

Wednesday 7 October 2015 Mercredi 7 octobre 2015

**Orders of the Day**

***Protecting Condominium Owners Act, 2015***

***Loi de 2015 sur la protection des propriétaires de condominiums***

Resuming the debate adjourned on October 6, 2015, on the motion for second reading of the following bill:

Bill 106, An Act to amend the Condominium Act, 1998, to enact the Condominium Management Services Act, 2015 and to amend other Acts with respect to condominiums / Projet de loi 106, Loi modifiant la Loi de 1998 sur les condominiums, édictant la Loi de 2015 sur les services de gestion de condominiums et modifiant d'autres lois en ce qui concerne les condominiums.

**The Speaker (Hon. Dave Levac):** When we last discussed this bill, the member from Algoma–Manitoulin had completed his speech. We are now on questions and comments.

**Mr. Chris Ballard:** It gives me great pleasure to respond to our friend from Algoma–Manitoulin with regard to this bill. He made a number of very important points. It was interesting to hear his comments about his community and there not being too many condominiums.

I come from north of Toronto, a small community called Newmarket and Aurora, and over the past 10, 15 years we've seen a tremendous growth in condominiums, especially as our communities have filled the remaining green space with more typical homes that you would find in an urban setting.

Really, the only way to grow in our communities is up, so over the last 10, 15 years we've seen a number of mid-rise condominiums go in—six, eight stories. In Newmarket, they're looking at going even higher. It's a somewhat new built form in our community and it's one that, coming from a municipal background, we've had to adjust to.

As a municipal councillor, I was always one of the first who new condo owners would call when they had issues with their developer or with their condo board or whatever. The tools that we had to help them with their issues oftentimes were limited, Mr. Speaker. I'm delighted to see that this bill will be addressing some very important facts like licensing condo managers, improving governance and oversight of condo boards, and providing a relatively inexpensive way for owners and boards to resolve some of the disputes they have without going a more expensive way, that of going to court.

I look forward to seeing this bill move into committee and listening to what the parties opposite can bring forward in ways of improving it. I thank everyone for their support.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Mr. Victor Fedeli:** I do want to speak about the perspective of the member from Algoma–Manitoulin. Of course, he and I are both northern boys and we do take a different look at this. While we look forward, as you just said, to having this bill come to committee, one of the things we'll talk about, in terms of this condo act, are the differences in the requirements of heavily populated urban centres versus the north.

We do have condominiums in the north. Some are small, and some just won't be able to quite match up with the new rules and regulations that are contemplated in this, such as the designing of a website to have access. There are a lot of places in northern Ontario, quite frankly, where we don't even have dial-up website and access. It's just the reality. When I drive in my riding from North Bay to Mattawa, there's a good chunk of the area where we don't have service. It's just the reality of living in two-thirds the size of the population.

So there are certain respects, I've said quite frequently in this Legislature, where it cannot be cookie-cutter, one-size-fits-all. As long as the acknowledgment is there that we really do need a separate set of guidelines that pertain to northern Ontario—you can't always have a Toronto-centric solution to a Toronto problem, because it does spill over and ties in the rest of the province with these issues.

So with respect to the condo owners in my community of North Bay and some of the smaller communities—I have 10 mayors that I serve in my area, 10 different municipalities. Some are as small as 200 or 300 people; they have a mayor. When you look at the rules that are set up for condos, they cannot be that onerous on these smaller communities.

Thank you, Speaker, for the opportunity.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Ms. Teresa J. Armstrong:** I was really delighted to be in the House yesterday, listening to the member from Algoma–Manitoulin. I wanted to compliment him on his rendition of Rosario Marchese. It was very entertaining to watch a Frenchman channel an Italian. I have to say it was very good.

The member talked about how there are not a lot of condo complexes in northern Ontario; people purchase single-family homes. I compared that to maybe what's happening in Toronto and what's happening in London, because we do have a lot of condo buildings: We have high-rises, and we have townhomes. As people are aging, they look for alternative dwellings. A lot of seniors may not be able to cut the lawn and shovel the driveway or do those repairs outside that maybe they could do when they were younger. Having a condo option really alleviates some of that.

I'd be interested to see, as the years progress, if the northern areas of Ontario accommodate some of those needs for seniors. Seniors usually want to stay in the neighbourhood or the area they raised their kids in; they don't want to move far away from family, and I understand that northern ridings are huge and vast. So, talking about regional differences, this bill should acknowledge that there are regional differences in Ontario, and when bills are developed, we should keep in mind that other parts of Ontario have needs as well.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Mr. Mike Colle:** It's sad to hear someone say that this is a Toronto problem. I mean, there are 1.3 million Ontarians who live in condos. Condos are in every riding of this province. The people who live in condos come from all over Ontario. They are people from all walks of life and from every community. They come to work and live in different cities of Ontario. And 300,000 people are employed in this industry building condos.

Interjection.

**The Acting Speaker (Mr. Paul Miller):** The member from Barrie.

**Mr. Mike Colle:** Three hundred thousand people work in this industry. It's critically important that we take this on and not say it's a Toronto problem. It's an Ontario situation that needs addressing. It needs some new legislation to protect the 1.3 million Ontarians who call these condos home. How basic can you get? It's our job. We can't let these 1.3 million people live in a situation where there's obviously—and there have been many suggestions. There has been all kinds of important input from Rosario Marchese, from Tracy MacCharles—18 months of consultations.

*0910*

Everybody agrees that we've got to do things for the betterment of the people of Ontario who call these condos home. That's the reality. They're not just in Toronto. That's why we need to do something to help these people who are asking for dispute resolution. They're asking for rules; they're asking to protect their lifetime investment. To ignore that lifetime investment is just stupid, as far as I'm concerned.

We have a duty to do this. This is one of the most important pieces of legislation we'll probably do, I think, in this term—1.3 million people. We've got to get the job done and not say it's a Toronto problem—

**The Acting Speaker (Mr. Paul Miller):** Thank you. The member from Algoma–Manitoulin has two minutes.

**Mr. Michael Mantha:** I want to thank the members from Newmarket–Aurora, Nipissing, London–Fanshawe and, the last speaker, Eglinton–Lawrence. It's unfortunate; I thought you were here when I delivered my comments yesterday, because the points that you just raised are exactly the points that I had spoken about. It's not just a home; it's the dream of having that home: That's where I'm going to live. That's where I'm going to be raising my family. So when I'm putting my hopes and my dreams into a goal that I'm looking forward to, I want to make sure that those are there and that the mechanisms to address those problems are actually there.

The member from Nipissing brought up a really interesting point. We're not saying that northern Ontario is different. We're not saying that it's better; we're not saying that it's worse. We're asking the government to recognize the challenges that are there, and they are unique. There are different issues. I always use this example when I'm talking to my constituents back home. When we see policy coming from this government, I refer to it as the white paintbrush syndrome. You cannot paint the entire province with a white paintbrush and think that it's going to fix everything. You have to recognize that there are dynamics, there are different areas, there are different challenges throughout this province. My comments that I made during the time that I spoke yesterday were that I look forward to having the opportunity to explain those when this goes to committee.

I give a lot of credit to the individual who is quite knowledgeable about this, who has been speaking about this for the last eight or 10 years, one named Rosario Marchese. I'm sure my friend from Eglinton–Lawrence was here, just across the way from him, as he spoke so passionately about this issue. To you, my friend, as Rosie would say, we'll do it together. We'll do it together. And to you, Mr. Speaker, God bless.

**The Acting Speaker (Mr. Paul Miller):** Thank you. And to you, the member from Algoma–Manitoulin, you will talk to me, not the other member.

Further debate?

**Mr. Mike Colle:** I was here in 1998 when the first condo act was brought forward. I know that at that time, a lot of work went into it. It was over two years of work that was brought in by the previous government. I'm quite aware of how complex and important this legislation is. At that time, we tried to do the best we could to protect Ontarians who invest in these homes. The number of deputations we had, the experts, the citizens who came forward trying to improve the legislation—it was quite commendable.

That's why, going forward now, I think we all have to appreciate how incredibly complex the condo act is. It really takes incredibly convoluted legal matters, real estate issues, property standards issues, municipal issues—and it affects so many people. That is why it's so critical that we take time to do this right.

It is very important to look at the long range here. This act will have to undergo all kinds of tests, because it is going to be very, very difficult to solve all of these problems. As the member from Newmarket–Aurora was telling me, his elderly aunt, who bought a condo years ago on the shore of the Humber River, has a great penthouse condo, but now that condo is under mortgage watch. The reason for that, like a number of condos that may be under mortgage watch, is because of the fact that a lot of people who buy condos really abhor the condo fees.

They get assessed certain fees if the parking garage deteriorates, the swimming pool has to be fixed, the roof leaks. What happens is that it's a natural tendency for people to say, "Well, I don't want to pay more this month and have this increased assessment." So they kept on putting off these repairs.

Subsequently, you get in a situation where now there are major, major repairs, to the point that some condos cannot be sold because people can't get a mortgage for them. So it is very serious.

I had a condo on Dufferin Street in my area just last year. It was one of the first condos in Ontario. The people living there have been living there since the 1970s, when it was built. Because they're elderly and they're living on fixed incomes, they've tended to put off maintenance. So this year they got hit with a huge maintenance fee: upkeep, the garage, the front entranceway, the roof. So a lot of them came to me, saying, "We can't afford to pay this huge new assessment. Would you talk with the property manager?"

In fact, the property manager happens to be an old football player of mine, Tony Seljak, who happens to be in the property management business. He said, "Listen, I'll do what I can. We'll work out a payment system. But the roof and the garage have got to be fixed." That's the reality of what happens, and that's just one small part of this act.

There are so many parts that affect—as I said, the city of Toronto, for instance, or the city of Mississauga or the city of Brampton all come into play with this. Right now there is a major lawsuit against the city of Toronto over the Condominium Act, and that is the result of the fact that people living in condominiums pay very high taxes. They say, "Why should we be paying more taxes than, or as many taxes as, people living in a detached home and then we don't get snow clearance, we don't get these potholes filled in our parking lot? Therefore, the city should also come and clear our snow on private property because we're paying taxes for that equal to the other people." It's a very interesting case. It's before the courts right now. It will be interesting what the decision is, because it could affect people and municipalities right across this province in terms of the relationship with condominiums. So there's another example of the complexity of all of these.

The bill itself tries to deal with 2,200 recommendations. She's not here right now, but the Minister of Children and Youth Services and women's issues spent a couple of years trying to listen to people and work with various groups, trying to come up with this act. As I said, it has been going on for years, trying to get the fundamentals of this act together. She should be given an award for patience and for the good work that she did. She is never mentioned, but she did a lot of work, as she does in a lot areas. So there are a lot of people who have shown an interest in this.

It is critical that we understand that there is no silver bullet in fixing this form of home ownership. It is extremely, as I said, legalistic. Most lawyers who deal with real estate have no idea about the condo act.

**Interjection:** Here she is.

**Mr. Mike Colle:** Speaking of the minister, she is here now.

Anyway, when you buy a condo, there are so many things to be aware of. You're going to be living with a couple hundred, 300, 400 people.

There is a new building going up on Yonge Street in Toronto that has 99 storeys. Can you imagine living in that building and all agreeing on paying assessment fees, on paying condo fees? It's pretty challenging getting everybody to agree. But I think we all agree that we've got a good foundation here. Everybody has come up with some good suggestions.

I think we've got to go forward, and it is important at this time that we bring in all of the experts, all of the stakeholders to bring forward their ideas on how to improve this bill. We've got to open up to the public this discussion on making this act a good one. We've got to bring the public in as soon as we can.

Therefore, at this time, Mr. Speaker, we need to refer this to committee as soon as possible. Bring in the public. As a result, I move that the question be now put.

0920

**The Acting Speaker (Mr. Paul Miller):** Further debate?

**Mr. Mike Colle:** Point of order.

**The Acting Speaker (Mr. Paul Miller):** Point of order.

**Mr. Mike Colle:** Mr. Speaker, in case you didn't hear me: I move that the question be now put.

**The Acting Speaker (Mr. Paul Miller):** The member from Eglinton—Lawrence has moved that the question now be put. I'm personally satisfied that there has been sufficient debate to allow the question to be put to the House. Shall the motion carry? I heard a no.

All those in favour, please say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

This vote will be taken during deferred votes.

Vote deferred.

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Protecting Condominium Owners Act, 2015 / Loi de 2015 sur la protection des propriétaires de condominiums

Deferred vote on the motion that the question now be put on the motion for second reading of the following bill:

Bill 106, An Act to amend the Condominium Act, 1998, to enact the Condominium Management Services Act, 2015 and to amend other Acts with respect to condominiums / Projet de loi 106, Loi modifiant la Loi de 1998 sur les condominiums, édictant la Loi de 2015 sur les services de gestion de condominiums et modifiant d'autres lois en ce qui concerne les condominiums.

**The Speaker (Hon. Dave Levac):** Call in the members. This will be a five-minute bell.

The division bells rang from 1147 to 1148.

**The Speaker (Hon. Dave Levac):** On September 15, 2015, Mr. Oraziotti moved second reading of Bill 106, An Act to amend the Condominium Act, 1998, to enact the Condominium Management Services Act, 2015 and to amend other Acts with respect to condominiums.

Mr. Colle has moved that the question be now put. All those in favour of Mr. Colle's motion, please rise one at a time and be recognized by the Clerk.

**Ayes**

- Albanese, Laura
- Anderson, Granville
- Baker, Yvan
- Balkissoon, Bas
- Ballard, Chris
- Berardinetti, Lorenzo
- Bradley, James J.
- Chiarelli, Bob
- Colle, Mike
- Crack, Grant
- Damerla, Dipika
- Del Duca, Steven
- Delaney, Bob
- Dhillon, Vic
- Dickson, Joe
- Dong, Han
- Flynn, Kevin Daniel
- Fraser, John
- Gravelle, Michael
- Hoggarth, Ann
- Hoskins, Eric
- Hunter, Mitzie
- Jaczek, Helena
- Kiwala, Sophie
- Kwinter, Monte
- Lalonde, Marie-France
- Leal, Jeff
- MacCharles, Tracy
- Malhi, Harinder

- Mangat, Amrit
- Martins, Cristina
- Mauro, Bill
- McGarry, Kathryn
- McMeekin, Ted
- Meilleur, Madeleine
- Moridi, Reza
- Murray, Glen R.
- Naidoo-Harris, Indira
- Naqvi, Yasir
- Oraziotti, David
- Potts, Arthur
- Qaadri, Shafiq
- Rinaldi, Lou
- Sandals, Liz
- Sergio, Mario
- Sousa, Charles
- Takhar, Harinder S.
- Thibeault, Glenn
- Vernile, Daiene
- Wong, Soo
- Zimmer, David

**The Speaker (Hon. Dave Levac):** All those opposed, please rise one at a time to be recognized by the Clerk.

***Nays***

- Armstrong, Teresa J.
- Arnott, Ted
- Bailey, Robert
- Barrett, Toby
- Clark, Steve
- DiNovo, Cheri
- Fedeli, Victor
- Fife, Catherine
- Forster, Cindy
- French, Jennifer K.
- Gates, Wayne
- Gélinas, France
- Gretzky, Lisa
- Hardeman, Ernie
- Harris, Michael
- Hatfield, Percy
- Horwath, Andrea
- Hudak, Tim
- Jones, Sylvia
- MacLaren, Jack

- Mantha, Michael
- Martow, Gila
- McDonell, Jim
- Munro, Julia
- Natyshak, Taras
- Nicholls, Rick
- Pettapiece, Randy
- Sattler, Peggy
- Scott, Laurie
- Singh, Jagmeet
- Smith, Todd
- Tabuns, Peter
- Taylor, Monique
- Thompson, Lisa M.
- Vanthof, John
- Walker, Bill
- Yakabuski, John

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 51; the nays are 37.

**The Speaker (Hon. Dave Levac):** I declare the motion carried.

Mr. Oraziotti has moved second reading of Bill 106, An Act to amend the Condominium Act, 1998, to enact the Condominium Management Services Act, 2015 and to amend other Acts with respect to condominiums. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour, say “aye.”

All those opposed, say “nay.”

In my opinion, the ayes have it.