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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 30 October 2023

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 30 octobre 2023

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1655

BETTER FOR CONSUMERS,
BETTER FOR BUSINESSES ACT, 2023
LOI DE 2023 POUR MIEUX
SERVIR LES CONSOMMATEURS
ET LES ENTREPRISES

Continuation of debate on the motion for second reading of the following bill:

Bill 142, An Act to enact the Consumer Protection Act, 2023, to amend the Consumer Reporting Act and to amend or repeal various other Acts / Projet de loi 142, Loi visant à édicter la Loi de 2023 sur la protection du consommateur, à modifier la Loi sur les renseignements concernant le consommateur et à modifier ou abroger diverses autres lois.

The Acting Speaker (Ms. Bhutla Karpoche): Further debate? The member from Niagara Falls.

Mr. Wayne Gates: I thought the Conservatives were next. My mistake. Okay.

Before I get into my speech, I just want to say—because I raised this in the House last week. Last week, I raised about the strike with the St. Lawrence Seaway. I'm proud to say that they've got a tentative agreement. The ships are sailing into the canal. It's a tentative agreement; I'm sure it's going to get passed. I think that's really, really important for all of Ontario and Canada.

The second thing I would just want to say—my colleague raised it, about Stellantis. She has fought for that plant forever. Again, they got a tentative agreement last night. They're going to vote on the collective agreement. I think we should all give the bargaining committees a round of applause for that. It's never easy bargaining with the biggest corporations in the world and what it showed—and I'm going to say this even though it's not really on the bill, but it is on the bill a bit—is it just proves that the best collective agreements are the ones negotiated. We certainly don't need scabs in the province of Ontario. I want to say that as well, and now I'll get on with my speech. Better for consumers, better for business—but autoworkers are still in business too, so I guess kind of falls under it.

I want to say thanks for allowing me to rise and talk about this important legislation. Before I get into the heart of the bill, I think it's important we acknowledge how vital it is that we come together as Legislatures and protect people in our community from shady business practices. It's been going on for far too long in the province of

Ontario. This legislation makes many supportable changes. I know it has taken a great deal of time to put together.

As an advocate for the people of Ontario and a firm believer in consumer rights, I feel compelled to emphasize the critical significance of safeguarding consumers, particularly our seniors, from the bad practices and terrible companies that are taking advantage of our seniors. Protecting consumers isn't merely a policy issue; it's a moral obligation and a cornerstone of a just and equitable society. The vulnerability of our seniors in particular demands our utmost attention and protection.

Seniors represent a segment of our society that has contributed greatly to the growth and prosperity of our country and our province. They deserve not just our respect but also comprehensive protection from crooked entities seeking to take advantage of their trust, often through deceptive marketing, fraudulent schemes and unfair practices. Predatory companies prey on the trust and often the limited resources of our seniors—their goodwill for selfish gains. They try to take advantage of that.

In recent years, we've witnessed a surge in fraudulent activity targeting seniors. Scams involving financial services, telemarketing fraud and deceptive advertising are alarmingly common. These awful tactics not only erode the financial stability of our seniors, but also inflict emotional distress and undermine their trust in genuine businesses. The effects that it has on families as well—when your mom or grandmother gets taken advantage of by a business, it affects the entire family. Addressing these issues requires a multi-faceted approach, including stringent regulations, consumer education and robust enforcement mechanism.

Legislation must be in place to establish clear guidelines ensuring ethical conduct and penalizing those who seek to defraud or manipulate our seniors. It's truly our duty as MPPs. I have spoken many, many times in this House around the importance of our seniors, but I think a lot of our seniors have been taken advantage of for a long period of time. Hopefully, we can correct some of it through not only the bill here, but certainly at committee and through regulations.

Additionally, our government agencies and law enforcement must be equipped and empowered to swiftly and effectively respond to incidents of exploitation. This requires not just the creation of laws but the act of implementation and enforcement, something the government hasn't been good at on a number of issues.

Consumer education is equally vital. Empowering seniors with knowledge about their rights, common scams and how to identify and report fraudulent activity is critical

to preventing victimization. Again, I'm talking about seniors, but it happens to others as well. I think seniors are the ones, quite frankly, that seem to get hit the hardest with these long-term contracts in particular. Community outreach programs, workshops, informative campaigns can significantly contribute to this cause. When armed with information, seniors are better equipped to make informed decisions and protect themselves from falling victim.

1700

Protecting consumers, especially seniors, demands a comprehensive and relentless approach. It is a commitment to justice, fairness and the well-being of our community. We owe it to our seniors—to their families—who have given so much, to ensure they live with dignity and security, free from threats of being exploited by predatory companies. This endeavour is not just a matter of policy; it's a reflection of our values and our duty to protect the most vulnerable among us.

Madam Speaker, I think it's important that when we discuss this bill, we look at the real-life people it affects. Like most people in the province, my riding has not been spared from the actions of shady businesses. Having said that, I want everybody to understand that it's not every business that's shady—let's be clear. There's a lot of really good businesses out there that have businesses in the province of Ontario and across this country that do a great job. They're not trying to rip seniors off. They're not trying to rip families off. They're not trying to hurt families. They go about doing the right thing, including, in a lot of cases, paying them respect and paying them with fair wages, fair benefits and sometimes even with pensions. So I want to be clear that this isn't about kicking—I guess you can't say that word in here—the heck out of the business community. There are great businesses, but there are some really bad ones that have to be addressed.

The changes coming forward on the NOSI provisions are important, and I agree it is a needed step forward, but it does fall short. So I want to be clear on that. It does fall short. And I don't think I'm going to get time to talk about the price gouging and price of car insurance and stuff, but there's two, I think, that could be added to this bill.

We have heard from residents in our community about liens on their homes—think about that: You sign a contract, get promised a bunch of things and they end up having to get liens on their homes, and it goes on for years—the terrible impact it has on financial security and their well-being, and their health, by the way.

In one case, we had a constituent contact our office and explain a really troubling story on their HVAC system with Enercare and their NOSI. The individual purchased their home in my riding in May 2019. In October 2019, they had Enercare come out to check the furnace for the upcoming winter. As soon as the technician entered their home, they were told their water heater was installed illegally and too dangerous to continue using. Enercare tagged out the water heater, notified Enbridge, who then sent out a notice to them that the service fee for the water heater would be cancelled. The constituent later learned

from the company that rented the water heater to the previous owner, they had refused to close the contract on the faulty water heater, even though this water heater was installed illegally and dangerous to their health. They were still expected to pay for it. The assurance they received from Enbridge on the cancellation of their contract never went through and they found themselves with a NOSI lien on their property. Think about that, Madam Speaker.

This is just one example of how this can happen by these companies, and they are completely ruthless. I'm going to say that again: These companies are completely ruthless. This constituent tried several times over two or three years—two or three years—to get help from Consumer Protection Ontario, and they suggested they talk to a lawyer. I know there are a lot of seniors that have money, but there are a lot of seniors that don't, and their only way forward was through a lawyer that they couldn't afford. This shouldn't be happening to people here in Ontario.

Madam Speaker, when it comes to home services, this isn't the only issue we have seen in our ridings. We have constituents who have been battling for years around a flawed furnace agreement and the fake rebates they were offered. And I'm sure—I'm sure most of the MPPs are listening—you have these happen in your own ridings all the time.

This is the story of a Niagara Falls man who found himself in a nightmare situation due to false promises and deceptive practices related to his furnace agreement and rebate offer. In this case, the homeowner was lured in with enticing offers, only to be left high and dry when those promises turned out to be nothing more than smoke and mirrors.

Such stories are not isolated incidents. They reflect a structural issue that must be addressed promptly. Our citizens should not be subject to these immoral tactics by shady businesses. Again, I want to say there are good businesses out there, but there certainly are some that are awful. Consumer protection should be at the forefront of our Legislative Assembly, ensuring that Ontarians are safeguarded from deceptive practices and fraudulent dealings. We must take this opportunity to re-evaluate our regulations and establish stringent measures to hold companies accountable for their actions. This heartbreaking tale from Niagara Falls serves as a potent reminder that we must prioritize the well-being of our citizens and provide them with the necessary tools to protect their rights. Let us swiftly act to enhance consumer protection in our great province, ensuring that no one falls victim to false promises and deceit.

Madam Speaker, if we are discussing consumer protection issues, it's hard to ignore the massive challenges facing Ontarians when it comes to home warranty protection. In my time as an MPP, there have been constant problems with Tarion, leaving so many families in terrible financial and emotional situations. In some cases, they take their own lives. I think it's important to address that today. The challenges facing Tarion have been a cause of concern for many homeowners and

prospective buyers due to their importance in ensuring consumer protection in the realm of new home construction. This is a company that's supposed to protect us when we buy new homes. Tarion's role in providing warranty protection and regulating home builders is of the utmost importance. However, its effectiveness and transparency have been questioned, prompting a need for substantial reforms. I've said this in this House many, many times when I was a critic.

The issues faced by Tarion are multifaceted and demand comprehensive attention to ensure the protection and rights of homeowners across the province. One major concern has been the lack of accountability and transparency within this organization, and I have met with them many, many times.

The unclear nature of its operations has raised doubts about their ability to effectively address consumer grievances and regulate home builders. Homeowners often face challenges when dealing with Tarion regarding warranty claims, dispute resolution and receiving adequate support. We have seen this far too often in our office. The lack of transparency in its decision-making processes and perceived favouritism towards builders have eroded the trust.

And the other issue on that that I'll add, which we all know: There is a board, but the board is basically made up of builders. There's no homeowners. I think there's one homeowner on that board of, I think, 12. That's a problem. Why do we not have that board equal so you get to hear from the homeowners? That board doesn't have that, and that's been a mistake by Tarion for a long time. I haven't been on the file for a couple of years. There might be two homeowners on it now. That might have happened. But you can't have 10 to two; it doesn't work.

We have seen this far too often in our office. The lack of transparency in its decision-making processes and perceived favouritism towards builders have eroded trust in the system.

Madam Speaker, another critical issue has been the call for more stringent oversight and regulation of the home building industry. Instances of poor construction quality, delayed closings and disputes between homeowners and builders have highlighted the need for stronger regulation and more robust enforcement mechanisms. Improving standards, ensuring better inspections and holding builders accountable for their work are essential to safeguarding the interests of the homebuyer.

And I will say, again, just like I said about businesses: We know there are a lot of really good home builders. We've got some right in my own area, like Mountainview Homes, which does a great job. The owner is wonderful. But I'm telling you, there are some out there that aren't good, and this is why we need a strong Tarion, so that we can protect workers. But there are really good builders here. There are great tradespeople. A lot of people do great work—some, not so much.

1710

My past advocacy on this issue has been unwavering. I have consistently voiced concerns and advocated for

reforms within Tarion to address these pressing issues. I firmly believe in the need for substantial changes to ensure that homeowners are adequately protected and that our home building industry operates with accountability and integrity.

If we are addressing major consumer protection issues with this legislation, we should be addressing this as well. I have actively engaged with homeowners, industry experts and stakeholders to understand their concerns and have brought these issues to the forefront within this Legislature's chamber. I've urged for legislative changes, reforms and increased oversight to enhance consumer protection within the home warranty sector. Moreover, I have persistently called for a more transparent and responsive process within Tarion to address homeowner complaints and warranty claims.

We've emphasized the importance of establishing clearer, more accessible procedures that provide homeowners with a fair and efficient process to resolve their issues. Moving forward, it is important to continue pressing for comprehensive reforms within Tarion. Strengthening its accountability, transparency and efficiency is vital to ensure that it effectively serves the interests of Ontario's homeowners. Reforms should be aimed at redefining its role, improving consumer protection measures and enhancing the oversight of home builders.

My commitment to continue to fight for those changes will continue. I will continue to work tirelessly to ensure that the voices of homeowners are heard and that the necessary reforms are implemented to create a more fair and secure housing market for all Ontarians. And I think discussing the problems in Tarion is a good time to really take a look at what is missing in the legislation.

Madam Speaker, as I previously mentioned, the proposed bill is a significant development in our consumer protection laws and it demands our utmost attention and scrutiny. It is our responsibility to address these important issues that directly impact the rights and the well-being of Ontarians. The bill in question, which transitions numerous provisions from legislation to regulation, is not a mere bureaucratic shuffle; it has far-reaching implications for consumer protection in our province.

The government has identified 48 key areas for these regulations. Early insights from legal experts suggest that this move might expand and detail regulations under the new Consumer Protection Act beyond the current scope. However, the lack of access to the transparency of these regulations makes it challenging to fully comprehend their impact. Particularly, provisions related to motor vehicles and the cashing of government cheques have been shifted from legislation to regulation, altering the landscape of consumer rights in these areas.

As I mentioned previously, one crucial aspect that has been a focal point for advocacy is the regulation of new-home sales and warranties. While the bill introduces new provisions regarding notices of sale of interest, it remains troubling that there are no inclusions about embedding rental hot water heaters in contracts for new homes. Moreover, the absence of cooling-off periods for new

freehold home sales, akin to those in condo and time-share sales, raises concerns about equitable protections for homeowners.

For years, we have called for reforms within the Tarion Warranty Corp., as I noted earlier. This secretive, industry-controlled entity is responsible for ensuring the quality of new home construction. We have relentlessly demanded a public audit of Tarion. The awful story of a Vaughan homeowner battling with a builder and the city over missing insulation, leading to mould that forced their family out of their home, shows the dire need for robust consumer protection in new home construction.

Recognizing the gaps in our current consumer protection mechanisms, many of our NDP colleagues proposed legislation to establish the Ontario consumer watchdog. This independent body would oversee all consumer protection matters, providing a streamlined avenue for citizens to exercise their rights. At present, the absence of a centralized authority often leads to complexities and legal dead ends for consumers, leaving them with limited recourse, especially when legal action proves financially unreasonable.

The proposed Ontario consumer watchdog, akin to the Auditor General or the Ombudsman of Ontario, would have the power to issue public reports and impose penalties on businesses found to have breached consumer protection laws. This step is pivotal in fostering a fair and secure marketplace, ensuring that businesses uphold their obligations to consumers.

In conclusion, these issues highlighted in this bill are not merely bureaucratic procedures but fundamental elements that shape the lives of every Ontarian. It is incumbent upon us to ensure that our consumer protection laws are robust, transparent and equitable at all times.

The Acting Speaker (Ms. Bhutila Karpoche): Questions?

Mr. Anthony Leardi: Under this proposed legislation, part of the initiatives involved in this legislation include what I will describe as a punitive function, which will punish a bad actor in the event that the actor refuses to give a refund and it is subsequently confirmed that the refund should or ought to have been given. That, I think, is a very useful function of this act and the initiatives that are associated with this act. Of course, you always need a judge or an arbiter to decide whether or not the refund should be given.

So I think that's a positive step in the right direction, to be able to punish a bad actor under those circumstances. I'm wondering if the member opposite agrees with that.

Mr. Wayne Gates: My concern with anything that we've done in this House is enforcement. Everything that we've done—it doesn't matter if it's in long-term care, retirement homes, home care, people getting killed on the job in bakeries in Toronto—all that stuff should be enforcement. That has always been my concern, that we need to have stronger laws so that when we do run into bad actors, whether they're in the business community, whether they're in long-term care or any of those businesses—enforcement.

I'll give you an example real quick because I've got 28 seconds left to talk. With everything that went on in long-term care, can somebody over on that side tell me how many of those long-term-care facilities got fined, got shut down? As a matter of fact, they're being rewarded with 30-year contracts.

It talks about enforcement. I think it's a good idea in the bill, but let's make sure that whatever we do, we're going to enforce the rules that are being provided to you.

The Acting Speaker (Ms. Bhutila Karpoche): Questions?

Mr. Tom Rakocevic: I want to congratulate the member for his obvious research and care about the issue of consumer protection. In fact, he is the former critic for consumer protection under the past government. It's thanks to him that Tarion itself was reviewed by the AG. So I want to, first off, thank him for that. As well, he's been someone—not only on the legislative level, but he has fought for so many individuals when it comes to consumer protection.

He pointed out the fact that this law does not talk about increasing enforcement in many different areas. Under this current law, people will still have to go to court at times to fight for justice, even if the laws are improved. Can you talk about any instances where individuals that you've tried to help, even though the law was on their side, had to go up against a huge company or whatnot in court and it was tough for them to do so?

Mr. Wayne Gates: Yes, that's a good question. First of all, Tom, I wasn't here in the House, but I'll tell you how exciting my life is: I actually watched your hour debate at home on TV, and you did an incredible job. So I want to thank you for that.

On your question, I'm not really sure if I can give you a case and say this is what happened. But I will tell you that I know that a lot of people who are taken advantage of—and probably part of what's in the bill—are our seniors. I spent a lot of time on our seniors. I'll give you one quick story of a senior in Niagara Falls that was paying one of these shady companies—terrible companies—for 15 years for a water meter. What happened is, the family didn't know. That senior passed away and that's when the family found out. But the senior was so scared to tell his family that he had signed this terrible contract that, as a senior, he just continued to pay to the shady company. It took a lot of threats from our office to finally get that taken care of.

So that's what happens all the time in the province of Ontario, and we've got to stop it. We can do better. I know we can do better.

The Acting Speaker (Ms. Bhutila Karpoche): Questions?

Mr. Sheref Sabawy: Thank you to the member for his very deep debate and insights in the debate. It looks like he really studied the bill very well. I also appreciate that he's going to do some consultation and bring some ideas. That's really what we are all hoping for, to speak to the stakeholders, collect some more information and try to fine-tune as we go through regulations, which will come after that.

1720

My point here is, what is the spirit of that bill? What are we trying with this bill? What we are trying with this bill is we are trying to take the old bill, which is outdated—2005—with all the changes that have happened in the marketplace, all the changes that have happened in the service—

The Acting Speaker (Ms. Bhutla Karpoche): Thank you very much.

Mr. Sheref Sabawy: My question is—

The Acting Speaker (Ms. Bhutla Karpoche): Thank you. Response?

Mr. Wayne Gates: I don't need your question; I can just talk for a minute. It's all good, for the record.

I will tell you, because something that's bothered me here for certainly the last five years, for sure, is that we come to committee in good faith, and we bring forward some—I would think that would improve a lot of bills. And every time we come, we read them out, we present our arguments—sometimes they're good, sometimes they may be bad—but in the case with the Conservative government, they're always bad. No matter what we bring forward. It's not bad.

And, you know what, I remember a guy that used to be here. He's the mayor up in Brampton. What's his name? Brown. And Brown used to stand up here: "No idea is a bad idea, and just because we're the Conservatives doesn't mean we have all the answers." I remember Brown saying that.

That's exactly what committees should do: We should be able to take a look at all the oppositions and make a bill stronger. Unfortunately, I haven't seen that happen in the last five years.

I think that's the question you were going to ask me. I hope I answered it.

The Acting Speaker (Ms. Bhutla Karpoche): Questions?

Mr. Matthew Rae: To my colleague across the way, we did accept Liberal amendments to, I believe, Bill 60. My colleagues can correct me. So we have accepted some amendments at committee in this session. I've only been here for this session, so I can't speak to the previous Parliament.

The member opposite mentioned HVACs and long-term leases. I know this bill aims to protect consumers in those long-term leases, and I've heard from my own constituents the challenges around those HVACs and liens on title properties that, moving forward, when their children sell the house, they aren't aware of coming up. This legislation and the consultations, as my colleague mentioned in his remarks and questions to the member opposite, will address those concerns. And so I was wondering if the member opposite believes this will benefit his constituents.

Mr. Wayne Gates: Yes. First of all, I'll address your first part of the question. I will be honest; I have been at committee during this period of time where you did agree with our party, so I'm going to take that back. It was the name; we agreed to the name of the bill. That was the

extent of it, all right? So I'm just telling you what it was. That did happen.

As far as what's going on with HVACs and that, 90% of the time it's seniors and it's a lot of people that are new Canadians. They don't understand the contract that they're signing, and then you end up in a terrible situation. Anything we can do in a bill to protect them I think is a good thing. The reality is, what we should be doing is going after those companies that are still doing it, still taking advantage of our seniors and then, as they pass away, you're trying to fight it through the courts or with their family. Why don't we shut them down and make sure that they can't operate in the province of Ontario? If they get caught doing it, they lose their licence and their business licence so they can't operate in the province of Ontario, so they'll never take advantage of another person in the province of Ontario. I think that would be a good idea.

The Acting Speaker (Ms. Bhutla Karpoche): Question?

Mrs. Lisa Gretzky: My colleague had mentioned during his comments the lack of enforcement. We can put all the laws or regulations in place, but if they're not actually being enforced and there are no actual consequences levied, those laws are meaningless.

One of the areas I think that really applies to is when we look at, as I raised earlier, price gouging. When we're talking about price gouging, whether that's on home heating products or anything of that sort, or within retail and groceries, we see nothing from this Conservative government to rein in price gouging by large corporations—like the Weston family, for instance, who have been found to do price-fixing and to be gouging consumers.

I'm wondering if my colleague could talk about if he sees anything in the bill to stop those corporations from actually taking advantage of people. What kind of enforcement is in place?

The Acting Speaker (Ms. Bhutla Karpoche): Quick response.

Mr. Wayne Gates: I've only got 45 seconds, so I'll say this: We know that there's price gouging going on in our grocery stores; that's why they were called to Ottawa to say what's going on. We know that the Weston family has made more money during COVID than they made in the previous times. We know that's an issue.

I'll give you a quick example. I go to the dollar store because that's where I like to shop. I buy my bread there; it's \$3. At Loblaws and Shoppers, it's \$4.59 for the same loaf of bread. That's price gouging. You go to fill up your gas, the oil companies are raking in more money—they're making billions of dollars—today than at in any time in their history. They're price gouging at the pumps, and they're doing it at the refineries. There's lots of things that we can do to stop the price gouging.

The Acting Speaker (Ms. Bhutla Karpoche): Further debate?

Mr. Sheref Sabawy: It's my pleasure to be here today with the Minister of Public and Business Service Delivery and parliamentary assistant Riddell, the member of

provincial Parliament for Cambridge, to debate on the Better for Consumers, Better for Business Act, 2023.

As the minister mentioned earlier, if passed, this important new consumer protection legislation would be a game-changer for people and businesses of Ontario. This is transformative legislation that would better protect consumers in the marketplace, strengthen their rights and confidence, and also make it easier for businesses to comply with consumer protection rules. As the minister along with the parliamentary assistant have so well illustrated, this vital update to Ontario's consumer protection laws would also promote a fair, competitive and thriving economy in our province as it strengthens protection for consumers and makes life easier for businesses.

Our government knows we have a duty to protect consumers, and we take that responsibility very seriously. Our ministry is here to uphold consumer protection legislation and safeguard consumers as they make significant decisions, whether that is signing contracts for home renovations, the installation of major home appliances or the purchase of a time-share.

To do so, we have a powerful tool at our disposal: The Consumer Protection Act, 2002, is the main piece of legislation that currently sets out rules for consumer protection in Ontario. The act governs many personal and household transactions between consumers and business in this province. But, as the minister previously mentioned, the existing Consumer Protection Act has not been comprehensively updated since it came into effect in 2005. That's why it is vitally important that we update the act to fulfill our duty to Ontario consumers and reflect the modern interactions between consumers and businesses.

The Better for Consumers, Better for Businesses Act, 2023: The name of our bill says it all. We are proposing changes that would promote a safe, fair and informed marketplace while supporting healthy competition and a thriving economy. Allow me to highlight a few initiatives in the bill.

Our proposed legislation would, if passed, tackle unfair business practices, as well as clarify and strengthen prohibitions against unconscionable conduct. This bill poses to address the harmful practices of some suppliers who keep homeowners locked into long-term lease agreements for HVAC systems, water heaters and other home-comfort equipment. These agreements need to provide a fair and reasonable way to exit the lease when it no longer meets their needs and need to be clear to the consumers up front about the terms and implications of the contract.

Our government is proposing to provide exit options for consumers who find themselves and their families locked indefinitely into time-share agreements. We would also help consumers discharge inappropriate notices of security interest when the underlying contract is cancelled or terminated.

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The proposed legislation would be clear that gift cards cannot expire.

We would better protect consumers from unilateral contract changes and unwanted automatic renewals or extensions.

Under the new act, there would be stronger deterrents to businesses that refuse to provide consumers with refunds they are entitled to by law.

Of utmost importance, our ministry is not reducing protections that exist under the current Consumer Protection Act.

Businesses would not be permitted to include misleading terms in a contract. This includes terms that mislead consumers about their legal right to pursue claims in Ontario courts.

We have heard about some businesses that try to control comments that consumers make, particularly when they are negative because the consumer had a bad experience with those businesses. These businesses have even tried to bill people for comments they consider to be damaging. Our proposed changes would help ensure consumers could share their experiences with businesses without fear of repercussions. We would deter this type of unfair practice by doubling the maximum fines the court can impose under the current legislation in respect of convictions for any illegal or unfair business practices.

Madam Speaker, we would be consulting with the public and with key stakeholders during the regulation-making phase for a number of these proposals. That's because we value the feedback and input of Ontarians and businesses. We would consult on some of the proposals, including rules relating to contract amendments, renewals and extensions, as well as any new rules that would make it easier for consumers to cancel subscriptions and membership agreements.

In addition, our government will consult on the details necessary to implement sector-specific proposals such as long-term leases and the time-share exit right, as well as broadly applicable rules for contracts such as required disclosures and where exemptions may be appropriate.

Madam Speaker, our government recognizes that Ontarians are facing increased budgetary pressures. More than ever, consumers recognize the importance of being able to access credit reports to participate in the market and to monitor their overall financial well-being. In addition to the proposals for the new Consumer Protection Act, the Better for Consumers, Better for Businesses Act includes amendments to the Consumer Reporting Act. The amendments to the CRA would, if passed, improve and clarify the act.

Under our proposed changes, consumer reporting agencies would be able to effectively implement provisions that would provide consumers with greater access to their credit information and greater ability to limit how their credit information is shared for certain purposes. This means consumers would be able to deploy additional tools to correct and protect their information. They also can seek recourse when agencies operate in contravention of the CRA and its regulations. Our ministry would be able to enforce the CRA more effectively through enhanced compliance and enforcement tools. Additional tools for consumers will help target fraudulent attacks that have increased since consumer protection in Ontario was last updated. This includes changes that will allow consumers

to place a security freeze on their credit reports for certain purposes and prevent harms such as identity theft.

We know Ontario's marketplace has changed significantly since the Consumer Protection Act, 2002, became law. Our government's full review of the act has been intensive, which involved consultations and meetings with the public and stakeholders over a lengthy three-year period. In fact, our last consultation on the act took place just seven months ago.

The need for new legislation also supports the growing demand from the public—both expressed by individual consumers and in the media—for consumer protections that reflect the advancements of our current market since 2005. Madam Speaker, our government has many obligations to Ontarians, including to protect them from unfair business practices, such as aggressive sales tactics and misleading claims. We know our marketplace is becoming more and more digital, and it's clear that we need protections that are easier to understand for businesses and consumers alike. That's why now is the time for a new Consumer Protection Act.

It comes as no surprise that most members of this House have heard from constituents who have lost money—often significant amounts—because of unfair practices by unscrupulous actors. We know those who fall victim to these unfair practices are often seniors, new Canadians and other vulnerable members of the public.

I am very proud to represent the riding and the good people of Mississauga—Erin Mills. Over the years, I have heard from many individuals and families about the problems they have encountered. My constituency office received this complaint from a couple, just one example of unscrupulous and exploitive behaviour that has victimized too many consumers for too long. Two installers knocked on the front door of a Mississauga couple—recent immigrants to Canada. The installers claimed to be from their energy supplier. They were there to install new smoke detectors free of charge. They told the female owner, who was alone at the time, that the smoke detectors were a reward for loyal customers who paid their bills regularly.

During the visit, the installers left the house, telling the constituent they needed to contact their home office to make sure that the couple was eligible to receive the free equipment. Sure enough, she received a call right away, confirming what a great customer she was, and that she really deserved the offer of free smoke detectors. She proceeded to sign the papers they presented. The next day, the installers returned. This time, the male owner of the household was alone to meet the installers, who proceeded to set up the smoke detectors. When they finished, they let the husband know that his wife had also signed for an insulation installation in their attic. The husband was unaware of any additional attic work, but the receipt left by his wife indicated that the supplier would waive all installation and other charges because they were such good customers.

The next month, they received their energy bill, shockingly at double the normal amount. The additional charge was itemized on the bill under a separate financing

company's name. When the couple complained, they discovered that the contract they signed had locked them into a 10-year contract for more than \$100 a month for the attic installation.

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The company installers had not verbally informed my constituents of the charges at the time of installation, and the signed receipt showed no proof that they had mentioned the installation. The company had failed to inform the couple that, under the CPA, they had a 10-day cooling-off period to cancel the contract for any reason. However, by the time the couple contacted the company to complain, the 10-day period had passed. Upon receiving the complaint at my constituency office, the couple's case was referred to Consumer Protection Ontario.

As one of the parliamentary assistants of the Ministry of Public and Business Service Delivery, we hear these kinds of stories far too often. We simply must not allow anyone to take advantage of hard-working Ontarians. That's why our government is proposing to replace the current Consumer Protection Act, 2002, with a new, enhanced statute that empowers consumers with a greater understanding of their rights and enhances penalties for non-compliant businesses.

The Better for Consumers, Better for Businesses Act, 2023, would double down on our efforts to help prevent anyone from taking advantage of hard-working Ontarians through unfair business practices. If the proposed changes are passed, Madam Speaker, our government will continue to be there to help protect and inform consumers about their rights so they can shop for goods and services in Ontario with confidence. At a time when families are struggling to pay for household essentials, and looking to make every dollar count, they need to be reassured that their government will be there to stand up for them and make sure they don't face any unnecessary hardships.

Our proposed changes are intended to strengthen consumer confidence in the marketplace, promote fair competition, and deter bad actors who inflict harm on consumers. This means more consumer choice and stronger consumer protections, and more affordability and confidence in a fair and competitive economy within this great province. At the same time, we will continue to work with businesses to inform them about their obligations to consumers. Ontario businesses need rules to be simpler, clearer, and reflective of a dynamic and increasingly digital-first marketplace. We know that we need to ensure stronger consumer protections without creating undue burdens and costs for businesses.

Madam Speaker, our government is confident that Ontario businesses would benefit from more streamlined requirements that better respond to modern market practices that we rely on every day. The consolidation of contract-disclosure rules, for one, would reduce the burden on those businesses that contract with consumers through multiple channels. These proposed changes support competition on a level playing field with consistent and standardized rules. In some cases, proposals would reduce burden for businesses and support competition on a level

playing field with consistent rules by targeting and deterring bad players—and avoiding unnecessary regulatory burden for businesses that comply with the law.

Some businesses will try to control negative consumer comments and even bill consumers that leave honest reviews. Businesses would be prohibited from including terms in a contract that attempt to deter consumers from publishing negative reviews or that try to bill consumers in response to the contents of the reviews. Our proposal would not prevent parties in a dispute from agreeing to confidentiality and similar terms in dispute settlement agreements. This proposed change is intended to ensure consumers can share their experiences with businesses without fear of repercussions.

I look forward to hearing further debate on this very important piece of legislation and hope all members in this House will join me in supporting it.

The Acting Speaker (Ms. Bhutla Karpoche): Questions?

Ms. Christine Hogarth: I want to thank the member and parliamentary assistant for his remarks today.

Every time I heard someone speak today, it's about that this is good for business. We have to look after our small businesses in our ridings. A couple of weeks ago, we had Small Business Week, and I want to applaud all those small businesses that create jobs in our communities every day. They are the engine that drives Ontario.

I want to ask the member if he can just expand upon how the new act to enact the Consumer Protection Act, 2023, to amend the Consumer Reporting Act and to amend or repeal various other acts—how is that good for business?

Mr. Sheref Sabawy: Thank you very much to the member for the question. The simple answer is in the name of the bill, Speaker: better for consumers, better for businesses.

Currently, rules for businesses are not only outdated, they are hard to access and understand, making it even more difficult for businesses to willingly comply with their obligations. This, of course, disproportionately affects smaller businesses who do not have a team of lawyers on retainer at all times and who, instead, must count on us to communicate what's expected from them.

Ontario businesses need rules to be simpler, clearer and more reflective of a dynamic and increasing digital-first market, and that's precisely why this proposed legislation is directly targeting and benefiting businesses as well as consumers.

The Acting Speaker (Ms. Bhutla Karpoche): Questions?

Mr. Wayne Gates: This question is to all the PCs, but you can answer it if you like. Would the PCs ever consider extending the cooling-off period beyond the 10 days? Many seniors may not realize the mistake they've made by signing a contract until they get their first bill, which is well past the cooling-off period.

Mr. Sheref Sabawy: I would like to thank the member for the question. It looks like it's an idea which can be

discussed during the regulation we are putting together currently—after the passing of the bill. There will be regulation and there will be drafted regulations, and I think it's going to be discussed from now until the wintertime. We can maybe discuss, based on the consultations we do with the stakeholders, businesses and consumers, to see if that is a good idea or not.

The Acting Speaker (Ms. Bhutla Karpoche): Questions?

Mr. Tom Rakocevic: I do appreciate the member for his speech but also for saying that he and this government would be open to considering changes to the legislation, whether it's in the committee portion or during the legislation itself.

Another thing to be considered as well—this was something I mentioned in my speech—is that you are looking at gift cards and making it clearly stated that they can't expire, but there are other types of cards—loyalty cards etc.—where they'll come with things like administrative fees or a balance that just diminishes on a weekly or monthly basis, draining it down and effectively ending the card. Would you be prepared to bring that back to your team and consider that as well, as part of your legislation?

Mr. Sheref Sabawy: Thank you to the member for the question. I think there is a difference between loyalty cards and paid memberships or gift cards which are paid using money value. What the spirit of that bill is trying to protect is people who put money on those gift cards losing those gift cards by expiry. This is going to make sure that any money put on those gift cards by the gifter or the receiver of the gift can retain that money, hard-earned money, on the card and can use it when it's needed to be used.

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The Acting Speaker (Ms. Bhutla Karpoche): Questions?

Mr. Lorne Coe: I have a question about the long-term-lease market of home-comfort equipment.

In my riding, we've had about five new developments built since 2019—20,000 to 30,000 people come back into Whitby or choose Whitby, and I have a fair number of constituents coming to my riding, asking questions about the effects of the long-term-lease market and how we can help them navigate that process.

Speaker, can the member explain how this proposed legislation will help alleviate the burden on homeowners in the home-comfort long-term-lease market, please? That's water heaters and furnaces.

Mr. Sheref Sabawy: Thanks to the member for the very good question. Actually, I think in my speech I talked about one of the examples very similar to that.

When consumers are buying a home, this is the most significant investment in their personal life. Aside from the cost of buying houses, our government is committing to keeping the costs related to home ownership affordable to everyone in this great province. For that reason, we remain steadfast in our commitment to reduce costs of terminating long-term leases and, potentially, of changing suppliers, to support competition and consumer choice in

the marketplace. We want to make sure all Ontarians feel protected when making significant purchases.

That's why this legislation, if passed, will implement the guidelines for a new category of long-term contracts, focusing on long-term leases for home-comfort supplies.

The Acting Speaker (Ms. Bhutla Karpoche): Questions?

Ms. Sandy Shaw: I wanted to reiterate what the member from Niagara Falls was saying: All the good bills and legislation and regulation in the world are only as good as the enforcement. I would like you to comment a little bit on how you are going to make sure that these bills are enforced and that it doesn't all fall on the responsibility of the consumer. The minister did come over and correct me and say that they don't all have to go to court, that there is a dispute resolution mechanism. That still puts the burden on the consumer. So what is this government going to do to help consumers with the enforcement?

Mr. Sheref Sabawy: Thank you to the member for the question. That's why this proposed new legislation would, if passed, clarify and strengthen prohibitions against those bad actors by explicitly prohibiting specific unfair business practices, where previous legislation fell short of addressing loopholes and weak definitions. This proposed legislation would instead directly address the flawed mechanisms we know Ontarians are being targeted with.

A good example of some common practices employed by bad marketplace actors are price gouging and even going so far as taking advantage of consumer inability to understand language in the contract.

This proposed legislation, if passed, would update the list of examples of prohibited false—

The Acting Speaker (Ms. Bhutla Karpoche): Thank you. Questions?

Mr. Trevor Jones: I want to thank the member for Mississauga—Erin Mills for his lengthy debate and answering all these questions. We appreciate your resourcefulness.

I want to direct my question about refunds—because when trust is lost in the marketplace, everyone suffers. What does this bill or this proposal do to protect refunds for all Ontarians?

Mr. Sheref Sabawy: Through you, Madam Speaker: Thanks to the member for the question.

Everyone in this chamber knows that a sustained level of consumer confidence contributes to economic stability and resilience. Our goal in this proposed legislation has always been to build the trust in our marketplace and the Ontario economy. Our government strongly believes that when consumers feel protected, our economy thrives.

We are aware of some of the bad actors who refuse to provide consumers with refunds they are entitled to under the existing CPA. Some of these bad actors count on consumers being unlikely to pursue a claim for a refund because of the amount of time and the consumers' high cost of pursuing litigation.

Under the proposed legislation, we would be strengthening consumers' rights. If a non-compliant business

failed to grant a customer a statutory refund, they would be entitled, according to the CPA, and the consumer needs to report legal measures to uphold their entitlement.

The Acting Speaker (Ms. Bhutla Karpoche): Further debate?

Mr. Anthony Leardi: I've been listening intently to all of the discussion that has been taking place this evening, and there have been some very thoughtful statements.

I wanted to take an opportunity to perhaps make an observation about one of the beautiful carvings that are in this chamber. One of these beautiful carvings is right next to me, which I had not had the opportunity to see until I started sitting in this chair here. And if I may attempt to read it—it appears to be written in Latin. I don't speak Latin and I don't particularly read Latin, but I'm going to take a shot at it. It says, "Palmam qui meruit ferat." My colleague the minister might be able to translate that because he had a glorious career in law and we often use Latin phrases in law, but my attempt to translate this is, "Give palms to those who deserve them," or in modern parlance, "Give credit where credit is due." That's what I think it means.

Now I'll stick to a language that I actually speak, which is English.

I think that a good spot to start here is back where the minister had referred to the former Premier or Prime Minister of the day, John Robarts, who had introduced the original Consumer Protection Act back in 1966. It bears observing that, as time goes on, society and the marketplace change, and whereas perhaps 50 years—prior to 1966, we didn't need a Consumer Protection Act because the nature of the marketplace was such that one wasn't required. But by 1966, we had arrived at the place where the marketplace had matured or evolved to the state where we needed a consumer protection act. So I think it's proper to give credit where credit is due and to thank John Robarts and those great legislators who came before us for initiating this kind of legislation.

Some discussion had taken place about enforcement measures that are contained in either the existing act or the proposed legislation. In the legal world, we call that "giving it teeth." So I'm going to take an opportunity here to refer to section 86, which is the "orders" section relating to false, misleading or deceptive representation. For the benefit of all the members of this House, I'll read that section, because it is a rather large act and I wouldn't expect all members to have read and remembered all of the sections.

Subsection 86(1) states the following:

"86(1) If the director believes on reasonable grounds that any person is making a false, misleading or deceptive representation in an advertisement, circular, pamphlet or material published by any means, the director may,

"(a) order the person to cease making the representation; and

"(b) order the person to retract the representation or publish a correction of equal prominence to the original publication."

That is section 86(1), and the first thing it deals with is the director. The director is the person who's appointed

under this legislation for the purpose of carrying out various functions under this legislation, and obviously the giving of orders is one of those functions. So there's a director, and this director has power, and one of those powers is to give orders. Those orders carry the force of law, and they can be treated just like a judge's order and can be enforced similarly to a judge's order. In fact, they're easier to get than a judge's order because you don't

have to go to a court and apply for it; the director can order it in his or her capacity as a director.

The Acting Speaker (Ms. Bhutila Karpoche): I'm sorry to interrupt the member from Essex. It is now 6 p.m.

Second reading debate deemed adjourned.

The Acting Speaker (Ms. Bhutila Karpoche): The House stands adjourned until tomorrow morning at 9 a.m.

The House adjourned at 1800.

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Williams, Hon. / L'hon. Charmaine A. (PC)	Brampton Centre / Brampton-Centre	Associate Minister of Women's Social and Economic Opportunity / Ministre associée des Perspectives sociales et économiques pour les femmes
Wong-Tam, Kristyn (NDP)	Toronto Centre / Toronto-Centre	
Yakabuski, John (PC)	Renfrew—Nipissing—Pembroke	
Vacant	Kitchener Centre / Kitchener-Centre	
Vacant	Lambton—Kent—Middlesex	