciate the honourable member bringing forward that information. But it was made clear once again in testimony at committee, as well as you've seen in other evidence, that to truly have teeth in the legislation that protects vulnerable road users, you need to apply all 45 Highway Traffic Act violations, precisely for the reason that they oftentimes are pled to another charge and then the person who kills somebody or seriously injures somebody essentially gets off almost with a slap on the wrist. What kind of justice does that provide people?

So my hope, and sort of why I put forward that long amendment, is to simply apply it to all 45 violations just to provide basic justice for people. My hope is that, as the government monitors and continues to consult, they bring forward legislation, hopefully as soon as possible, that would address justice for vulnerable road users.

The Chair (Mr. Dave Smith): Any further debate? Ms. Hogarth.

Ms. Christine Hogarth: We all heard some of the deputations, and I appreciate some of the ideas you brought forward, as well as the NDP. As we monitor what's happening now, it's my understanding that some of these are just regulation changes, so we can make those changes without changing a bill. So as we move forward, I think that we should all consider that.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote? Shall schedule 1 carry?

Ms. Jennifer K. French: Recorded vote.

Ayes

Calandra, French, Glover, Hogarth, Kanapathi, Sandhu, Schreiner, Stevens, Surma, Wai.

The Chair (Mr. Dave Smith): Schedule 1 carries. Schedule 2, section 1: We have a proposed amendment here. Ms. French.

Ms. Jennifer K. French: I move that section 1 of schedule 2 to the bill be struck out and the following substituted:

"1. Clause 267.12(4)(c) of the Insurance Act is amended by adding 'unless the lessor or lessors of the motor vehicle and the lessee are dealing with each other at arm's length and the terms of the lease agreement prohibit such use' at the end."

The Chair (Mr. Dave Smith): Further debate? Ms. French.

Ms. Jennifer K. French: This is an interesting schedule. When we first read it, we were wondering what the story was and what is the need. But the best we can figure is that this will leave people unprotected who might be in an Uber or a Lyft kind of situation, either driving or passengers.

Section 267.12(4) of the Insurance Act currently caps the liability of car rental companies whose cars are involved in an accident. However, this cap does not apply if the car is used as a taxi—so, for example, by an Uber or a Lyft driver. As written, schedule 2 would maintain the liability cap if a car is rented and then used as a taxi, but only if the car rental company is dealing at arm's length with the lessor. Our amendment would also require that the terms of the rental agreement prohibit using the rented car as a taxi.

As written, schedule 2 goes further than protecting car rental companies that unknowingly rent to an Uber or Lyft driver. In fact, it would seem to open up a brand new market for car rental companies, who would no longer have to face unlimited liability for renting to drivers of Uber or Lyft. This would give companies like that access to a whole new supply of precariously employed drivers, who alone would bear the liability if they get into an accident. I think we could understand why that is problematic. This would leave Uber or Lyft passengers who ride in rented cars with less insurance protection as well. I think it would put more of those types of vehicles and situations on the road, and we don't know what the impact on road safety and congestion might be.

The member opposite has talked about things happening quickly and the government needing the opportunity to evaluate. I think this is the perfect example. We all know that the world is changing and there are new options and things. But to not engage with the experts who are already observing that companies like Uber are displacing transit, and they are changing our congestion patterns—I think that the government should not be making such a significant change to the transportation ecosystem without first consulting with experts, understanding the impacts and, ultimately and potentially, leaving people unprotected.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Ms. Jennifer K. French: Yes, but with a recorded vote, please, Chair.

Ayes

French, Glover, Schreiner, Stevens.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): The amendment is lost. Shall schedule 2, section 1, carry? Any debate? Are the members ready to vote?

Interjection.

The Chair (Mr. Dave Smith): No, that's just—

Ms. Jennifer K. French: I beg your pardon.

The Chair (Mr. Dave Smith): Okay. All those in favour of schedule 2, section 1, please raise your hand. Those opposed to schedule 2, section 1, please raise your hand. Schedule 2, section 1, carries.

Schedule 2, section 2: There are no amendments to it. Is there any debate? Are the members ready to vote? Shall schedule 2, section 2, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 2, section 2, carries.

Shall schedule 2 carry? Any debate?

Ms. Jennifer K. French: Recorded vote.

The Chair (Mr. Dave Smith): Okay. Are the members ready to vote? It will be recorded.

Ayes

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

Nays

French, Glover, Schreiner, Stevens.

The Chair (Mr. Dave Smith): Schedule 2 carries.

Schedule 3, section 1: There are no amendments. Is there any debate on schedule 3, section 1? Seeing none, are the members ready to vote? Shall schedule 3, section 1, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 3, section 1, carries.

Schedule 3, section 2—sections 46 to 50—on page 14 of the amendments. Ms. French.

Ms. Jennifer K. French: I move that section 2 of schedule 3 to the bill be struck out and the following substituted:

“2. Section 46 to 50 of the act is repealed and the following substituted:

“Prohibition re transfer of assets etc.

“46. None of the city of Toronto's and its agencies' assets, liabilities, rights and obligations with respect to a rapid transit project shall be transferred, except with the consent of the city of Toronto.”

1420

The Chair (Mr. Dave Smith): The proposed amendment contains a reference to section 46 of the Metrolinx Act, which does not exist. This amendment, therefore, is out of order.

Section 2 of schedule 3, amendment number 15. Ms. French.

Ms. Jennifer K. French: I move that section 2 to schedule 3 to the bill be amended by adding the following subsection to section 46 of the Metrolinx Act, 2006:

“Condition precedent

“(1.1) The Lieutenant Governor shall not prescribe a project under subsection (1) unless the corporation has published a report on its website setting out any evidence that it would be in the public interest, with respect to fares,

service standards and costs to the public, to prescribe the project.”

The Chair (Mr. Dave Smith): Any further discussion and debate?

Mr. Chris Glover: This really speaks to the transit—

The Chair (Mr. Dave Smith): Sorry. Mr. Glover?

Mr. Chris Glover: Oh, thank you.

This really speaks to the transit plan that has been released and that is presumably the basis for this bill. The transit plan that’s been released has absolutely no cost-benefit analysis that backs it up. The province is proposing to take possession of the TTC subway system, with or without compensation, with or without their permission, yet they have no plan and no evidence that this would in any way improve the service for the people of Toronto who have paid for it. And the TTC has operated that system for the last 100 years.

This is to say: Don’t do this. The government should not be able to proceed with this unless they can provide evidence that the service to the people of Toronto will be improved by this action.

The Chair (Mr. Dave Smith): Further debate? Ms. French.

Ms. Jennifer K. French: Yes. I think that it’s good public policy to publish evidence that would indicate that a decision is indeed in the best interest of the public. If the government believes that uploading is in the public interest, then it should have no problem publishing evidence that shows us this. I would hope that the government would not vote against this amendment, because I feel like that would be a clear indication that perhaps the government indeed doesn’t care about the evidence or the public interest. So prove us wrong. If the government believes it’s in the public interest, then they should be fine with publishing evidence to show it.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Chris Glover: Recorded vote, please.

Ayes

French, Glover, Schreiner, Stevens.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): The amendment to section 2 of schedule 3 to the bill is lost.

Amendment number 16, section 2 of schedule 3 to the bill: Ms. French.

Ms. Jennifer K. French: I move that section 2 to schedule 3 to the bill be amended by adding the following subsection to section 46 of the Metrolinx Act, 2006:

“Same

“(1.2) The Lieutenant Governor shall not prescribe a project under subsection (1) unless approval of the city of Toronto and any other municipality that might be

impacted as a result of prescribing the project has been obtained.”

The Chair (Mr. Dave Smith): Debate or comments? Ms. French.

Ms. Jennifer K. French: Yes. This is saying that no rapid transit project shall be uploaded without the approval of all affected municipalities. It’s a similar argument that I would have made earlier, had it not unexpectedly been ruled out of order, but anyway, we find ourselves here.

I would say that that Bill 107 is bad-faith legislation. The government claims to be consulting in good faith with its municipal partners, but it’s already tabling legislation that treats the subway upload as a done deal. If the government is sincere in seeking a good-faith partnership with the city of Toronto, the region of York and other affected municipalities, then it will act with the approval of all of its partners. This government talks about partnership; here’s a perfect opportunity to mean it.

The Chair (Mr. Dave Smith): Further debate, Mr. Glover?

Mr. Chris Glover: Yes. I have a letter here from Chris Murray, who is the city manager of Toronto. He says that in May—just this past month—and in December 2018, “city council passed resolutions stating a position that ownership of the Toronto subway system should not transfer to the province of Ontario.” The city has asked the province not to take over the subway system.

Now, the city has come to the table. The city has said that they will—they have voted to come to the table to negotiate terms of reference with the province. The terms of reference are that there would be:

“—a jointly agreed upon set of objectives which give consideration to the city’s [guiding principles];

“—an evaluation of potential models and other policy options, including a comprehensive assessment of the potential risks, liabilities and implications, to achieve both the province and city objectives; and

“—the inclusion of a public consultation process which results in a meaningful exchange of concerns and/or opportunities raised in transparent manner.”

So the city has said that they are willing to work in good faith as a partner with the province to discuss the potential of this upload, and the province agreed to that. In fact, the minister boasted about the city coming to the table just a month ago. And now, the province has come to the table and said, “Forget about the consultation. Forget about the agreement that we’ve signed. We’re just going to take over the subway system in Toronto through this legislation.” It shows that the province, this government, is actually acting in bad faith, that they are not interested in a partnership with the city. It shows that they’re not interested in a public consultation process over one of the most valuable assets that the people of Toronto own.

I think it would behoove the members here to prove us wrong, to at least postpone this bill or to vote for this amendment, so that the minister can live up to his word, which was to embark on consultations with the city and to have public consultations, as well. So I’m hoping that the

members of the government will actually support this amendment.

The Chair (Mr. Dave Smith): Any further comments or debate? Mr. Schreiner.

Mr. Mike Schreiner: I think that, in general, schedule 3 of Bill 107 establishes a dangerous precedent that the provincial government can upload transit assets from municipalities without consultation, without their agreement, without their input. It's as if, if we want to seize this asset, we can do it. I think it's a dangerous precedent not only for the city of Toronto, directly affected by this, but other municipalities, especially given the historical nature of tri-government agreements around funding major infrastructure projects like transit.

If the provincial government, even in their own transit plan, has announced funding for 40% of it, and they're asking other levels of government to be partners, it's pretty hard to ask another level of government to be a partner and potentially be investing billions of dollars in that project, to know that at some point in time the provincial government can come along and just take the asset away without any approval.

Now, there might be reasons that the city of Toronto or another municipality would want to upload their transit services and that we'd have a more regional transit plan and utilize the province's expanded financial tools, but I think that at the very least, the municipality affected, who has put billions of dollars into this asset, should at least have a say in it. The city may at some point agree to it, but at the very least, give them the option to agree to it instead of just taking their asset.

I'll be voting in favour of this amendment.

The Chair (Mr. Dave Smith): Any further debate or comments? Mr. Calandra.

Mr. Paul Calandra: Not for nothing, but of course, there was a commitment that was made in the platform of the party. It was a commitment that was made in the platform of the party.

But I have to take a little bit of issue with the members opposite who suggest that it's only the city of Toronto that pays for this. The people of York region pay a lot of money for their transit. We pay a lot of money into the city of Toronto for its transit. We're not asked whether we want it or not; we just pay for it. We've suffered under a lack of transit, a lack of decision-making, especially in the south-eastern part of my riding, for decades. We've suffered for money, \$5 billion, that was sent to the city of Toronto 10 years ago and not spent.

1430

So with all due respect to the city of Toronto members and to the member for Guelph, when you suggested that it's the city of Toronto's asset, I would suggest that the billions of dollars that the people of Ontario and the people of Canada, from other parts of this country, put into the subway make it an asset that's all of ours, not just the city of Toronto's asset. That is, as I said, part of the reason that these decisions have to be made now.

When you say "lack of consultation," it was pretty clear in the platform that this is what was going to happen—but,

ultimately, it's that suggestion that somehow the people of Ontario don't own this asset or haven't contributed to this asset. I think you'd find a really harsh blowback from people in my riding if you went up to them on the street and said, "Well, you've paid nothing into the city of Toronto's transit system, so you shouldn't have a role in saying where it goes from here."

The Chair (Mr. Dave Smith): Further comments? Ms. French.

Ms. Jennifer K. French: I'm appreciative of the fact that there are certainly other affected municipalities, which brings me back to this amendment. I'm now optimistic that perhaps the government members will indeed support this one, because this is saying that the government should, in partnership with the affected municipalities, the region of York among them, have those conversations to ensure that it is indeed in good faith. So I hope that the member and the government members will support this amendment.

The Chair (Mr. Dave Smith): Any further debate? Mr. Schreiner.

Mr. Mike Schreiner: Yes. I think my initial comments were clear. But just in case they were not, I want to be very clear with the record that I was clear that all three levels of government have contributed to transit projects in Toronto and in other municipalities. As the city of Toronto is a significant contributor to their transit, as other municipalities are in their own communities—this is why I think this precedent, whether you live in York region or you live in Hamilton or you live in Toronto or you live in Ottawa or wherever, is a dangerous precedent, that the provincial government could come in at some point in time and say, "We're going to upload your transit without consultation." I would have to agree with the member that it clearly states "any other municipality," so the consultation that's being suggested here expands into York region or other municipalities, not just the city of Toronto. There may be some good arguments and there may be a way to find an agreement that we upload the Toronto subway system and have a regional network, but, by all means, empower communities who haven't paid for all of it, for sure, but who have paid for significant chunks of it to have a voice at the table.

The Chair (Mr. Dave Smith): Any further comments or debate? Mr. Calandra.

Mr. Paul Calandra: I would suggest that that consultation was called the election, and that's why York region sent only Conservative members to the Legislature. This was a huge issue for us, an enormous issue for us. So to hear the member from Parkdale–High Park—

Mr. Chris Glover: Spadina–Fort York.

Mr. Paul Calandra: —Spadina–Fort York presenting letters that it's only a city of Toronto decision—I appreciate that you're backtracking a little bit, but the reality is that this is something that we fought an election on. So to suggest that there wasn't public consultation on this when we spent days on this and months, as a party, talking about this very one specific issue and then to suggest that we would somehow then do something differently than what

we campaigned on—I think you’re wrong. I appreciate that you brought it forward, but you have to understand that we’ve been waiting a long time for transit, and this bill gets it done for us.

The Chair (Mr. Dave Smith): Further debate? Mr. Glover.

Mr. Chris Glover: Just to clarify my earlier point: If you read the amendment, it clearly says, “unless approval of the city of Toronto and any other municipality that might be impacted as a result of prescribing the project has been obtained.” So all of the municipalities, including yours, would be included in this consultation process. Just to clarify, you’re talking about the city of Toronto, but it’s also other municipalities. I recognize that, and it’s important to recognize that we do need to get people onto transit and out of cars so that we reduce the gridlock in the entire GTA.

It’s important to build transit, but this bill is not going to do it. This bill is actually going to hold up the plans that have already been made. It’s going to create a greater delay, not only for my community but for every community in the GTA, including your own.

The Chair (Mr. Dave Smith): Further debate? Mr. Calandra.

Mr. Paul Calandra: So, again, correct. You’re in agreement that the assets of the Toronto Transit Commission are every bit belonging to those in York region as they do to the city of Toronto—in Peel region, in Halton region and every other region—that those assets belong to all of the people of Ontario, not just to the people of the city of Toronto.

I get what you’re saying, what all of you are saying, that you agree with that. Are we in agreement on that?

The Chair (Mr. Dave Smith): Further debate and comments? Ms. French.

Ms. Jennifer K. French: I’m not sure how the language of this amendment just became this conversation with the member. This schedule is essentially the province confiscating the TTC—that’s what we have here. So if you’re going to go forward with this confiscation, defending it however the government chooses to defend it, then we have amendments here that would make pieces of it a little more palatable to those municipal partners and the folks in the different regions. We had a few more amendments and I’m happy to duke it out, but on this particular one I would think we’re all in agreement that those affected should be able to have a voice.

Interjection.

The Chair (Mr. Dave Smith): Sorry, Mr. Calandra. I have to recognize you before you can speak. Mr. Calandra.

Mr. Paul Calandra: No comments, Chair.

The Chair (Mr. Dave Smith): Any further comments or debate? Seeing none, are we ready to vote?

Ms. Jennifer K. French: Recorded vote, please.

Ayes

French, Glover, Schreiner, Stevens.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): This motion is passed—*Interjection.*

The Chair (Mr. Dave Smith): Could I have order, please? This motion is lost.

Amendment number 17, section 2 of schedule 3 to the bill: Ms. French.

Ms. Jennifer K. French: I move that section 2 to schedule 3 to the bill be amended by adding the following subsection to section 46 of the Metrolinx Act, 2006:

“Fares

“(1.3) The fares for use of a project described in subsection (1) shall comply with the following rules:

“1. The fare shall comply with the fare policy set by the Toronto Transit Corp.

“2. A user who accesses a project through a transit system operated by the Toronto Transit Corp. shall not be charged an additional fare.

“3. A user who accesses a transit system operated by the Toronto Transit Corp. through a project shall not be charged an additional fare.”

The Chair (Mr. Dave Smith): Any debate or comments? Ms. French, would you like to make comments?

Ms. Jennifer K. French: I would, while we’re here. A TTC rider should not have to pay a second fare to ride what will be an uploaded rapid transit line. Riders are worried that they will have to pay twice to ride a TTC bus and transfer to an uploaded subway. Here’s an opportunity for the government to guarantee that this won’t happen, by supporting this amendment. If the government refuses, then maybe that’s a clear—well, I’d say it’s proof that TTC riders have a good reason to worry about their fares going up and being forced to pay twice. So let’s reassure those riders by supporting this amendment.

The Chair (Mr. Dave Smith): Further comments or debate? Mr. Glover.

Mr. Chris Glover: What this is really about is, there’s a concern raised by transit users that if the province uploads the subway and starts managing the subway, there will be a surcharge or a charge by distance, like they have in London, England, so that if you live in Etobicoke or North York or Scarborough and you want to come downtown or across town, you would actually be paying a larger fee than you would if you lived downtown and were just going to a local area. That’s the concern, so this is an opportunity for the members opposite, some of you who represent the inner suburbs, to say, “No, the TTC will have a flat rate across the city and will continue to have a flat rate across the city.”

That’s why I’m hoping the government members will support this amendment, because if you don’t, then it’s raising red flags about the possibility of charging people by distance.

1440

The Chair (Mr. Dave Smith): Any further comments or debate? Seeing none, are the members ready to vote?

Ms. Jennifer K. French: Recorded vote, please.

Ayes

French, Glover, Schreiner, Stevens.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Amendment number 18, section 2 of schedule 3 to the bill: Ms. French.

Ms. Jennifer K. French: I move that section 2 to schedule 3 to the bill be amended by adding the following subsection to section 46 of the Metrolinx Act, 2006:

“Toronto Transit Commission

“(4) Despite anything else in this act, the Toronto Transit Commission shall be the sole operator of and shall solely maintain all subway and light rail systems that operate completely or mostly within the city of Toronto, including any subway or light rail system related to a project prescribed under subsection (1).”

The Chair (Mr. Dave Smith): Comments and debate? Ms. French.

Ms. Jennifer K. French: Yes. An integrated system requires that buses and streetcars and light rail and subways all work together as a network, so that riders can move seamlessly from one to the other in choosing the most efficient route for their trips. This is an amendment that would ensure that the part of the TTC system that works very well, and has been touted as working well, should be able to continue working well for riders. Again, this guarantees the integrated system that works well for riders, so that their experience continues to be unhindered.

The Chair (Mr. Dave Smith): Further comments or debate? Mr. Glover.

Mr. Chris Glover: One of the things that it’s important to remember is, historically, what lessons we can learn from the past. Until 120 years ago, there were multiple transit operators in the city of Toronto, so if you wanted to get on a streetcar, you paid one fare with one company, and if you wanted to get on a bus, you paid another fare with another company. Then, 120 years ago, the city took it over and created the Toronto Transit Commission.

For 120 years, we’ve had seamless transit across the city, and it has been operating extremely well in spite of having the lowest level of funding of any major transit system in North America. We have one of the best transit systems in the city of Toronto, and we want to maintain the operation and maintenance of that transit system with the TTC.

I saw somebody’s eyebrows raised—one of the members opposite. We don’t have enough transit, surely. I think we’ll agree that we don’t have enough transit, because there has not been funding from either the federal or the provincial government to build the transit that we actually need. But the operation of the transit that we have has been very good, and we want to maintain that. We

want to have a seamless system across the city. We don’t want to go back to the system we had 120 years ago, where you’d get on one streetcar and you had to pay one fare with the province, and then you’d get on something else and you’d have to pay another fare, or you’d have to pay fares by distance.

I’m hoping that the government members will support this amendment.

The Chair (Mr. Dave Smith): Any further comments? Are the members ready to vote?

Ms. Jennifer K. French: Recorded vote.

Ayes

French, Glover, Schreiner, Stevens.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): The amendment is lost. Section 2, schedule 3 of the bill, amendment number 19: Ms. French.

Ms. Jennifer K. French: I move that section 2 to schedule 3 to the bill be amended by adding the following subsection to section 46 of the Metrolinx Act, 2006:

“Toronto Transit Commission

“(4) Despite anything else in this act, the Toronto Transit Commission shall be the sole operator of all subway and light rail systems that operate completely or mostly within the city of Toronto, including any subway or light rail system related to a project prescribed under subsection (1).”

The Chair (Mr. Dave Smith): Comments and debate? Ms. French.

Ms. Jennifer K. French: Yes. This is saying that the TTC shall operate all uploaded rapid transit lines. The last amendment was about maintenance as well as operations, but I’m pretty sure, Mr. Chair, that we’ll have this one, that we will have everybody voting in favour of this, because the PC election platform clearly promised that the TTC would continue to be the operator of uploaded subway lines. So if the government refuses to support this amendment, I would say that that would prove that the government is not interested in keeping this election promise, and I know that there’s a chant or something about promises; I can’t think of it just now. But here we have a perfect example, a perfect opportunity for everyone in this room to support this amendment so that operation of all uploaded rapid transit lines, as per the PC election platform, will stay with the TTC.

The Chair (Mr. Dave Smith): Any further comments or debate? Seeing none, are the members ready to vote?

Ms. Jennifer K. French: With a recorded vote, please.

Ayes

French, Glover, Schreiner, Stevens.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): The amendment is lost. Amendment number 20, section 2, schedule 3 to the bill: Ms. French.

Ms. Jennifer K. French: I move that section 2 to schedule 3 to the bill be amended by striking out “with or without compensation” in subsection 47(1) of the Metro-linx Act, 2006, and substituting “with fair compensation, as agreed by the city of Toronto”.

The Chair (Mr. Dave Smith): Comments or debate? Ms. French.

Ms. Jennifer K. French: The provincial government must provide fair compensation for any assets it transfers from the city of Toronto. This is a very simple, common-sense amendment. If the government doesn't support this amendment, I would say that that would prove that it does indeed plan to seize Toronto's subways without paying compensation to the people of Toronto, the people who paid for these assets.

Does this government indeed plan to seize the subways, so it's a simple seizure?

The Chair (Mr. Dave Smith): Further comments and debate? Mr. Glover.

Mr. Chris Glover: One of the most powerful deputants we had last week was former mayor of Toronto John Sewell. He came in, and it was this part of this bill that he was most concerned about. He argued that Bill 107 contains provisions which offend one of Ontario's basic values, which is respect for private property.

Section 47 says, “May, by order, transfer to” Metrolinx, “with or without compensation, all or some of the city of Toronto's and its agencies' assets, liabilities, rights and obligations with respect to a project.” So basically the province is saying that they can, with or without compensation, transfer the assets of the city of Toronto to themselves. In short—and these are John Sewell's words—“the government is proposing in this legislation to seize the assets of the city of Toronto without compensation and without legal recourse for the city.” He concluded his comments by saying, “Governments should never have the ability to take away the property of others without compensation and without legal recourse.”

I looked up the definition of “steal” in the Collins dictionary and it says, “If you steal something from someone, you take it away from them without their permission and without intending to return it.” So this is taking away—I don't think there's any disagreement that the subway system belongs to the city of Toronto, that it is their property. And if it is their property, this bill allows the province to take that property, with or without compensation, and there are many sections in the bill that deny the city legal recourse to fight the seizure of their assets. That's why I would ask, in respect to private property rights, the members of the government to support this amendment.

1450

The Chair (Mr. Dave Smith): I would like to remind all members to be cautious in some of the language that they use in describing events from the bill.

Are there any further comments or debate? Mr. Calandra.

Mr. Paul Calandra: I'll say this: I'm glad that the member opposite has confirmed his party's belief, then, that the city of Toronto is exclusively 100% the owner, despite the fact that the outlying areas across the province and across Canada have spent billions upon billions of dollars to support and to build transit in the city of Toronto—as we have just done in Ottawa as well, frankly. I'm heartened by that.

But I find it extraordinary to hear the member from Toronto talk about private property, given the fact that today a 97-year-old from my riding, Mr. Whittamore, died. Mr. Whittamore opened up a farm in Stouffville—what was then Markham-Stouffville—and it was seized from him and his family after 200 years of ownership in his family. It was seized from him. A number of other farmers had their land seized from them and a park was built, Bob Hunter Park, which to this day is still not open. We had legislation in this House that—we had deputants, whether it was the Suzuki foundation or a whole other number of foundations that have encouraged the government to seize property from people for environmental purposes.

To have you sit here and tell this committee in support of the city of the Toronto that first of all, if you live outside of the city of Toronto and if you spend billions of dollars supporting the Toronto Transit Commission you have no ownership in it, thank you very much; it's only for those of us who live in the city of Toronto, not for the rest of you who own it—now here you suggest that you've now come around on property rights.

I hope you will come into my riding. I want you to. I will arrange the tour for you of the hundreds of farmers who had their land taken away from them—seized from them—who still fight to this day to get it back, to farm on that land that was seized from them for the creation of a park that hasn't opened up, and for other reasons.

A farmer in my area who is under the greenbelt—the greenbelt has forced him into a small area. He can't get his tractor out of his driveway any longer. He can't farm his 47 acres, can't get his tractor out of his driveway, can't exchange it for land elsewhere. That's what this statement runs completely counter to.

If nothing else comes out of this, to hear you say two things: (a) that those of us in the city of Toronto need not apply—that is powerful stuff—and (b) please come let me know when you can come tour my riding this summer and explain to the people who your party has fought against for decades that you have changed your mind and you now believe in property rights. I will arrange that tour. Maybe we can bring Mr. Schreiner out with us. I will arrange it. We will meet with all of these individuals, and we will host a celebration that the NDP has come around to property rights, the likes of which you have never, ever seen before.

So if nothing else has come out of this, spending this afternoon in this overheated room, those two statements alone are worth having been here, to listen to that—absolutely incredible.

The Chair (Mr. Dave Smith): Further comments? Mr. Glover.

Mr. Chris Glover: One of the most common logical fallacies is a straw man. It's where you assign to the opponent an argument that they never made and then you beat the hell out of that argument. That's exactly what you have here: a straw man argument.

What I have said is that no government should be able to seize assets without compensation, as this legislation is saying, and without legal recourse for compensation. That is what this legislation does, and it's unprecedented, so far as I can see, in Ontario's history.

The Chair (Mr. Dave Smith): Further comments? Ms. French.

Ms. Jennifer K. French: I'm waiting with bated breath, and I look forward to the vote on this to find out whether indeed there will be compensation to those who have paid for the assets through the years, and I know that lots of folks who use public transportation are also wondering.

The Chair (Mr. Dave Smith): Mr. Schreiner.

Mr. Mike Schreiner: I think one of the reasons that fair compensation is important—and it should be fair compensation for anybody, whether it's public property or private property that government expropriates.

In this particular piece, the reason I think it's important around fair compensation here is that this government itself, in its own transit plan, is looking for all levels of government to participate, and I'm assuming that in other transit initiatives, potentially across the province, municipalities are going to be asked to put money on the table. I think it would be important for us to reassure those municipalities that if they enter in good-faith agreements and things change sometime in the future, and the assets that they contributed to it—and it may only be a third or whatever—that they would receive just compensation for it, if that asset's taken away. I think that's just good governance, and it would be dangerous to set other precedents that compensation wouldn't be available for expropriation of an asset.

The Chair (Mr. Dave Smith): Further comments? Mr. Calandra.

Mr. Paul Calandra: Sorry. Will the compensation include those of us in the 905?

Mr. Mike Schreiner: I don't see why not.

Mr. Paul Calandra: So any compensation that goes to the city of Toronto would include those of us in the 905 who have spent billions of dollars. How would you calculate that?

The Chair (Mr. Dave Smith): Further comments?

Mr. Paul Calandra: Rouge Park farmers weren't compensated, by the way, and I still have yet to see any big protest over the fact that they weren't compensated.

The Chair (Mr. Dave Smith): Mr. Schreiner.

Mr. Mike Schreiner: I think the government has a responsibility—you put the legislation forward—to

outline how that compensation could look to ensure that every municipality is treated fairly.

The Chair (Mr. Dave Smith): Any further—*Interjection.*

The Chair (Mr. Dave Smith): Sorry, Mr. Calandra, I have to ask you to come to order.

Are there further comments? Seeing none, are the members ready to vote?

Ms. Jennifer K. French: Recorded vote.

Ayes

French, Glover, Schreiner, Stevens.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): The amendment is lost. Section 2 of schedule 3 to the bill, amendment number 21: Ms. French.

Ms. Jennifer K. French: I move that section 2 to schedule 3 to the bill be amended by striking out clause 47(9)(b) of the Metrolinx Act, 2006.

The Chair (Mr. Dave Smith): Comments and debate? Ms. French.

Ms. Jennifer K. French: As it's currently written, clause 47(9)(b) allows the government to use a regulation to amend any statute prescribed in the regulation. This amendment removes this authority to use a regulation to amend a statute.

This is a clause that has been seen in other legislation—I would hope rarely—but it has been referred to as the Henry VIII clause. It is one thing for the government to write a bill that says a specific statute does not apply and to put that bill before the Legislature for a vote, but it is another thing altogether for a government to give itself the power to make a regulation that exempts it from any statute it names in the regulation. This would allow a regulation to overrule a statute.

I would say that it is an affront to the Legislature, frankly, which is the only body with the legitimate authority to decide how a statute should or should not apply. If the government doesn't want, for example, the Labour Relations Act to apply here, then it should have the nerve to say so in the bill and hold itself accountable to the Legislature and the people of Ontario; whereas this little, powerful section allows a regulation to overrule a statute, and I think that's an affront to the legislative process.

The Chair (Mr. Dave Smith): Further comments or debate? Mr. Glover.

Mr. Chris Glover: I think most people in Ontario don't understand the difference between a statute and a regulation, but it's really important to understand that a statute is something that's debated upon in Parliament, in the Legislature, and it's voted on by the people who were elected by the people of Ontario. So there's a public process involved in that, and there's public accountability for who votes on that.

A regulation is something that the minister just states, that they write out—

Interjection.

Mr. Chris Glover: Well, they don't just state, they write, but it's something that the minister can do without going back to the Legislature, without going back to Parliament. So to give this regulatory power to overrule a statute turns our democracy on its head. It means that the minister can overrule something that the Legislature in a public debate, the foundation of our democracy—they can overrule what we voted on in the House.

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That is a dangerous, dangerous precedent. That is why this is called the Henry VIII clause, because it takes us back to before we even had democracy. It gives this minister the power to overrule the decisions of the House, and that's why it's such a concern. I'm hoping that the government members will stand up for our democracy, for the value of the work that's done in the Legislature and vote for this amendment.

The Chair (Mr. Dave Smith): Any further comments or debate? Seeing none, are the members ready to vote?

Ms. Jennifer K. French: Recorded vote.

Ayes

French, Glover, Schreiner, Stevens.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): The amendment is lost. Amendment number 22, section 2 of schedule 3: Ms. French.

Ms. Jennifer K. French: I move that section 2 of schedule 3 to the bill be amended by adding the following subsection to section 47 of the Metrolinx Act, 2006:

“Limitation re sale, lease and transfer of assets etc.

“(10) Any assets, liabilities, rights and obligations transferred to the corporation under subsection (1) shall not be sold, leased or transferred, except to the city of Toronto.”

The Chair (Mr. Dave Smith): Comments and debate? Ms. French.

Ms. Jennifer K. French: This is saying that no assets that are transferred from the city of Toronto to Metrolinx shall be subsequently sold, leased or transferred, except to the city of Toronto. We are wondering whether the government has ruled out selling off the public transit assets it plans to seize from the city.

The Chair (Mr. Dave Smith): Any further comments or debate? Mr. Glover.

Mr. Chris Glover: This really speaks to one of the concerns that was raised by a Scarborough group who deputed last week, the Scarborough Transit Action group. They're deeply concerned—I'll quote from them—about the privatization of a public service:

“Public transit is a service like education and health care. The upload of our existing ... subway system will create a privatized, two-tier transit system with no public accountability or control. It will delay projects in Scarborough and leave thousands more transit riders on buses.

“We urge you to abandon Bill 107.” This is speaking to the government from Scarborough Transit Action. “Instead work co-operatively with the city of Toronto to ensure we expand TTC service where it is needed most and benefits the most.”

The real concern here is that the government has not been transparent with its intentions of seizing this asset and with what it wants to do. So this is an opportunity to say, “Look, we're seizing the asset, but we're not going to privatize it and we're not going to sell it off.” If you do not support this amendment, then it raises the red flag that, yes, you do intend to sell off some or all of this asset that you're seizing.

The Chair (Mr. Dave Smith): Any further comments or debate? Seeing none, are the members ready to vote?

Ms. Jennifer K. French: Recorded vote.

Ayes

French, Glover, Schreiner, Stevens.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Amendment number 23, section 2 of schedule 3 of the bill: Ms. French.

Ms. Jennifer K. French: I move that section 2 of schedule 3 to the bill be amended by adding the following subsection to section 47 of the Metrolinx Act, 2006:

“No private financing

“(11) The design, development and construction of any project prescribed under subsection 46(1) shall not be privately financed and shall not involve any public-private partnerships.”

The Chair (Mr. Dave Smith): Comments or debate? Ms. French.

Ms. Jennifer K. French: This is saying that uploaded rapid transit projects shall not be delivered by public-private partnerships. Transit is a public good, not a private investment for global financiers. Ontario's Auditor General reported that Ontario's P3 projects cost \$8 billion more than the estimated base cost that would have been paid if it was a public project. This is equivalent to a 30% cost overrun on every single project, without any evidence that this \$8 billion delivered any value at all to the public.

Recently, Metrolinx paid an extra \$237 million to the contractor holding the Eglinton Crosstown P3 contract—the largest P3 settlement in Ontario history. Last week, we learned that in Saskatchewan they're getting into a mess with a new P3 hospital that needs a new roof. That is, granted, in Saskatchewan, but still, P3s are a taxpayer-

funded gift to private financiers, and we believe in strong, public transit. We hope that the government will decide to vote with us on this amendment.

The Chair (Mr. Dave Smith): Any further comments or debate? Mr. Glover.

Mr. Chris Glover: One of the big concerns with this is that you've announced a \$28-billion supposed plan for transit expansion and you've said that you're going to accelerate the construction of this and have it open in 2027, yet in this year's budget you didn't allocate any portion of that \$28 billion for transit expansion.

The question is: How are you going to build anything if you don't allocate any money towards it? The concern is that you're going to go through what's called a public-private partnership model, where you actually get a private financier to take over ownership of the asset, of the financing, and these big banks will make a ton of money—of taxpayers' money—and it will end up costing the taxpayers a lot more money to build the transit that we need. That's the big concern.

If you are not planning on privatizing the construction of the subway, if you're not planning on using a P3 model, this is your opportunity to state that to the public by supporting this amendment.

The Chair (Mr. Dave Smith): Further comments or debate? Seeing none, are the members ready to vote?

Ms. Jennifer K. French: With a recorded vote, please.

Ayes

French, Glover, Stevens.

Nays

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Shall schedule 3, section 2, carry? Is there any debate? Seeing none, are the members ready to vote? Shall schedule 3, section 2, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 3, section 2, carries.

Schedule 3, section 3: There are no amendments to it. Is there any debate? Are the members ready to vote? Shall schedule 3, section 3, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 3, section 3, carries.

Shall schedule 3 carry? Is there any debate?

Mr. Chris Glover: Schedule 3?

The Chair (Mr. Dave Smith): Schedule 3.

Ms. Jennifer K. French: This is the whole schedule?

The Chair (Mr. Dave Smith): This is the whole schedule, yes. Mr. Schreiner?

Mr. Mike Schreiner: I just wanted to say for the record that I think there could be an argument for uploading Toronto transit as part of a regional transportation system, if it was done in the appropriate way, in consultation with the city of Toronto and all affected municipalities, and done in a way that had the city's buy-in and had the

regional municipalities' buy-in. But this is just imposing it onto the city of Toronto: little consultation, little agreement, little respect for the asset, and very little discussion about how the systems are going to integrate, what the fare structure is going to be and how it's going to impact users.

To me, if the government wanted to campaign on this and do it, at least do it properly. I think that's why there's so much concern being expressed in the public about this particular schedule of the bill. It's that there are so many unanswered questions and there's a dangerous precedent being set about the effects that this schedule will have on other municipal assets, not only in Toronto but in municipalities across the province—that the province could seize those assets, if it sees fit to seize them, with little recourse available for those municipalities affected. I think we, as MPPs, are in dangerous territory if we vote in favour of this schedule.

1510

The Chair (Mr. Dave Smith): Further debate? Ms. French.

Ms. Jennifer K. French: We've made most of our points, if not in committee today then certainly in the Legislature in debate. This schedule 3, which is in effect the confiscation of the TTC and assets—we've put thoughtful amendments forward that would have given some reassurance to the riders who are concerned about what will happen with the fares and with, fundamentally, the maintenance of it and how they will utilize the whole system. We haven't heard any reassurance about fair compensation or what to do if there isn't compensation. These are significant assets; certainly no one is disputing that.

But this bill also gives surprising powers to cabinet, in the case of the Henry VIII clause, and we're not sure why. When we have asked questions about privatization, about seizing and selling, it is frustrating and disappointing that there is no reassurance forthcoming. Again, we're not any further along in wondering really what the final version of this will be.

What everyone in the greater Toronto area, not only those in Toronto, wants is to be able to get home at the end of the day, or to work, and they want to be able to navigate their communities. We want strong public transit pathways and transportation pathways. I don't have faith that this government will get it right. I know that might seem to make right with this government, and I'm not convinced that this is going to be an example of something that goes well or goes smoothly. I think we're on the wrong track.

The Chair (Mr. Dave Smith): Further comments? Mr. Glover.

Mr. Chris Glover: I've lived in Toronto for a long time, and I've lived in other parts of the province as well, and I do appreciate some of the comments from the member opposite about the concerns of neighbouring municipalities. I think the neighbouring municipalities should be concerned about this legislation, because the province is taking the power to seize a municipality's assets with or without compensation and allowing the province to deny legal recourse for the seizure of those assets.

The other concern I have is that the Conservatives have a terrible record on building transit, especially in this city. In 1995, the Eglinton subway system line was already under construction by the former NDP government, and then Mike Harris came in and filled in the subway hole and spent—I forget what the cost was, but it was millions of dollars just to fill it in. In 2010, there was a Transit City plan. If it had been implemented in 2010—but the Fords got into city hall and they cancelled the Transit City plan. If it had gotten in, there would now be a seven-stop LRT operating in Scarborough.

Every year, gridlock in this city costs \$6 billion. I know this from when I was a member of the Toronto District School Board. When we would vote on construction projects, there was a surcharge for building in Toronto because with every truck that came to or left a work site in Toronto, you had to compensate them for the gridlock and for the traffic that they would encounter. If we had an Eglinton subway station, if we had built the Scarborough LRT, that would have relieved some of the pressure on our roads and would have reduced the gridlock costs that we're all facing.

I'm deeply concerned that they say they're going to continue with the plans but they said they're going to build the relief line using different technology than the existing TTC lines. That means they've got to go back to the drawing board. There have been millions and millions spent planning the relief line. It's ready to go. They can put shovels in the ground if the province will just step up to the table and actually fund the relief line. But that's not going to happen now because they're going to have to go back to the drawing table. It means further delays. The three-stop subway in Scarborough is going to mean further delays because that's going to go back to the drawing board.

We desperately need transit to get built in this city, and the Conservatives have the worst record at building transit because they keep cancelling plans that are already developed. They're doing the same thing again.

This bill—there are so many things wrong with it, but really, when it comes to getting around the city, this bill is going to make it harder. It's going to delay the transit plans that have already been developed. It's going to mean that there is going to be more gridlock and less transit built, and it will be built more slowly, and if it's done through a P3, it will cost billions of dollars more than it would have otherwise.

The Chair (Mr. Dave Smith): Any further comments or debate? Mr. Calandra.

Mr. Paul Calandra: Mr. Chair, every single transit line—it was a Conservative government that built transit in the province of Ontario. It was a Conservative government that built a vast majority of the two existing lines. I'll give it to the Liberals, they did build—if I'm not mistaken—one line. They also brought us the Scarborough LRT, which we're closing down. The NDP did try to give us two stations, but in typical NDP fashion, you bankrupted the province back in 1990 to 1995, and we couldn't actually afford to go forward with another one.

It was, of course, the NDP who gave us the 407. It was the NDP who gave us the tolls on the 407. It was the Liberals who gave us the tolls on the 412 and the expanded 407. It was a Conservative government that gave us the Don Valley Parkway. It was a Conservative government that gave us the 401. It was a federal Conservative government that gave us the expansion into York region. It was a Conservative government that gave a subway to York University. It was a Conservative government that put \$5 billion aside for Scarborough rapid transit.

The only thing that the NDP has ever accomplished on transit is to complain and talk about it, and today we're hearing really what this is all about. It's about ignoring the billions of dollars that the people in other areas—and it's funny to hear that the member from St. Catharines is here and she's really upset about this. She's really fighting hard. What about your taxpayers? They've put hundreds of millions of dollars into supporting transit and transportation in the city of Toronto.

It was a Conservative government that gave us GO Transit. It was a Conservative government that gave us the Ontario Northland. It was a Conservative government that built the ferry system in this province. On every single measure, when it comes to moving people around, it was a Conservative government that got the job done.

We in the outlying areas, in the suburbs, you know what, we pay 37% to 47% higher property taxes than you do in the city of Toronto. For the most part, we don't complain. We'd like it to be a little bit less, we'd like there to be some equality between the two, but exactly what you're saying here today, the hard-core fight that you're putting to keep the rest of us out, to stop us from getting transit and transportation, to say that somehow the investments that we made are of no consequence—I think that speaks volumes for the people not only in the city of Toronto who should be worried about this, but anybody else who lives outside of this.

St. Catharines wants a better GO train. Well, do you know what? It was a Conservative government that got them better GO Transit. It wasn't an NDP government that got them GO Transit. Kitchener wanted more stops. You know what? It was a Progressive Conservative government. My riding wanted more stops; they wanted a better way to get downtown. You know why we wanted a better way to get downtown? Because the city of Toronto kept changing its mind on the Scarborough subway.

You know what else the city of Toronto kept changing its mind on? Steeles Avenue. Colleagues, we have Steeles Avenue in the city of Toronto—if you go to Durham, you've got a four-lane Steeles Avenue. If you come into Toronto and Markham, you have a one-lane, chopped up—one of the most dangerous roads. Do you know why? Because one councillor had one decision, the next councillor in the other part of Steeles Avenue had another decision, and nothing ever got done. It got to the point where the city of Markham said, "We'll pay for it. Just let us fix the darn road." But no, nope, they couldn't get it done.

So when it comes to building transit and transportation, I suggest to my colleague that you should actually double-

check who it was that made these investments. I know when we talk about transit and transportation, we're proud of our record on it.

But we're going to fight you tooth and nail when you suggest that nobody else can participate in building a subway or nobody else should have access to that subway. Of course we're going to fight. We're going to fight tooth and nail for that. Great, you can have your gold-plated services at 25% to 37% to 45% less. The members from St. Catharines and Oshawa should be fighting mad for their taxpayers because, you know what, you pay 25% to 45% more in property taxes than they do in the city of Toronto.

Interjection.

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Mr. Paul Calandra: It is true. And do you know why we do that? Because we understand how important the city of Toronto is to making Ontario an important place.

But you know what? We've invested in it just as much as you have, and we have every right to demand better, and that's what this bill is about. You've proven today what it's about for you: It's about keeping control of a small cadre of the downtown Toronto people at the expense of all of the rest of us. Of course, we're not going to allow that to happen.

Interjections.

The Chair (Mr. Dave Smith): I'd like to remind all members to put their comments through the Chair, please.

Further comments and debate? Mr. Glover.

Mr. Chris Glover: I've got to congratulate the member opposite. Boy, you beat the hell out of that straw man. I don't know who ever—

The Chair (Mr. Dave Smith): Sorry, Mr. Glover. You have to direct your comments through the Chair.

Mr. Chris Glover: Yes, Mr. Chair.

I'd like to thank the member opposite for his comments. He created a fictional opponent, and he beat the hell out of that opponent. Nobody has said any of the things that he has said.

But what I will say is that I am deeply concerned—now, I'll just reiterate—about this government's lack of transparency on what their intention is in the seizure of these assets: whether they're actually planning on privatizing those assets; whether they're planning on building transit through a P3, which is going to cost taxpayers billions of dollars more.

And he's right: The NDP did build the 407, and they did have tolls on it. But it was a public expressway, and if it had remained a public expressway, then those tolls would have paid for the expressway by now, and there would be no tolls. But the Conservatives sold it off to a consortium, and they gave it a 99-year lease. So for forever and a day, for the rest of our lifetimes, people will have to pay to use the 407.

It would have been far better if we'd had tolls for a short period of time, to help offset the initial cost, and then removed the tolls, instead of paying billions of dollars every year to some private company that's bilking our 407 and causing us a competitive disadvantage, because you

can't transit—every truck that uses the 407 has to pay a surcharge on that. It should never have been privatized.

The transit system should not be privatized, and that's what I'm afraid is the intention of this government.

The Chair (Mr. Dave Smith): Further comments? Ms. Wai.

Mrs. Daisy Wai: I cannot agree more with what my colleague from Markham–Stouffville has already expressed. I am from Richmond Hill. We've been waiting long enough. For years and years, we've been begging, and we're so happy that finally, finally, something is happening in Richmond Hill.

I'm sure this is the way that all the people in Ontario are seeing that, finally, we have a plan that is putting people—and all the transportation and the system moving forward again.

I still remember the public coming in to appeal to us and saying that they have been hearing about plans, and plans after plans after plans. We are not making just plans. We are ready to put shovels in the ground. That's why we speed up all these.

I would ask the party from the opposition to help us just to pass everything, so that we can move forward and get shovels in the ground. We're expecting to see results very soon.

The Chair (Mr. Dave Smith): Further comments? Miss Surma.

Miss Kinga Surma: I just want to say, on behalf of our government, the Ministry of Transportation and my colleagues, let me make myself perfectly clear, Mr. Glover: We want to build. That is our intention—

The Chair (Mr. Dave Smith): Sorry, you have to direct it through—

Miss Kinga Surma: Through the Chair, to the member: We want to build, and that is our intention.

The Chair (Mr. Dave Smith): Any further comments? Seeing none, are the members ready to vote?

Ms. Jennifer K. French: Recorded vote, please.

The Chair (Mr. Dave Smith): Shall schedule 3 carry?

Ayes

Calandra, Hogarth, Kanapathi, Sandhu, Surma, Wai.

Nays

French, Glover, Schreiner, Stevens.

The Chair (Mr. Dave Smith): Schedule 3 carries.

Schedule 4: There are no amendments to sections 1 through 11, inclusive. I therefore propose that we bundle these sections together. Do I have consent for that? Agreed.

Are there any comments on schedule 4, sections 1 through 11? Seeing none, are the members ready to vote? Shall schedule 4, sections 1 through 11, inclusive, carry? All those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 4, sections 1 through 11, inclusive, carry.

Shall schedule 4, as a complete entity, carry? Any comments or debate? Seeing none, are the members ready to vote? All those in favour of schedule 4, please raise your hand. Those opposed to schedule 4, please raise your hand. Schedule 4 carries.

Schedule 5: There are no amendments to sections 1 through 5, inclusive, of schedule 5. I therefore propose that we bundle these together. Do I have consent for that? Agreed.

Are there any comments on sections 1 through 5 of schedule 5? Seeing none, are the members ready to vote? All those in favour of sections 1 through 5, inclusive, of schedule 5, please raise your hand. All those opposed, please raise your hand. Sections 1 through 5, inclusive, of schedule 5 carry.

Shall schedule 5 carry? Any comments? Seeing none, are the members ready to vote? All those in favour of schedule 5, please raise your hand. All those opposed to schedule 5, please raise your hand. Schedule 5 carries.

Schedule 6: There are no amendments to sections 1 through 7, inclusive, of schedule 6. I propose that we bundle those together. Do I have consent for that? Agreed.

Are there any comments on sections 1 through 7 of schedule 6? Seeing none, are the members ready to vote? All those in favour of sections 1 through 7, inclusive, of schedule 6, please raise your hand. All those opposed to sections 1 through 7 of schedule 6, please raise your hand. Sections 1 through 7 of schedule 6 carry.

Shall schedule 6 carry? Any comments? Are the members ready to vote? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 6 carries.

We'll now return to sections 1 to 3 of the bill—*Interjection.*

Mr. Dave Smith: At the very beginning, so the short name, the—sorry.

Ms. Jennifer K. French: The contents, the commencement, short title and all that stuff?

The Chair (Mr. Dave Smith): Yes.

Ms. Jennifer K. French: Okay.

The Chair (Mr. Dave Smith): Section 1 of the bill: Are there any comments? Shall section 1 carry? All those in favour, please raise your hand. Those opposed, please raise your hand. Section 1 of the bill carries.

Section 2, the commencement of the bill: Are there any comments about section 2? Seeing none, are the members ready to vote? Those in favour of section 2, the commencement, please raise your hand. Those opposed, please raise your hand. Section 2 of the bill carries.

Section 3, the short title: Are there any comments on the short title? Ms. French.

Ms. Jennifer K. French: I hope that this bill does achieve some of what it purports to in the title, that we do indeed get Ontarians moving. That will remain to be seen.

The Chair (Mr. Dave Smith): Any other comments on section 3? Seeing none, are the members ready to vote? All those in favour of section 3, the short title, please raise your hand. All those opposed to section 3, the short title, please raise your hand. Section 3 of the bill carries.

Shall the title of the bill carry? Are there any comments? Seeing none, are the members ready to vote? Those in favour, please raise your hand. Those opposed, please raise your hand. The title of the bill carries.

Shall Bill 107 carry? Are there any comments on Bill 107 in its entirety? Mr. Schreiner.

Mr. Mike Schreiner: I just want to very briefly say that I'm hoping that some of the debate we had over the course of this bill, particularly as it pertains to vulnerable road users and as it pertains to just building infrastructure to make our roads and streets safer—I'm hoping it's something that we can work with the government on in another piece of legislation because I think there was a lot of evidence out there of why both of those are important, and we had a lot of testimony here as well.

Finally, I hope, when it comes to schedule 3—I know the government is going to pass this. But I hope they take the valid concerns that many people in the GTA—and, actually, I would even say across the province—have about the seizing of municipal assets and what that means for communities seriously, and demonstrate, as they move out their transit plans, that the fears that people have and the concerns that people have hopefully will not come to fruition.

The Chair (Mr. Dave Smith): Any further comments or debate? Seeing none, are the members ready to vote? Shall Bill 107 carry? Those in favour, please raise your hand.

Mr. Chris Glover: Recorded vote.

The Chair (Mr. Dave Smith): It's too late; I'm sorry. Those opposed, please raise your hand. Bill 107 carries.

Shall I report the bill to the House? Is there any comment on this? Seeing none, are the members ready to vote? All those in favour of me reporting the bill to the House, please raise your hand. All those opposed to me reporting the bill to the House, please raise your hand. This carries.

I'd like to thank everyone for their work on this bill, An Act to amend the Highway Traffic Act and various other statutes in respect of transportation-related matters. This concludes our business with it. Thank you very much. We are adjourned.

The committee adjourned at 1532.

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