MUNICIPAL AFFAIRS COMMITTEE
10:00 o'clock, Tuesday, May 14, 1974

Chairman: Mr. J. C. Gottfried.

MR. CHAIRMAN: The meeting will come to order. We have our quorum here. I understand that this morning we'll be continuing with the hearing of delegates concerning some of these bills. One of our first presentations will be made by, I believe, Mr. John T. McJannet, who was here last week, and I have also been informed that there is a Mr. Goodwin here representing the Winnipeg Chamber of Commerce, who is to speak on Bill Nos. 38 and 46. Do we have any others who would like to speak on any of these bills? If so, will you please turn your name in to the Clerk of the meeting, or if you'll come up to the microphone we can get your name right now.

MR. WYNDELS: Yes, Mr. Jim Wyndels and I wish to speak on Bill 46.

MR. CHAIRMAN: Jim Whittal?

MR. WYNDELS: Wyndels. W-Y-N-D-E-L-S.

MR. CHAIRMAN: And you wish to speak on . . . ?

MR. WYNDELS: Bill 46.

MR. CHAIRMAN: Bill 46. Thank you. Anyone else? Once again, for the convenience of the Committee, these are the bills that have been referred to us this morning for our consideration.

Bill No. 2 - an Act to Amend The Department of Urban Development and Municipal Affairs.

Bill No. 3 - an Act to Amend The Local Government Districts Act.

Bill No. 4 - an Act to Amend The Municipal Act.

Bill No. 25 - an Act to Validate an Agreement made between the Provincial Exhibition of Manitoba, the City of Brandon and the Government of Manitoba.

Bill No. 30 - an Act to Amend The Municipal Assessments Act.

Bill No. 38 - an Act to Amend The City of Winnipeg Act.

Bill No. 45 - an Act to Amend an Act to Repeal an Act to Validate and Confirm a Certain Agreement between the Town of Dauphin and the Rural Municipality of Dauphin, and

Bill No. 46 - an Act to Amend The City of Winnipeg Act (2).

Is it the wish of the Committee . . .

MR. JORGENSON: Mr. Chairman, I wonder in the light of the fact that Bill No. 46 just has passed second reading yesterday, there are a lot of people who may want to make representation on that bill. I wonder if they may also at the same time want to speak on Bill 38, which is another bill to amend the City of Winnipeg Act. I wonder if we could just hold those two off to ensure that those people who want to make representation will have that opportunity.

MR. CHAIRMAN: I was just going to make reference to that fact and I was hoping to gauge the feeling of this Committee with respect to that. Should we hear their representations today and consider the bills at a later date?

MR. JORGENSON: For those that are here today. All I'm suggesting that we don't close off hearings on those two bills.

MR. CHAIRMAN: No.

MR. SCHREYER: Mr. Chairman, on that point of order the intent was that Bills 38 and 46 should be taken in tandem in committee for the convenience of those who are here who are prepared to make representations thereon, with the understanding that, even if we would otherwise be in a position to pass them through, we would not, but rather hold them over to the next meeting of the committee. To another date.

MR. CHAIRMAN: Is the Committee therefore agreed that we hold these bills in abeyance?

MR. JORGENSON: All I'm interested in is insuring that those who want to make representation on those two bills have that opportunity and I doubt very much, if in the light of the time that was allowed to notify them, that many of them could be here today.

MR. SCHREYER: Well, that's agreed, Mr. Chairman, except that if anyone is here today who is prepared to . . .

MR. JORGENSON: Oh yes. Fine. No problem.

MR. CHAIRMAN: Having dispensed with that then I think - yes I'll call on the first speaker, Mr. McJannet, will you please take the microphone and make your presentation on Bill 38.

MR. McJANNET: Mr. Chairman, Mr. Ministers, gentlemen: I am appearing here today

(MR. McJANNET cont'd) . . . . . on behalf of the Housing and Urban Development Association of Manitoba and the Urban Development Institute, Manitoba Division. I have with me Mr. Bruce McLeod, Director and First Vice President of the Housing and Urban Development Association and Mr. Don Ellis who is a Director of the Urban Development Institute.

For your information I have copies of our presentation referred today by . . .

MR. CHAIRMAN: Will someone . . .

MR. McJANNET: Mr. Chairman, I would refer to the four-page addendum which is attached to the presentation. As a matter of information, the Housing and Urban Development Association of Manitoba was formerly the Winnipeg House Builders' Association, its name recently being changed under The Companies Act of Manitoba. The addendum sets out some of the Association's objectives and I would refer to one particular objective of the Association which is to service, advance and protect the welfare of the house building industry in such a manner that adequate housing will be made available by private enterprise to all Canadians. Membership in the Association consists of builder memberships, and associate memberships are those who are allied with the building trade. At the present time the membership roster indicates that there are 45 house builder members operating generally within the City of Winnipeg and 120 associate members, that is, manufacturers and/or suppliers of house building materials.

Official statistics to date and estimates prepared by the Economic Council of Canada indicate that house builders will construct and sell some 1,800,000 new houses between the years 1960 and 1980. Based on present statistics, UDAC members, which is the national association, account for approximately 85 percent of all new housing construction in Canada. Similar detailed statistics are not available for the Province of Manitoba and therefore we are not able to indicate the extent to which UDAM members are involved in new housing construction throughout the province. Statistics, however, are available for the Greater Winnipeg area and they indicate that UDAM members construct and sell approximately 70 percent of all new housing in the Greater Winnipeg area.

The Urban Development Institute, Manitoba Division, was incorporated in Manitoba on July 26, 1962 and it is associated with the Urban Development Institute of Canada and this institute in turn has provincial division in Nova Scotia, Ontario, Manitoba, Alberta and British Columbia. Membership in the institute represents a complete cross-section of each of the major branches of the real estate and building development industry. All members share a common interest to achieve the best possible methods of carrying out land and property development and urban renewal resulting in urban planning and development which will best provide for the needs of Canadians today and in the future. It has been estimated that at least 75 percent of development activities in the Greater Winnipeg area are carried out by members of the Urban Development Institute. It is clear, therefore, that UDAM and the Urban Development Institute, UDI, as for that matter the Winnipeg Real Estate Board, politicians and the general public have been deeply concerned with the severe scarcity of serviced lots, particularly for single family dwellings, within the Greater Winnipeg area.

The shortage of serviced lots on the Winnipeg market has caused a serious and extreme price escalation in lot prices, an overall increase in the end price of housing, a serious increase in those members of the general public who have been deprived of the ability to purchase housing, a serious loss in income for labourers and tradesmen, and a serious curtailment of the house builders volume of production and a serious concern that many of the Winnipeg custom builders and small individual builders will be literally forced out of business.

With this concern in mind the Housing & Urban Development Association of Manitoba and the Winnipeg Real Estate Board engaged the UMA group formerly the Underwood-McLellan group, to undertake a study on the supply of building sites in the City of Winnipeg under amongst others, the following terms of reference: document the urgency and seriousness of the situation which is developing in the Greater Winnipeg area; analyze administrative difficulties and suggest ways in which plan approvals could be more readily obtained.

This study was undertaken with the co-operation of the City of Winnipeg, its staff, both at the political and administrative levels. The study has been presented and discussed with the City and copies are now to be presented to you just so that if anyone wants something to read in their spare time.

You have before you, passed around to you, UMA Group study which deals with building sites under the heading of Prime Component of Housing, prepared in November, 1973. I commend its reading to you. I can assure you that I don't intend to read the whole 50 pages

(MR. McJANNET cont'd) . . . . . with all of the schedules and tables. I would like however to make some reference to the report in connection with our presentation.

Referring specifically to page 10 of the report, the study indicates: the seriousness of the situation did not fully reveal itself to the average prospective home buyer in 1972 due to the fact that in prior years there has always been some inventory of serviced land owned by various builders or developers. Many of the people who should be concerned, particularly politicians and administrators, have not yet appeared to be cognizant of the situation. Existing inventory aided in keeping the builders supplied in 1972, but is now completed. The situation is critical and a truly unified and concerted effort on the part of all segments concerned will be required to meet the current demands.

A further delayed reaction will occur even if the full supply were somehow to be registered immediately. Delay would take place as a result of the arrangements for servicing, capacity for provision of power, telephones, etc. There will be a serviced lot shortage for about two years under the best of conditions.

The subdivisions registered in 1972 contained less than enough lots to meet demand. In 1973 the situation has worsened to a point where supply is only meeting about one-third of demand. Even with immediate action, the effects of curtailed subdivision approvals will be felt in future years.

It may be true that developers have not always adjusted rapidly to new development procedure and that conflicts have occurred between developers and administrators in processing plans. It does appear, however, that the present condition is not caused by the development sector deliberately conspiring to withhold land from the market.

The shortage of lots on the market has resulted in drastic increases in prices of developed lots. Page 14 gives you an indication of the drastic increase from December, 1971, when the average lot sold at $85.00 per front foot to July, 1973, when the average lot sold for $150.00 per front foot and I do not have any specific statistics at the present time but I have no doubt that they have increased again.

Figure No. 2 headed Cost of Serviced Residential Lots and it immediately follows Page 14 - shows that in - from 1960 to 1970 there was a gradual increase in price. In 1971, '72 and '73 there was a dramatic increase in the price of serviced lots.

The short supply of serviced lots has had a direct effect on the selling price of raw land. Whereas, in 1968 it was possible to purchase raw land at $2,000 an acre and developers were able to provide all services and place their lots on the market at $85.00 per front foot, the present shortage of serviced lots has created an increase in unserviced land for development in the price of $6,000 to $15,000 per acre. Thereafter the detailed procedures set out in Part 20 for the rezoning and the subdivision approvals must still be followed.

I refer you to Page 17 of the UMA Report which, in summary, states, at the bottom of the page, the last paragraph, there have been certain increases in servicing costs which are related to increased standards and other increments from pure inflationary trends. These increments do not account for the major increases in building lot prices. The most severe factor is lack of approval for plans of subdivisions creating an artificial shortage and corresponding price increase both in the finished product, the serviced lot, and raw land.

Table 10, immediately following page 18 - I'm sorry, Table 9 indicates clearly the effect on existing housing of a short supply of serviced lots. An indication of housing increasing from May, 1973 to September to October increasing one or two thousand dollars over a period of just a couple of months. No one has really gained by the shortage of serviced lots on the Winnipeg market. There may have been some immediate price gains or advantages for developers and builders but those who have been in this market for a long period of time and who continue to wish to carry on their business within the Province of Manitoba and within Winnipeg are seriously concerned and are drastically affected. Developers' production of serviced lots has been curtailed to about one-third of the normal market. The effect on the home builder is severe. Builders, who may also be land developers, are seriously affected by curtailment in their building activities. The small individual or custom builder who is not involved in land development activities is critically affected as virtually no lots are available to construct homes. As builders are forced to stop or drastically reduce production, the problem arises of rehiring or retraining competent personnel. The more serious danger arises in that a large proportion of this valuable segment of the building industry may be permanently removed from the Winnipeg market.

(MR. McJANNET cont'd)

It is not possible to assess responsibility on one individual party involved in the process. Suffice it to say that all parties in serviced lot activities must bear some of the responsibility, The City of Winnipeg Act, city administrators, developers, politicians, community committees and advisory groups all contribute in some way or another more or less in the shortage which we are now faced with.

One area of improvement clearly involves the rezoning and subdivision process. The City of Winnipeg Act calls for a large amount of citizen participation and democratic involvement in the land development process. We subscribe to citizen participation and democratic involvement in the land development process. We subscribe to citizen involvement, but in such a way that the development process with whatever result is not unnecessarily delayed. It is our opinion that the present procedure, set out in Part XX of the city of Winnipeg Act, seriously restricts the development process.

I would refer you to Figure 4, immediately following page 29 in the report. This Figure as prepared by UMA indicates some ninety (90) procedural steps through which parties concerned are involved in the processing of a plan of subdivision. It involves the developer, city agencies, provincial agencies, other governmental bodies, the public and private agencies. Is it no wonder that the time for processing rezoning applications and applications for approval of plans of subdivisions have increased in an average under the old Metropolitan Corporation Act from some six months to, in many cases, 18 months or more.

Well, not referring and reading in detail, I would refer you to Page 29 of the UMA report which sets out the summary of their recommendations and I would commend them to you for your reading.

In summary then, it is our submission that one of the major factors in the continuing escalation of prices of serviced lots is the inordinately expensive and time-consuming process for the re-zoning of land and the approval of plans of subdivisions as contained within Part XX of the Act.

We submit that a complete review of Part XX be undertaken immediately with the view of improving the processing procedures applicable to re-zoning and subdivision approvals while, at the same time, maintaining a proper level of citizen involvement in the growth of their City of Winnipeg. This review should be completed in not more than six (6) months. Should such a review be undertaken we ask that serious consideration be given to granting to the City of Winnipeg the right to regulate, by bylaw, the procedures applicable to the processes thus avoiding the necessity of amending the Act to circumstances that may arise while the Legislature is not in session.

If such a review be undertaken then naturally, our members offer their unqualified assistance. There's no question that, if such a review is undertaken, that at least six months will pass before bylaws may be enacted and the rules and regulations established for rezoning and processing of planned subdivisions.

In the meantime we would like to make the following comments on the present City of Winnipeg Act and Bill 38 with certain amendments that are included therein.

Under Section 570, the Metropolitan Development Plan, which is Bylaw No. 1117, passed by the Metropolitan Corporation, is deemed to be the Greater Winnipeg Development Plan.

Under Section 579(1), council is required to establish district plans.

Under 584, council is required to establish action area plans.

We believe that the Metropolitan Bylaw No. 1117 was established as a broad statement of policy guidelines for the future development and planning of the City of Winnipeg. We therefore submit that the by-law be adopted as such and that otherwise reference in the City of Winnipeg Act to that by-law be deleted. We further submit that because of its broad statement of policy guidelines, council be authorized to amend the bylaw without the necessity of public hearings. With regard to district plans and action area plans, we suggest that council again be authorized, as at the present time, to enact and/or amend these plans by bylaw and, as they deal with specific matters of a local nature and are of direct public interest, public hearings be held to deal with such bylaws.

Once the district plan and action area plans have been approved and are in effect, Section 609 (2. 1) which is an amendment refers to certain applications to be made to the Commissioner of Environment following which he refers it to the Community Committee--sorry--It's under Section 609 (2. 1) which is proposed, the Commissioner of Environment refers the matter to the Committee on Environment for a decision that an application does not

(MR. McJANNET cont'd) . . . . . confirm to the Greater Winnipeg Development Plan, the district plan or the action area plan and of course it is not proceeded with, any application is not proceeded with until such a plan is amended.

Section 637(13), which deals with plans of subdivision, puts the decision-making power on the Commissioner of Environment rather than causing the Commissioner to refer it to the Committee on Environment for decision. Again, such an application is not capable of being processed until Council gives first reading to the bylaw required to amend any one of these three plans.

It is our submission that in both of these sections the Commissioner of Environment shall be required to refer the matter ot the Committee on Environment to decide if the proposed zoning change or proposed plan of subdivision does or does not conform with the Greater Winnipeg Development Plan, a relevant district Plan, action area plan or zoning by-law.

We further suggest that if the applicant is prepared to apply to amend such plans, then the application to amend such plan and the application for zoning change or for approval of the proposed plan of subdivision may proceed at one and the same time in the same way that authority under the Act now stands to process zoning changes and plan approvals in one step.

Referring now to the zoning sections under Section 598 of the City of Winnipeg Act, Council has power to enact by-laws with respect to certain detailed items contained in the subsections of Sections 598.

Section 600(1) then states that where an application is made for the enactment of a zoning bylaw, the Council may require the owner of the land, building or structure to which it will apply, as a condition of its enactment, to enter into an agreement with the City in respect to certain matters set out in that section.

Section 600(2) then says that if such an agreement is entered into, a caveat or a similar instrument may be registered against the land in the Winnipeg Land Titles Office as may be the case.

It is our submission that Section 600 be deleted in its entirety for as it stands, it is only applicable "where an application is made for the enactment of a zoning bylaw" which bylaw itself, under Section 598, may deal with any and all of the matters set out in 600 (1).

The time involved in preparation of additional agreements, in addition to the zoning bylaws, simply extends the period of time involved in processing zoning applications. The registration of the agreement against the applicant's title seems to create an unnecessary step in the process and the practical problems of maintaining records and copies of such agreements for numerous parcels of land over many years will no doubt create serious difficulties in the future. In fact the registration of agreements, issued by the City of Winnipeg, are supposed to give notice to any potential purchaser of the property of the restrictive covenants or special conditions established by Council. But it is unfortunate that one may not go to the Land Titles Office and obtain a copy of the agreement and in every case read with certainty the terms and conditions of the agreement. Because in fact in some cases, agreements are issued to the effect that no buildings or structures shall be erected, altered, enlarged or maintained, etc. except in accordance with plans to be submitted by the owner and approved by the Commissioner of Environment after consultation with the pertinent Community Committee and in accordance with the terms of any addendum to this zoning agreement which may be determined by the Council of the city. So we're started right back to where we were before. Section 600 (1) authorizes the execution of an agreement, which agreement in itself, refers to some conditions that may have yet to be approved. We therefore suggest that it is impractical to have an agreement of this nature authorized under this particular section.

I would also refer you to Section 637 (58) which is an amendment which again refers to Council's right to cause agreements to be executed by parties arising out of approvals for plans of subdivisions or the issuing of consent. And again, whatever these agreements may contain, authority is given under that subsection to register the caveat in the Winnipeg Land Titles Office. Twenty years from now it may be indeed difficult for any party to find out exactly what the restrictions are on any particular parcel of land.

I would now refer you to proceed on to Land Dedication and notwithstanding the recommendation that Section 600 we deleted--I refer you now to the proposed amendment 600 (5) which refers to an application for re-zoning land to multiple residential use, commercial use or industrial use or a combination of same and establishing the right in council by bylaws to provide the conveyance of land shall be used for public purposes or that a sum of money shall

(MR. McJANNET cont'd) . . . . . be used to purchase land in lieu thereof. So that in fact the section referred to City Council establishing by bylaw the requirements for conveyance of land or payment of money when such an application for re-zoning is received.

Section 637. 3, which is an amendment in Bill 38, refers again to a payment of a sum of money in lieu of conveyance or for that matter for conveyance and it says that Council or the Council of a particular municipality, should it be in the additonal zone, may by bylaw declare that a part or all of the money shall be used for a public purpose other than the purchase of land.

Section 637 (40) presently as it is in the Act, deals with the question of consent and this section stated: "In determining whether a consent is to be given, regard shall be had to the matters set out in subsection (22)" and we deal with all of the consent requirements in Section 637, subsections 1 and 2. In fact it is our experience that the City, in administering applications for consent, is, in fact, extracting from an applicant the payment of a sum of money in exchange for the issuance of the consent. In fact it becomes a tax. In addition there are circumstances where they may not require any conveyance or any payment of money, in like circumstances where in fact they have required a conveyance or a payment of money. It appears to us that the rules and regulations under which consent are being requested have not been established and it is therefore our submission that Council enact bylaws establishing the requirements for the conveyance of land or payment of money in lieu thereof, in all circumstances, in order that all applicants may be treated equally under like circumstances. This is particularly important in the question with regard to the question of consent where one applicant may be required to pay 10 percent to the City in order to receive the consent of the City to either a transfer or mortgage. On the other hand another applicant may receive his consent without any payment whatsoever.

We further submit that the land conveyed to the City, or money paid to the City in lieu of land conveyancing shall be used exclusively for parks and recreation purposes and within the boundaries of the Community Committee in which the land is situate and for which the application is made. Should such a submission be accepted, a further amendment to Section 637 (59) would necessarily follow which deals with the disposal of land that may have been dedicated under certain agreements.

Dealing still with the subject of Land Dedication and Plans of Subdivision, Section 637 (23) authorizes Council by bylaw to impose a condition that such part of the land included in the plan of subdivision as the Council deems necessary, but being at least 10 percent thereof in area be conveyed to the City for public purposes or that a sum of money be paid to the City in lieu of the condition in clause (a), the sum of money always being equal at least to 10 percent.

It is our submission that the area of land to be conveyed or the sum of money in lieu thereof should be not more than 10 percent. It is possible that in determining the 10 percent where you are dealing with dollars, the payment of money rather than the conveyance of land, to relate the value of the land on that day immediately following the approval of the re-zoning and the registration of the plan of subdivision. Such procedures follow under the Alberta Act.

At the present time with the dedication for streets and lanes and including this 10 percent approximately 36 to 40 percent of a parcel of land, adapted for a plan of subdivision is dedicated for public purposes. To allow discretion which in some cases may exceed 10 percent, simply reduces the number of serviced lots to be made available for the market at a time when there is a serious shortage.

Mr. Chairman, if I might now refer to the question of notices re meetings. The notice provisions as proposed are similar both for processing of zoning applications and approvals for proposed plans of subdivisions. In Section 609 (4) and 637 (15) amendments indicate the city shall be required to give notice to all owners and all occupants of rental dwelling units within 500 feet or such greater distance as the Council deems advisable, it is our submission that mandatory notice provisions requiring (a) the publication of a copy of the notice in the two weekly newspapers once a week for at least two weeks prior to the meeting, and posting of a copy of the notice on or near the land for at least two weeks prior to the meeting be sufficient and reasonable notice to the general public, provided that the City Council shall be granted the discretion to determine, with regard to any particular application, additional requirements for notice as may be applicable under the circumstances of each individual application.

To institute the mandatory notice provisions, in every case, no doubt, will require the hiring of additional staff for the City of Winnipeg - and assuming they are available - the training of such staff and thereafter the preparation and mailing of notices from time to time

(MR. McJANNET cont'd) . . . . . It can be anticipated such procedures may cause additional delays of several months with substantial costs both in time and money as the result.

I'd like to now refer to the question of the report of the Zoning Committee re zoning changes and proposed plans of subdivision. Section 612 (2) requires the Community Committee's report to be forwarded within 30 days following the meeting to the Committee on Environment. It appears to be that the time is 30 days following the completion of the meeting of the Committee on Environment. It seems reasonable to suggest to encourage the Community Committee to report, thus allowing the Committee on Environment to report, thus allowing the next Committee to report, and ultimately report to Council.

We suggest that reasonable periods of time be established, such as that the words - Oh, I missed a page. What we are suggesting is that the Community Committee be required to establish within 30 days of the date the application is received and filed with the City, the day, time and place for the holding of a meeting to receive representation. Should the Community Committee fail to establish the date, time, and place of the hearing within the said 30 days, then the Community Committee shall be deemed to have made a report with no recommendations.

Where the date, time and place have been established by the Community Committee, then it shall be required to forward its report to the Committee of Environment within a further thirty days of the date so established. Should the Community Committee fail to submit its report again it shall have been deemed to have made a report with no recommendations.

The above recommendations would avoid unnecessary delay and enable the Committee on Environment to consider and forward their report to the Executive Policy Committee. It may be that the suggested 30 days are unsatisfactory, in view of certain adjournments that may take place. It may be that in the cases where adjournments of Community Committee public meetings are granted, the time period might be 45 days or such period as may be reasonable. However, we do recommend that limitations be set upon the committee in which it must reach a decision. For that matter, some consideration might be given to put like conditions upon the report to the Committee on Environment who then report to the Policy Committee, which committee then reports to Council, all within the details of Part XX.

We would now refer to Section 637 (9) and various other additional subsections in 637 which deals with the question of Plan of Subdivision and Draft Plan of Subdivision, it appearing that the word "draft" is to be deleted in every case, it is our submission that if the word "draft" is to be deleted, that the word "proposed" should be inserted, or conversely, that a detailed definition of Plan of subdivision for the purposes of this particular section be set out.

If a strict interpretation of the word "Plan of subdivision" is applied, then this will require the preparation of a detailed survey plan, certified by Manitoba land surveyor at the initial stage. This is extremely costly, particularly when you recall that after a proposed plan has been considered and corrected at the various committee and public hearing levels, it then is put into final form and certified by the surveyor.

Section 637 (33) deals with details such as at least 16 copies of a draft plan thereof drawn to scale not less than one inch - 200 feet - sorry, this is in Section 637 (9) - and this is where an application is made for approval of a plan of subdivision. It is our submission that Council be authorized to establish the details of supporting material that must accompany any application for approval of a proposed plan of subdivision.

Surely Council should be given the discretion and the right to determine supporting material, just as under Section 637 (9) they are authorized to set the fee for such an application.

Finally, dealing with Section 637 (33), we believe that the purpose of Section 637 (33) was to allow the Committee on Environment to approve and pass proposed plans of subdivisions for registration in the Winnipeg Land Titles Office without the necessity of proceeding through the Community Committee public hearings, then to the Committee on Environment, then to the next committee up the line and then further into Council, and then to the Minister and then to the Municipal Board.

The amendment to Section 637 (33) indicates that Council may impose conditions set out in clause 23 (a) or (b) and that's the two clauses where they may impose a condition that land be conveyed or that a payment of money in lieu thereof may be required. We would suggest, in order that it be clear, that section 637 (33) allows the Committee on Environment to process plans without the necessity of public hearings, that the amendments refer also to the right of Council to impose conditions set out in Clause 23 (c), (d) and (e) as well.

Our final matter before us of course is our initial recommendation and that is that Part XX, by a special committee be totally reviewed, having in mind the interests of the general

(MR. McJANNET cont'd) . . . . . public but having in mind also the betterment of the community.

I'd be pleased to answer any questions and I'm sure that Mr. McLeod and Mr. Ellis should I not have the answers, will be able to assist me.

MR. CHAIRMAN: Thank you, Mr. McJannet. Are there any questions from the members of the Committee with respect to further clarification? The Member for St. Boniface.

MR. MARION: Mr. Chairman, just an observation. I notice that if the lapse of time with respect to each step were controlled or more controlled, do you feel in essence, then, that the delay wouldn't be as great and we could really get on with the job?

MR. McJANNET: Well, in all matters, whether you win or lose in your application, you've got a decision. We've situations today where rezoning application is floating at the Community Committee level for six months. Now, either the applicant gets the decision or he does not get a decision. At least he knows. But to float for six months as costs increase for the particular project in mind, seems to be unfair. At least if the requirement is there he can have an answer. He may not get the answer he wants, but at least he has an answer.

MR. CHAIRMAN: Any further questions. Then hearing none . . . Yes, the Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Chairman. Through you to the person who has presented this brief, I would like to ask you, if the bureaucratic jungle and the legal jargon that has been used in the last half-dozen years has significantly increased the cost to the final consumer, and if you could put a rough ball park figure on it?

MR. CHAIRMAN: Mr. McJannet.

MR. McJANNET: I wish I could answer that question definitively but I think that all I can say is that the very fact that the procedures now have extended the period of time from commencement to final approval, with the resultant shortage on the market, I think there has to be an increase. Now, direct costs, I'm not sure that I have that answer. I'm not sure that I could give you any figure.

MR. GRAHAM: Could you tell me what is the average length of time that it takes, once a plan is proposed, before it is finally accepted. What is it, 18 months, two years? Three years?

MR. McJANNET: I'm sure that certain members of the administration would argue with me and it depends where the land is located, where the services are at the particular time, what services have yet to go in, so in some cases it takes a year and a half. I'm sure in order to be fair it takes many months less, in particular circumstances. Also, on the other hand it may take more than that to process a plan of subdivision, but if you have to consider the Hydro, the gas, the installation of roads, the complete procedure, negotiation with each one of the parties referred to in the schedule in the UMA report, then it may very well vary, it has to vary, depending on the application.

MR. CHAIRMAN: The First Minister. Mr. McJannet.

MR. SCHREYER: Well, Mr. Chairman, I'd like to ask Mr. McJannet just perhaps three questions. The first question would be in the research that you've put into this brief and this supporting document, have you run any comparison curves of the increase in cost of land and housing construction or either one, for other cities in Canada over half a million, even over a quarter of a million population, in order to try and get a cost comparison? The dynamics as I understand it are, as you say in your brief, but they are nation wide, if you concur.

MR. CHAIRMAN: Mr. McJannet.

MR. McJANNET: Mr. Premier, I think that, generally speaking, that is correct. It is just now in the last two years however, that lot prices, housing prices have started in Winnipeg, have started to equalize in comparison with Toronto and Vancouver. I think it's true to say that people being transferred from Winnipeg to Toronto or to Vancouver have dreaded the day that they are transferred because of the cost of housing. One of the facets there I suppose, if I was making this presentation in Toronto, would be that their period of time for processing plans of subdivisions, etc. and I haven't got this in detail, I'm just quoting someone else, is much longer than the process in Winnipeg. That, of course, doesn't necessarily say that we can't improve the Winnipeg process, but I understand that their public hearings, etc., it does even take longer.

MR. CHAIRMAN: The First Minister.

MR. SCHREYER: The second question, Mr. Chairman, is to ask Mr. McJannet whether,

(MR. SCHREYER cont'd) . . . . . in pointing out some allegedly redundant or excessive administrative processes relative to getting zoning changes approved or plans of subdivision approved, have you got this diagrammed schematically with some indication as to which specific steps in those - neither of those two processes, zoning and plans of subdivision could well be deleted?

MR. CHAIRMAN: Mr. McJannet.

MR. SCHREYER: In other words, what you've outlined here but in schematic form.

MR. McJANNET: No I don't have that, Mr. Premier, at the present time. As indicated, we feel that before you can do, you know, if you repeal Part XX which, you know, that may be wishful thinking on my part, it has to remain until such time as an alternate procedure is established by City Council or whatever, by the Legislature and we would like to participate and give what input we are capable of giving in helping establish these procedures.

The changes that we recommend at the present time, to Part XX, we haven't set out in a diagram as such. We think that, particularly the time element might be of some assistance for reporting.

MR. SCHREYER: Bearing in mind, Mr. McJannet, your reference to three main points, the relative non-availability of serviced land, the excessive administrative procedures involved with plans of subdivision and zoning changes, bearing all that in mind and also the time factor, what would be your comment on the fact that if you were to draw a ratio in terms of building permits issued or residential starts actually under way, in each of the years of the 1970s as compared to the ratio of building permits issued residential starts for each of the years in the 1960s let us say, as a ratio of increment in population in the Greater Winnipeg area, would such a comparison show a diminution in numbers of residential starts per thousand population increase, or would it show, in fact, an increase?

MR. CHAIRMAN: Mr. McJannet.

MR. McJANNET: Mr. Premier, I believe, and I'm sorry I can't put my finger right on it that is in the UMA report, there is some reference to starts in the report and perhaps Mr. McLeod can give further reference to it.

MR. SCHREYER: Now you have a draft here, Mr. McJannet, on page 11.

MR. McJANNET: Figure No. 1?

MR. SCHREYER: Yes.

MR. McJANNET: It's true, I think the graph does indicate, Mr. Premier, the increase in annual starts per thousand for instance between 1970 and 1973, not indicate starts per thousand of an increase from a low of 70 to an increase as it goes along into 1971 of 13.96, 16.36. So there is an increase in the demand. I don't deny that in fact that's the situation of course. And I don't in any way suggest that members of our association are absolved of the responsibility of some of the problems that have arisen because we aren't and I think we say in our brief that we acknowledge that we have contributed as well as everyone else. Perhaps this can be improved at least by the procedures.

MR. SCHREYER: Well, Mr. Chairman, I really wasn't trying to find fault with the Home Builders' Association. I frankly am not sure how to interpret the graph and the chart on the next page because, on the one hand, I tend to find, you know, credence, or credibility with some of the points made in the brief, namely, that there would seem to be some excessive amount of administrative steps and procedures, bureaucracy with a small "b" and perhaps an excessive degree of caution with respect to methods of approving plans of subdivision. But on the other hand the reality would seem to be - on the basis of your own schematic presentation here that in fact the number of residential starts per thousand population has been maintained at a higher level than obtained through most of the bygone years, so that would seem to be an internal contradiction. It would seem to be.

MR. CHAIRMAN: Mr. McJannet.

MR. McJANNET: I took the Premier's comments as remarks only, Mr. Chairman.

MR. CHAIRMAN: Are there any further questions, then, from members of the Committee? If not I wish to thank you once again, Mr. McJannet for being present with us here this morning and we'll move on to the second name on our list, Mr. Goodwin, who will be making a presentation on behalf of the Winnipeg Chamber of Commerce. I have his brief here which he gave to me earlier this morning and I'd like it passed out now. Mr. Goodwin will you come forward, please, to the microphone.

MR. GOODWIN: Thank you, Mr. Chairman.

(MR. GOODWIN cont'd)

Mr. Chairman, honourable gentlemen, you have before you a copy of our short brief and perhaps it would be just as simple if I read it to you and if there are any questions you can ask me thereafter.

There are some 156 amendments in the two bills. We have tried to review them carefully and we agree, in general, with the changes and hope that these few comments which we are making may be helpful.

Dealing first with Bill 38, we are pleased to see the new section 143. 1 which places restrictions on the right of entry and provides a procedure for obtaining entry by warrant of, in emergencies, through the authority of the Chief Commissioner, when entry has been refused.

The new Section 350. 1 makes it mandatory that the city include any printed notice, information or materials supplied by the minister with any tax notice or statement of demand for taxes. In our submission this is a very broad provision and we would suggest it should read either that the city may include such material or else it should be much more specific about the kind of material which the city must include.

We welcome the improvement in Section 373 (1) which formerly authorized the Council to undertake any local improvement unless 60 percent of the property owners opposed the project within one month of the publication of notice. The new provision that such undertakings must be initiated by bylaw will help to draw the attention of voters to any proposed action but we are still concerned that there be adequate notification to the ratepayers concerned. The publication of legal notice in one issue of the newspaper can very easily be missed and we do feel that there should be some direct notification to the property owners concerned in this instance.

Section 550. 1 (1) authorizes the city, by bylaw, to impose a water connection charge for the purpose of recovering a portion of the capital cost of the water works system. While subsection 2 of the same section outlines the methods of calculating the charges and the methods of the procedures for collecting, this is quite a departure from the normal concept of a water connection charge and may require further clarification.

Section 605 (3) bothers us. At present it provides that if a non-conforming building is destroyed or damaged to an extent, in the opinion of the Council, equal to the assessed value of the building above its foundation, it shall not be rebuilt or repaired except inconformity with the provisions of the zoning bylaw. This seems to be a bit like the prosecutor passing judgment on the person before him.

Also in changing the amount of damage from "equal to the assessed value" to "equal to 50 percent of the cost of replacement of repair" there is either a misprint or confused wording and the section, as printed requires revision. Surely the measure of the extent of any damage is 100 percent of the cost of repair of that damage.

Section 637 deals with subdivisions, application for approval, draft plans, objections, considerations and conditions of appeal. It limits the transfer of land that is not under subdivision and then provides that the Committee on Environment may consent to a conveyance that is not generally authorized if the committee is satisfied that a plan of subdivision is not necessary in that particular case. There are some considerations set out and Subsection 44 then provides that in studying the application for consent to a conveyance the committee may grant or refuse the conveyance or- and I'm quoting from the amendment - "partial discharge of mortgage, encumbrance, lease or agreement". The use of the term "partial discharge" in this instance puzzles us in that there appears to be a misprint. It probably should read "partial discharge of mortgage" and in any event we are wondering why a "partial discharge" would have to be covered by this particular section since I don't believe as a matter of law any interest in land is conveyed by a "partial discharge of mortgage" or a "discharge of mortgage" for that purpose.

Turning now to Bill 46, we express strong objection to Section 9 (1. 2) which authorizes changes in the number of Councillors by Order-in-Council. We believe that this is an important enough matter that it should require an amendment to the Act which would be processed through this Legislature and which would be subject to public hearings.

We note that it is proposed to repeal Section 15 which provides for a replacement of the Mayor should his office become vacant. We recognize that the position of Mayor seems to have become permanent with the present incumbent. Section 96 covers replacement of members of Council but we are not sure these provisions would apply to the replacement of the

(MR. GOODWIN cont'd) . . . . . mayor and if so, Subsection 96 might leave us without a mayor for many months.

We again have strong objections to the change proposed in Section 20 (5) which permits changes of the boundaries of communities, the establishment or disestablishment of communities and variations in the wards by Order-in-Council. Here again we believe that the matter is of sufficient importance that it should require amendment to the Act.

Mr. Chairman, this is the submission of the Winnipeg Chamber of Commerce which is respectfully submitted.

MR. CHAIRMAN: Are there any questions that members of the Committee may wish to direct towards Mr. Goodwin? The First Minister.

MR. SCHREYER: Well, Mr. Chairman, I note that there is one aspect of Bill 46 that is referred to in two places in the brief, namely that of any change in boundaries by Order-in-Council. Would this observation here still be expressed if such changes were entirely in accordance with the recommendations of the Independent Commission that operates pursuant to the Act? In other words visualize a situation in which the only change, if any, is pursuant, but completely pursuant to the recommendation of the independent commission.

MR. GOODWIN: Thank you, Mr. Premier. Yes, I would say that the subsections would be subject to the same disability, in our view, which is that these are matters which affect the basic setup of the organization itself which should be subject to the review and scrutiny of the body which set it up, that is the Legislature as a whole.

MR. CHAIRMAN: Are there any further questions? Hearing none--the First Minister.

MR. SCHREYER: I'm sorry. Unless I misinterpreted it, the last paragraph, Page 1 running over to the top of Page 2, if I understand it correctly the Chamber is recommending that there be a mandatory notification directly to property owners that are in a certain proximity to any proposed zoning change or plan of subdivision change and I'm wondering if that's really what is meant, because, as the witness may know, the City of Winnipeg really doesn't like that kind of mandatory provision. They would prefer it be permissive.

MR. GOODWIN: I think, if I may, Mr. Premier, this is a specific reference to an amendment to Section 373 which talked of local improvements. But it's sort of put in the negative in the sense that the local improvement can be proceeded with unless certain people object, unless the property owners object. So that unless the matter is brought to their attention in some equitable fashion they're not going to have the opportunity to object. We would submit that, again, given the general tenor of the City of Winnipeg Act with the notification procedures and again given the tenor of some of the amendments that are suggested with respect to notification for zoning variations and this sort of thing, this type of situation is a situation which should be given at least as broad a notification procedure as the others. Because you lose your rights here if you don't do something within a period of time and if you've only got one notice in the newspaper I don't know how many members read the notices in the newspapers - I don't read them that carefully - and it would be very simple for the ordinary individual who might have an interest to miss his opportunity.

MR. CHAIRMAN: The Minister in charge of Autopac.

MR. URUSKI: Mr. Chairman, on Page 2 you made a comment regarding the changing of the amount of damage. I'd like you to explain that. I'll give you my interpretation of what you have said here in an example. Say there is a building that is 30 or 40 years old. The amount of damage that may be to a building may only be 50 percent of the value of the building. However the replacement of or repairs to that damage will exceed, far exceed the value of the building itself. Is this what you were trying to say or what was your intent?

MR. CHAIRMAN: Mr. Goodwin.

MR. GOODWIN: The proposed subsection, Mr. Minister - in our view there are two disabilities. First of all as I mentioned in the brief we don't think that council should be the body that determines sort of the basic ground rule before the matter can be heard further. But then the wording is "equal to 50 percent of the cost of replacement or repair" and there doesn't seem to be any reference back to replacement or repair of what? Replacement of the building I can appreciate and 50 percent of that might be satisfactory but 50 percent of the cost of repair of the building where there's been a fire destruction, surely to repair that it's going to cost you 100 percent rather than 50 percent and this doesn't seem to make sense to us.

MR. URUSKI: You were saying 50 percent of what?

MR. GOODWIN: Fifty percent of what?

MR. CHAIRMAN: Thank you, Mr. Goodwin. I believe that's all the questions.

MR. SCHREYER: No, I have one more.

MR. CHAIRMAN: You have one more? The First Minister.

MR. SCHREYER: I would like to ask Mr. Goodwin with respect to the second last paragraph on Page 3, "the Chamber expresses a concern as to what happens in the event of the mayor's office becoming vacant." And given that there is a provision for the office of deputy mayor, wherein lies the problem?

MR. GOODWIN: I guess the problem is that it seems that a city should have a mayor. I take it that it's deliberately, then, the intention of the amendment that the office of mayor could remain vacant until the next period when a mayor would be elected. I presume that's the deliberate intent of the amendment. It seems odd, particularly I would submit, in view of the apparent distinction between the sort of political office of mayor and the administrative office of deputy mayor. You've lost your political head. There doesn't appear to be any provision for replacing the political head.

MR. SCHREYER: Well, I'll have to check that. It's my interpretation that nothing precludes the holding of an election for the filling of that position and that, in any case, in the interval however short or long, the deputy mayor carries out all of the role and functions and duties of the office of mayor.

MR. GOODWIN: Well if there's provision in the Act, Mr. Premier, for the filling of the vacancy then this comment of course is redundant. We're not concerned that there could be a short hiatus in the office of mayor until a replacement is elected but we're just not clear that there is the provision to elect the replacement mayor. That's the point of the comment.

MR. SCHREYER: Thank you.

MR. CHAIRMAN: Thank you, Mr. Goodwin.

I'll now call on Mr. Jim Wyndels who has a presentation on Bill No. 46. Mr. Wyndels would you please come forward to the microphone.

MR. WYNDELS: I'm grateful to appear here this morning. I'm appearing as an individual on a paper based on Unicity that I wrote last year entitled "The Handling of Business by Unicity Council". It was a research paper for a Masters degree. I'm sorry I wasn't able to get it to members of the Legislature or this Committee before but it was only recently approved.

My concern here is with the size of the council, especially the provision dealing with variation in the number of councillors. It's true under the constitution that municipalities are the creatures of the province and therefore it follows especially as it would follow in any court of law that Cabinet is responsible for policy and therefore it can do as it pleases, really, subject of course to defeat in the House or later at the polls by the people.

Now with this provision I would agree as it stands provided of course that two sub-amendments be put into effect.

One - that the formula of one to 10,000 be observed in all representation. In other words that would keep the existing council size at 50 or that one to 25,000 be the ratio if councillors were to become full-time representatives. As it is right now they are only part-time people.

These are basically some of the changes I would suggest. Other than that, I have nothing more to add on Bill 46 except by way of some comments I'd like to make as a result of the study that I did, why I've more or less arrived at this kind of reasoning.

Last spring, you will recall, there was a great deal of talk, primarily by the councillors, that we reduce this council by one-half to 25. We had then the Boundaries Commission set up which came to a figure, I believe, I think, 45 and I've heard 41, I've heard various figures floating around. As a result too many people and groups came up with figures but I think the reasoning sometimes has been rather shallow. The most frequent criticism of the council was that - well it's too large and unwieldy; it's like a convention gathering. It just doesn't work. Perhaps the reason which led me to undertake some of the research in this paper, because of some earlier research I had done in Red River history with respect to the parishes as the first municipalities in this province. It's been the experience that with the increase in population there was always an increase in council size and the number of councillors. If you go back to Oliver's book in Red River history it points this out very well and on three successive occasions when the population of Red River increased so did the council size, so did the number of meetings and so did the number of councillors. In fact, it's very amusing to note an agenda for a council meeting can measure this thickness. The October 3rd one last year was three inches in depth which shows a considerable amount of activity to be handled by

(MR. WYNDELS cont'd) . . . . any council meeting let alone any councillor. When you compare this and go back to an earlier council, such as the Municipality of St. Boniface, where I was looking at the records in 1881 and 1882 for a wholeyear those records were that same thickness. And now we have a grouping in Unicity of 50 councillors who have to represent an entire area that was once represented by roughly speaking, 112 aldermen, taking into account all the municipalities including that of the City of Winnipeg. Now, we still have that same area, we have far fewer council meetings and we have far fewer aldermen and just on some investigation of my own, I have found that, on the contrary, councillors do not have enough time for the business before them, leaving much of it to the administration or referring it back to committees or simply not even arriving at it. In fact, I am surprised to find out that a lot of the business coming before the council has not even been indexed yet, a lot of the requests for action have not yet been acted upon and I find this very frightening because municipal government really is the government that is supposed to be closest to the people. It's becoming increasingly remote from the people and as the Resident Advisory Group concept becomes less and less relevant - and this may be indicated by its unsuccessful operation in many areas with the exception of one or two, perhaps Crescentwood, more and more work is thrown upon the councillors. Many of them have to earn a living and especially if you are a working class or a middle income you still have to go to a nine to five job, you cannot devote the same amount of time to the business of being a councillor and doing an effective job. So really therefore, I think that 50 is barely enough. If you look at Stockholm, you look at the City of Montreal, some other areas, their councils are larger than ours, they spend more time at it and the time complaint is still there with them; in fact the time complaint of municipal councils was even existent under the old council structure. I can remember my father acted as a citizen representative on a planning board - we used to go to these meetings, and the councillors then were complaining about the time factor. Well, its even more so now. And it's becoming more serious, with the result, as I have said before, that if we reduce this council in any way, then we are only sweating our own representation and we are inviting the Board of Commissioners to become all powerful.

Before I become any more redundant which I sometimes have a tendency to do, I am simply going to go to the conclusions of my findings and some of the recommendations, some of which I have come to as a result of some visits to New York and Toronto and I leave it there with you. As I say I am sorry I don't have copies for you. And they are as follows: Should the government retain the existing council size? Then it has two courses of action open to it. Change the council chamber procedure to a more parliamentary form of government, or stream-line once again the existing council agenda procedure and there are ways to accomplish this. In the near future the Manitoba government could easily introduce parliamentary procedure, especially in view of the fact and as councillors admit, that political parties function at the municipal level. Although the constitution of the ICEC stresses the non-partisan role of its governmental philosophy, voting habits, from what I have been able to observe personally, aside from the odd exception, confirm that party discipline functions at the municipal level. In fact I even understand that there is a rift between the Tories and the Liberals in the ICEC caucus itself and they do sometimes caucus separately.

On the other hand, should the Manitoba government refuse to change the procedure to a more parliamentary form of government to suit the present structure and if it wants to retain the present ward structure and community committees, then council rules will have to change because the present council is currently dissatisfied with its own operation. Perhaps council could consider the following changes to improve upon its own plan of organization: Only allow the hearing of delegations after they have exhausted all other channels because, as it currently exists, any group can first address council if they so wish. Completely abolish the bylaw procedure in favour of accepting the acceptance of a resolution of what council intends, change the roll call vote procedure from having to stand to be counted, to a more scientific procedure to save time to allow for more time for committee work. A system of lights such as that found in the U. N. in New York. In fact that would only cost about $1,800 to introduce and it would save approximately 20 to 25, maybe 35 minutes a meeting. Keep track of attendance at the committee level by having a roll call vote at the end of the committee meetings. Give all committees equal status because the EPC cannot function as a cabinet grouping and a council committee commissioner form of government. Require councillors to take courses in council procedure, because many councillors cause procedural wrangles and unnecessary

(MR. WYNDELS cont'd) . . . . . misunderstandings because they are unaware of procedure. Make the position of a councillor a full-time position in keeping with the recent change to a more urban form of government away from the old administrative local council with an increase in salary to allow disadvantaged social groups to gain representation on council. Change the time of council meetings back to Mondays from Wednesdays in order to allow a greater degree of harmony with civic departments in conducting city business and increase committee size to all councillors to serve on committees so that all councillors gain the opportunity to become familiar with all aspects of city business. And make it a requirement that the council, in accordance with the objectives in the blue book, that council make a quarterly review of policy objectives and implementation. Lastly, that this council adopt the procedure used in the Toronto City council where the Mayor introduces council objectives at the inaugural meeting of the council.

In conclusion, a set of research questions was examined to establish whether or not present city council organization is capable of coping with the sheer volume of business with which it is required to deal since the incorporation. I found the following: the new Winnipeg City Council convened exactly the same number of council meetings as the old Winnipeg City Council of 1971, in spite of the fact this council's jurisdiction includes the entire population once governed by the former area-wide municipalities. Few council meetings contributed to long council meetings which cause attendance problems - only corrected by council introduction of final roll call, vote procedure and limiting meeting time to 11:30 p.m. Except for changes in council integration of bylaw consideration into consideration of committee reports and removal, of the requirement that all communications be read aloud, Council agenda procedure requires more overhauling. Moreover council mismanagement of committee arrangements has contributed to repetitious council debate, duplicated decision-making and unusually long council meetings. Council's earlier mismanagement of committee structure also contribute to operating problems. Surprisingly though, this council has only dealt with slightly more items of business than the old Winnipeg City Council. Meanwhile, many councillors strongly believe that a reduction in council to one-half its present size will result in procedural difficulties. On the other hand, councillors are already overburdened with work and the St. Boniface Community Committee is receiving a lot of business - this one I studied in particular - which is becoming an increasing responsibility and work of the councillors as citizen involvement declines. The St. Boniface councillors and others interviewed are finding their positions to be a full-time occupation. Reduction of community committees will only increase council's work load, not reduce it or resolve procedural problems. That is more or less the basis of what I have to say . . .

MR. CHAIRMAN: Are there any questions? The Member for St. Boniface.

MR. MARION: Mr. Chairman, thank you. In your initial stages of your representation you mention that the ratio of one to 10,000 seemed to be appropriate to you while the work was being done by councillors on a part-time basis. What was the figure - I did not catch it - what was the figure you suggested if the job became a full-time job?

MR. WYNDELS: 25,000.

MR. MARION: 25. A second question if I may, Mr. Chairman. Did your investigations reveal that the size of council was an impediment to the progress of the work it was tackling? In conclusive terms. You talked about it in length but you did not come out flat-footed and say, "It is or it is not." What were your findings?

MR. WYNDELS: That the council size is not an impediment to its work; rather its procedures were an impediment to its work. Hamstrung by procedures that are outdated, outmoded.

MR. MARION: One final question, Mr. Chairman. You seem to find that the fact that council does not meet frequently can be a disadvantage. Have you considered the fact, though, that there are meetings at the Community Committee levels to start with, and then followed by the Standing Committee where Community Committees normally work through and there are a number of those. Don't you feel that much of the work is being done and really it's a matter of having ratification by council this last step?

MR. WYNDELS: Thank you, Mr. Chairman, honourable member. I found that in studying the St. Boniface committee in detail, as a matter of fact I wanted to do all 12 of them, but time and money did not permit it. What I did find, though, was that in terms of indexing business, in other words a local committee will receive a request for action. Someone wants something done. This is indexed in a book called the Norfield Indexing System. I found that in 1972 and

(MR. WYNDELS cont'd) . . . . . in '73 to carry on that over 1971 the St. Boniface Community Committee was receiving more requests for action than it had in the last year of its operation as the old city council of St. Boniface. In other words, given an urban setting and an industrial city business increases with time; it does not decrease. As a result the existing staff there, the clerical staff, had a great deal of work at a time when one or two of the members was withdrawn for one reason or another. I cannot exactly remember, although I did look into it - but they were withdrawn from the operation of the City of St. Boniface office. The same had also occurred so I understand, in St. James, but because of the increase, and the request of action, they had to increase the clerical staff in both St. James and St. Boniface and at the same time, when the decrease in staff did occur, it was very surprising to find that the number of Community Committee meetings to be chaired by one of the clerks had to be decreased by one-half - I think there were four or eight meetings and they went to exactly one-half - I am not sure of the figures, but the number of Community Committee meetings went to one-half of what they were for the very simple reason that there wasn't the clerical staff to record notes at each one of these meetings so they simply reduced the meetings by one-half. Consequently, the amount of citizen involvement by way of attendance at meetings dropped off to one-half.

At the same time, there has been another problem here and that has been the increasing administrative delay for one reason or another and I understand it varies from department to department but a lot of people could not see the results of the work they were doing and they got frustrated and they left because they felt that it was the councillors' club, albeit the administrative as well. So therefore, while the Community Committee started off in a bustling way and it should have continued that way, all the results have been negated so far so I would think that the Community Committee has become a less important function, and the role it plays in helping the councillor with his business. It's really a very unfortunate thing. Last Christmas I observed over in New Jersey, the council type of system, what they call City Hall councils function very well. This system of Community Committees can really function but it seems, too, that in the Canadian political culture, we tend to defer to authority more than to civic involvement. Anyways, honourable member, I found that the Community Committees though important concept has become less, though the request for action continues to increase as does the work load. Thank you.

MR. SCHREYER: Mr. Chairman, just one question. Mr. Wyndels referred to not council size, but council procedures as being the greater impediment towards the effective functioning of council. Could Mr. Wyndels enumerate those three or four more major procedural failings that he obviously has in mind when he talks about procedures being the greater problem.

MR. WYNDELS: Mr. First Minister, I believe that if the council were to change its bylaw procedure, in other words, when something that passes council as the intention and wish of that council that it be accepted as so, that it need not have to come back later on in the form of a bylaw to be read one, two and three times. The hearing of delegations before the council only after they have exhausted all other procedures. No. 3 the introduction of a voting machine because as it now stands on any aspect of any motion, someone can call for a recorded vote and that's fine, I have no quarrel with it, but it's a very long procedure, to have everyone bounce up on his feet and it becomes a joke of the session really. It takes five or ten minutes and you do this a number of times in an evening and it adds to the length of the meetings which it does not have to do in the first place.

The other change here would be changing the meetings back from Wednesdays to Mondays to offer greater harmony and co-ordination for the civic departments. The City Clerk's department especially at that time were very adamant on this point and they weren't very happy about this fact. No. 5 - increase the size of the existing Standing Committees to include all members in order that they gain the experience of dealing with committee work. I don't care what political party you belong to at the municipal level, but they should all be on a committee regardless of their partisan bias, because after all the fact is they do represent people, they do represent urban concerns and there are some people who are not gaining adequate committee experience. We could ask you to increase the frequency of the meetings - there are not enough council meetings. To sit there for example and watch a number of councillors ripping through clauses, not necessarily dealing with policy, for which if you are not on a committee you have not really had time to review, you don't really understand what is going on and if you want to go downstairs for coffee I don't blame you. A lot of people get bored just sitting there with an agenda in front of them that they have had nothing to say on. I think that's all, Mr. First Minister.

MR. SCHREYER: Thank you. I do have one other question, Mr. Chairman. As Mr. Wyndels probably has gathered being here this morning, there are some persistent suggestions, seemingly valid too, that part of the problem in connection with obtaining an adequate amount of serviced land, adequate stock of housing put in place, has to do, it is alleged, with the excessive numbers of procedural steps involved in obtaining passage of plans of subdivisions and zoning changes applications, and it is suggested in the same breath that part of this may have to do with a built-in, excessive provision for citizen involvement in the planning and zoning function. Do you have any observations on that diagnosis or analysis?

MR. CHAIRMAN: Mr. Wyndels.

MR. WYNDELS: Mr. First Minister, I have here in my appendix a list of the zoning procedures, the 14 steps that a zoning application must pass through before it can become law. Not all 14 are always necessary, but then again that is the exhaustive limit. My feelings on this are that--feelings, well not just feelings, findings--are that this is not really so. Because I remember some years ago when my father was a member of the Advisory Planning Group in St. Boniface, just as a citizen member, that citizens occasionally, in fact quite frequently, and you would know this in small towns as well, got involved in something which they thought was adversely affecting their own interests, and it was really no different than it is presently. So I don't think, from myfindings to date, that there's really been any change; in fact I recall an application recently from Gulf Oil of Canada - I don't know where it sits, in Entreville(?), in a garage station somewhere off No. 1 highway, and this fellow's jumped on the plane from Calgary about seven times to come to Manitoba to find out where his application sits. He's not very happy with it. It's true, he says, it's taking longer than it used to. But he said to me, "Very strange, Jim" he said, "It's no different than it's been in Calgary recently, or in Edmonton". He said, "We're finding now that it's taking just as long there as it is over here in Manitoba."

Now the reasons for the delays may be different, they may be the same, I can't say; but just from my own observations, citizen participation is not interfering with zoning changes. There again, I think that's a qualitative problem because citizen participation to me, though some may not agree, is even more minimal - I say more minimal - than it was under the old council system. Does that answer your question, Mr. First Minister?

MR. SCHREYER: Well I think it does.

MR. CHAIRMAN: Are there any further questions? None? Then I wish to thank you, Mr. Wyndels, for being present with us this morning.

Well, this concludes the slate of speakers that we had for this morning. I have with me, however, one supplementary submission handed to me by the Rural Municipality of Dauphin respecting Bill No. 45, so I'll have the Clerk pass that around. I understand the Member for Ste. Rose wished to make a few remarks on it but I don't see him here.

MR. URUSKI: Mr. Chairman, just on that point, the Member for Ste. Rose wrote me a note and asked me if I would read his remarks, but I wouldthink that I won't read the remarks until we are actually dealing with the bill. It's not in the form of a presentation because he is a member of the committee and I would just read them into the record as if he was speaking to the bill.

MR. CHAIRMAN: Is it the will of the committee, then, to proceed with the passage of the bills that we have before us?

MR. SCHREYER: With the understanding that Bill 46 will be laid over.

MR. CHAIRMAN: Is that agreed? 38 and 46?

MR. SCHREYER: 38 and 46.

MR. CHAIRMAN: 38 and 46, all right. First Bill 2, Section 1--pass; 2 . . .

MR. GRAHAM: Mr. Chairman.

MR. CHAIRMAN: The Member from Birtle-Russell.

MR. GRAHAM: Dealing with Section 2, it says "Where an assistant deputy minister to the Minister is appointed, words in this Act or any other Act of the Legislature directing or empowering the Minister to do an act or thing, or otherwise applying to the Minister . . . shall include the assistant deputy minister." Does that mean that the Assistant Deputy Minister has the same powers as the Minister?

MR. SCHREYER: Mr. Chairman, I'm wondering if that question might perhaps be - you could call on Mr. McNairnay to grapple with it.

MR. CHAIRMAN: Mr. McNairnay, would you elaborate on the question asked?

MR. McNAIRNAY: Mr. Chairman, there is no change from the present legislation and you will find this in most departmental Acts, that the Deputy Minister for administrative purposes has the same powers as the Minister.

MR. CHAIRMAN: Is that satisfactory?

MR. GRAHAM: No, this is the Assistant Deputy Minister.

MR. McNAIRNAY: And where there are Assistant Deputy Ministers, likewise for administrative purposes. In large departments for the administrative convenience where the work of the department is split up, it has been a longstanding situation throughout government that Assistant Deputy Ministers have signing powers that are the same as the Deputy Minister, who in turn has his power delegated from the Minister, so that it speeds up the administrative processes in the department. But those are for administrative purposes only.

MR. GRAHAM: So the if you follow that through, the Assistant Deputy Minister, say under Section 4, could increase his out-of-pocket expenses just by signing a piece of paper. Is that right?

MR. McNAIRNAY: The Assistant Deputy Minister's expense accounts are approved by the Deputy Minister.

MR. CHAIRMAN: Does that satisfy your objection?

MR. GRAHAM: No, it says as approved by the Minister, but he has the signing power of the Minister.

MR. McNAIRNAY: Mr. Chairman, perhaps I could explain more specifically some of the functions that an Assistant Deputy Minister in this department would have signing power for.

MR. CHAIRMAN: Okay. Mr. McNairnay.

MR. McNAIRNAY: He'd have signing power for the approval of certain bylaws, tax cancellation bylaws which are of a routine nature, and if they meet the statutory requirements are approved in the Department. Now the legislation requires that approval by the Minister, and there are a number of situations like that and there is little point in burdening a Minister with many many documents to be signed which are of a routine and administrative nature and which may very well be better delegated to a Deputy Minister or an Assistant Deputy Minister.

MR. GRAHAM: Very good.

MR. CHAIRMAN: Section 3--pass?

MR. McNAIRNAY: Mr. Chairman, when this bill was before the Committee last, I pointed out to Mr. Tallin in Section 2 the definition 1 (b) in the last line "a municipal district". There is no such animal any more. That was carried forward, I think, from old legislation.

And in Section 2 in the first line the words "to the Minister", I suggest that this is more drafting. They're redundant, the words "Where an Assistant Deputy Minister to the Minister".

MR. CHAIRMAN: Everyone agreed to these changes? That these changes be adopted?

MR. F. JOHNSTON: Just on the second one, assistant deputy minister . . .

MR. CHAIRMAN: The Member for Sturgeon Creek.

MR. F. JOHNSTON: Sorry, Mr. Chairman. "An assistant deputy minister to the minister." He would be the Assistant Deputy Minister if you leave out "to the Minister". He is responsible to his Minister, isn't he?

MR. BALKARAN: Deputy in the first instance.

MR. F. JOHNSTON: Deputy in the first instance. I see.

MR. CHAIRMAN: Agreed?

MR. F. JOHNSTON: Yes.

MR. CHAIRMAN: Fine. Section 4--pass? Section 2 of the bill--pass. Section 3.

MR. GRAHAM: Mr. Chairman.

MR. CHAIRMAN: The Member for Birtle-Russell.

MR. GRAHAM: Under Section 3, could the Deputy Minister explain to us the reason for the striking out of the words "of the department" and substituting the words "employed under the Minister"? Can he explain why that changes . . . ?

MR. CHAIRMAN: Mr. McNairnay.

MR. McNAIRNAY: I'm having difficulty, Mr. Chairman, without the original legislation in front of me to remember the nature of that.

MR. GRAHAM: Mr. Chairman, maybe this might be the reason. Is this to cover contract employees or something of that nature?

MR. CHAIRMAN: Mr. McNairnay, could you elaborate on that?

MR. McNAIRNAY: No, I can't answer that. It's certainly not for that purpose.

MR. CHAIRMAN: If you would just wait a moment you'll have an explanation.

MR. McNAIRNAY: Mr. Chairman, I really can't explain this. This is a bill that was presented a year ago and I really can't explain the significance of removing those words. The section deals with certain officials who are employed, who are officers of the department. "The Minister may require the secretary-treasurer of any municipality or the resident administrator of any local government district to assist him in the transaction of any business in connection with the office of the Minister or the performance of the duties assigned him by this Act, the Municipal Act, Local Government Districts Act, or any other Act of the Legislature, and those officers for those purposes shall be deemed" - the section now reads - "the officers of the Department", and the proposed amendment is that they shall be "employed under the Minister". It's a neat distinction and I really don't understand what is accomplished by it.

MR. GRAHAM: Could legal counsel give us some advice on this?

MR. CHAIRMAN: Could legal counsel further elaborate?

MR. BALKARAN: The only distinction I can see, Mr. Chairman, is that perhaps it makes it clear that the control of these offices is directly under that of the Minister rather than under departmental control. And that's the only distinction I see.

MR. CHAIRMAN: Shall we proceed? Mr. McNairnay.

MR. McNAIRNAY: Mr. Chairman, if you read the section it says that the Minister "may call upon" secretary-treasurers to help him, and I think that's why the section is now making it clear that they help him, they're under his direct control; they're not made officers of the department but at his request they are brought in to help him.

MR. CHAIRMAN: Is that satisfactory to the Member for Birtle-Russell?

MR. GRAHAM: Very good.

MR. CHAIRMAN: We'll proceed. Section 4--pass; 4 (8) (2)--pass; Section 4--pass. Section 5, 9 (1) (a)--pass?

MR. BALKARAN: Mr. Chairman, there's a spelling error there. May I draw it to the attention of the Committee? The word in second line in clause (a) "treasures" should read "treasurer or treasurers".

MR. CHAIRMAN: We have it. Fine. (Sections 5, 9 (1) (b) to 8, 11 were read and passed). The Member for Birtle-Russell.

MR. GRAHAM: Mr. Chairman, just before 11 passes, dealing with the Local Government Districts. The levies that a Minister assesses on a Local Government District, should that government change during any fiscal year and become autonomous, does the levy that the Minister initially assess remain in effect for the balance of that fiscal year?

MR. CHAIRMAN: What is the explanation of legal counsel, or Mr. McNairnay?

MR. McNAIRNAY: Yes, Mr. Chairman. It's based on equalized assessment. There would be no change. The fact that its status as a unit of local government has changed from a Local Government District to a full municipality would not affect that in any way.

MR. GRAHAM: Very good.

MR. CHAIRMAN: (The remainder of Bill No. 2 was read and passed).

Bill be reported.

BILL 3, an Act to Amend The Local Government Districts Act, was read and passed.

MR. CHAIRMAN: Bill 4, an Act to Amend The Municipal Act. (Sections 1 to 8 were read and passed).

Shall we go page by page?

MEMBERS: No. No.

MR. CHAIRMAN: All right. (Sections 9 to 11 of Bill 4 were read and passed).

12 -- pass - The Member for Birtle-Russell --(Interjection)-- Sturgeon Creek.

MR. F. JOHNSTON: Mr. Chairman, I think just taking out the word "Child" in the second line thereof--why does that--maybe the Deputy could - bottom of Page 12(?). Why has that been taken out?

MR. McNAIRNAY: This is a correction in the rules of residence in Section 442 arising out of changes in government organization and removal of premiums for Health Services Insurance. I don't know--The residence rules are not--I don't know what the relationship is or what happened in The Health Services Act, but it required a corresponding change in our rules of residence in this legislation.

MR. CHAIRMAN: Is Mr. Balkaran aware of any changes in that?

MR. BALKARAN: No, I am not. . . . . was working with the Health Services Commissions, I'm not sure . . .

MR. CHAIRMAN: Does that answer your objection or do you wish further clarification? 12 (a)--"is amended by striking out the word "Child" in the second line thereof."

MR. BALKARAN: Oh yes, that's just a technical change in that there is no longer a Director of Child Workers, a Director of Welfare, under the reorganization of the Health Services Department, Health and Social Development.

MR. GRAHAM: Yes, but we have a new Child Welfare Act.

MR. BALKARAN: But you don't have a Director of Child Welfare as such under the new bill.

MR. SCHREYER: Would it be fair to say, Mr. Chairman, that it is merely a consequential change?

MR. BALKARAN: It's just referring to the officer by his correct name as he is now known.

MR. CHAIRMAN: Shall we proceed? (Section 12 of Bill 4 was read and passed). Section 13 (443)--The Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Chairman, on this particular section of the Act, "repeal the following subsection thereof." Now I'm dealing with 443 (3), "Where a municipality has passed a bylaw under subsection (1), any person who has applied for, or is or was receiving municipal assistance from the municipality may appeal any decision affecting his application." Going down to the bottom, it refers to section 9 of The Social Allowances Act. Now we have had that the municipality, by passing a bylaw, can have their own, you know, let's say they've opted out or decided that they would have decision over this themselves by putting it into Section 9 of The Social Allowances Act, if you take Section 6 of that Act, it says, "The Appeal Board may, by written order, dismiss the appeal and order the social allowances of municipal assistance to be revoked or discontinued, or allow it to direct the social allowance and municipal assistance in an amount stated in the order to be paid by the applicant or . . . " - that general section really says to the municipality who has passed the bylaw that their bylaw doesn't mean that much, that they are going to have to do it anyway by going to the Social Allowances Act.

MR. CHAIRMAN: Does legal counsel have any explanation?

MR. BALKARAN: There is an explanation that was prepared by Mr. Tallin with respect to this amendment, and his view was that Sections 3 to 11, which dealt with appeal procedure, is already covered in Section 9 of The Social Allowances Act, that any appeal with respect to social allowances, the granting or refusal thereof, should be governed by the procedures set out in Section 9. That was his recommendation that those subsections be repealed and this subsection substituted therefor.

MR. CHAIRMAN: Shall we proceed?

MR. F. JOHNSTON: How does that leave a municipality who has passed the bylaw?

MR. BALKARAN: I would take a look at Section 9 of The Social Allowances Act, which I haven't looked at, but Mr. Tallin obviously did, and he thinks that the procedure for appeal under 443 is already taken care of in Section 9 of The Social Allowances Act. Mr. McNairnay, did you find it?

MR. McNAIRNAY: No, I just have The Municipal Act.

MR. BALKARAN: You've got the Social Allowances Act, have you?

MR. CHAIRMAN: Mr. McNairnay.

MR. McNAIRNAY: Section 9 of the Social Allowances Act deals with the right of appeal of an applicant or a recipient or a person who has applied for, or is or was receiving municipal assistance from the municipality, who has by bylaw made this section apply in respect to assistance granted by it to persons in need. So the municipality passes a bylaw and makes it applicable. But the appeal procedure is set out in The Social Allowances Act and Mr. Tallin felt that this was confusing, it was confusing to have two sets of appeals, one in the Municipal Act and one in the Social Allowances Act, dealing with the same subject matter.

MR. URUSKI: If there is an appeal against the municipality for assistance given, the appeal should be handled in the procedure as outlined under the Assistance Act rather than under The Municipal Act.

MR. F. JOHNSTON: Yes, but doesn't Section 443 (3), as it stands now under The Municipal Act, the municipality can refuse if they have passed a bylaw, as I understand it. And if you put their appeal under the Social Allowance Act, it's very clear in there that the Appeal Board can direct the municipality.

MR. CHAIRMAN: The Member for Birtle-Russell.

MR. GRAHAM: Mr. Chairman, on that same thing. Is it not a practice that in the past under appeal, if the appeal is successful that the increased rate is paid from provincial welfare rather than from municipal?

MR. F. JOHNSTON: I believe that's true.

MR. CHAIRMAN: Mr. McNairnay?

MR. McNAIRNAY: I don't know, Mr. Chairman.

MR. SCHREYER: What, on municipal caseload?

MR. GRAHAM: Yes.

MR. SCHREYER: No, payment thereof does not change, does not change because of an appeal procedure, whatever the decision.

MR. GRAHAM: No, but I--I forget the formula, but there's a figure of 20 in there some place, that once a municipality reaches that certain level, the province . . .

MR. SCHREYER: Eighty percent. The province pays 80 percent of that amount in excess of one mill.

MR. GRAHAM: Under this, though, doesn't it mean that if the appeal procedure, if the appeal is granted by the board, then the municipality is forced to pay that additional amount, whereas before if the appeal was approved, the municipality paid the amount that was set out by their bylaw and the difference was paid by the province?

MR. SCHREYER: I don't think so, Mr. Graham. I am just slightly less than certain.

MR. GRAHAM: I'm not too sure on it myself.

MR. SCHREYER: Well I feel quite certain that the answer is no, but I'm not completely certain. I'd be very surprised if that were the case.

MR. CHAIRMAN: Shall we proceed?

MR. GRAHAM: Well I think this needs a little more clarification.

MR. SCHREYER: In other words, Mr. Chairman, there's no change in the onus of financial responsibility by virtue of there having or not having been an appeal.

MR. F. JOHNSTON: Well, Mr. Chairman, can I ask--Section 443 to 11 is the appeal section of the Municipal Act, and it's understandable that you wouldn't have two areas of appeal, or two sections dealing with the same thing. But it says, "Where the municipality has passed a bylaw" which means that those municipalities that have passed a bylaw under subsection (1), that they are now referred to the Social Allowances Act. Now the reason for passing that bylaw was an opting out of, or that they had decided that the decisions, they would have to pay. And I believe Mr. Graham is, I shouldn't say it's . . . . but close to being right on this, in that if the Appeal Board on this basis decided it would be more, it was the responsibility of the province and not the other, because we are dealing with a municipality that has passed a bylaw. But I must admit, Mr. Chairman, that I'm also not as completely clear as I should be on just what that does, and that's why I . . .

MR. URUSKI: I'm just assuming from the conversation that has been going on, that rather than have a contradiction in the appeal procedures from one Act to the other, it has been streamlined so as to conform that all appeal procedures, whether they be municipal or provincial, be channelled through The Social Development Act. Rather than having a conflict between the Municipal Act and the Social Development Act, it's been streamlined to conform to one procedure, whether it be against the province or against the municipality.

MR. F. JOHNSTON: Well, Mr. Chairman, the only question I would ask, then, and I'm not questioning this in the case of streamlining, but does it change the position of that municipality that has passed the bylaw?

MR. SCHREYER: Well, Mr. Chairman, if Mr. Johnston is suggesting that there is some sort of impingement on the municipalities' bylaw-passing power, he is right. The same thing applies to the province as well, in the sense that it is now a condition of the Canada Assistance Plan that all participating provinces under the Canada Assistance Plan must establish an appeal board, and I believe that that directive was under some degree of negotiation and uncertainty and time lag, but it was laid down pretty definitively as a condition of Canada Assistance Plan participation on social allowance costs by around 1971 or early 1972 and, as a result, all provinces in Canada must have such a board and any that didn't have one formally established were required to do so. So that clearly there is some impingement on provincial power, there's some impingement on municipal powers, in that specific sense.

MR. CHAIRMAN: Should we pass this section?

MR. F. JOHNSTON: I agree with the First Minister on that particular, but I wonder if we could just . . . Where a municipality passes a bylaw under this subsection (1) - have we got subsection (1) of 443?

MR. BALKARAN: Subsection (1) is the authorization, Mr. Chairman, for the municipality to provide a bylaw in the granting of social allowance. If I might, I'll read it to you. "The council of each municipality shall, by bylaw, provide for granting municipal assistance to any person in need who is a resident of or is found in the municipality, who lacks the basic necessities and who is not qualified to receive a social allowance; and (b) for regulating and prescribing the conditions under which municipal assistance is to be given, to ensure that basic necessities of persons in need are met." So that is just an empowering section to pass a bylaw to grant social allowances.

MR. F. JOHNSTON: Well doesn't that really say, though, that the municipality, by passing that bylaw, is saying that "we will make the decisions as to who receives social allowance or not." And now if we put it under - now the Appeal Board is turning its back to them, and up until now, as I understood it, the Appeal Board if they made a decision to pay it over and above the municipality's decision, it was the responsibility of the province, not the municipality.

MR. BALKARAN: I don't know. If you look at 444 (3), Mr. Chairman, I think where the Welfare Advisory Committee on appeal could make an order to grant to vary or increase the amount thereof as stated in the order, I think that that order is directed to the municipality, I don't think it's directed to the province.

MR. SCHREYER: Yes, that is correct, Mr. Chairman. I was trying to articulate that same point in reply to Mr. Graham's question, that the holding of an appeal and the decision of the Appeal Board does not in any way change or detract from the onus on the municipality or local government to pay the required amounts as deemed by the Appeal Board, and that in turn, I explained, is a result of the very definitive requirement laid down under the Canada Assistance Plan around the end of the decade, and it was under some hassle for a year or two but finally it was . . .

MR. URUSKI: But going one step further, it probably would have an impact on the total amount paid if the amount increases--if there is a cost-sharing of 80-20 over one mill, it would have an impact on the province as well.

MR. SCHREYER: Well automatically. The formula is that the province pays 80 percent of the amount in excess of one mill.

MR. URUSKI: And if that amount increases by virtue of the decision of the Appeal Board, then it will have an impact on the province as well as towards the municipality. It appears that it is really going to place the municipalities in the same position as the province in respect to appeals against social allowance matters.

MR. BALKARAN: Is there any doubt, Mr. Johnston, 443 (e) makes it quite clear after the Welfare Advisory Committee has heard this appeal, among the several things it may do, it may order that the appeal be allowed that the municipality grant municipal assistance to or in respect of the person in need, of a kind and in an amount stated in the order, there is no question that the onus is on the municipality to comply with the committee's orders.

MR. SCHREYER: . . . 443 (8) is definitive and clear in that.

MR. CHAIRMAN: Is that agreeable, Mr. Johnston?

MR. F. JOHNSTON: Yes.

MR. GRAHAM: Mr. Chairman, when the Court of Appeal hands down their decision . . .

MR. URUSKI: It's an appeal board.

MR. F. JOHNSTON: Appeal Board, yes. Does the municipality then have any recourse appeal on their behalf?

MR. SCHREYER: Oh yes. There have been some actual cases where the municipality has appealed the decision of the Child Welfare Appeal Board to the courts, and in some cases the municipality's case has been sustained and in some cases not, and there's no way . . .

MR. GRAHAM: Their only appeal is to the courts.

MR. SCHREYER: Yes.

MR. CHAIRMAN: Proceed. (Sections 13 to 16 were read and passed).

MR. F. JOHNSTON: Mr. Chairman, the Minister of Autopac mentioned a little earlier to go page by page, and we wanted to question 13. We have no further questions. I'd just like clarification on 25, and if we can go right down to 24 as being passed . . .

MR. CHAIRMAN: Yes. Agreed? (Agreed) Fine. Page 5--passed. Page 6--passed. Everything with the exception of 25.

MR. F. JOHNSTON: I have a question on 25. The word "real". "The Act is amended by adding thereto, immediately after the word 'real' in the first line, the words 'or personal'." I'm sure we can have--I know it but I'm a little bit concerned, the words "or personal". This takes in a very large account. You're getting into the, you know, are we talking about personal in the way of people's houses, their cars, or just what is the definition there?

MR. BALKARAN: ". . . for the land and buildings thereon," that's real property. Everything else, chattel . . . is . . . . as described in legal terms, described as personal property. A pen, a ring, a microphone, machinery . . . is personal property.

MR. F. JOHNSTON: Well, then, I wonder if you could just read 785 (1) of the Municipal Act.

MR. BALKARAN: I'll just read it. It says, "subject to subsections (3) and (4) where real property in a municipality is damaged or destroyed by any peril in respect of which . . . insurance on the property has been issued," etc. So I think they're just broadening it to cover not only this real property but personal property.

MR. URUSKI: The application of the insurance money.

MR. BALKARAN: That's right.

MR. McNAIRNAY: Not only on the real property, but also on the personal property, would be applied to outstanding debts.

MR. URUSKI: Their recovery is being extended.

MR. McNAIRNAY: That's municipal property you're talking about. My house burns. It's got taxes outstanding. There's been a longstanding provision in the Municipal Act that where debts are outstanding, insurance moneys collected on the real property must apply on the payment of taxes. This is now extending it to household goods.

MR. F. JOHNSTON: In other words, to pay the taxes, you can really attach the household goods.

MR. SCHREYER: No, no. No. The insurance policy . . .

MR. F. JOHNSTON: . . . proceeds of the money, Right. On the man's personal goods. That's a little different than the Farm Machinery Act. We don't allow them to take a chattel if he doesn't pay his . . . If he has bought a new or used piece of machinery and does not pay for it, they can only take the machinery. That's very clear in that Act, and now we're getting into the man's personal goods in this Act.

MR. CHAIRMAN: Mr. McNairnay.

MR. McNAIRNAY: Mr. Chairman, I'd like to point out that this provision did exist in the previous Municipal Act and in the redrafting it was lost.

MR. GRAHAM: Just because it existed before is no reason why we shouldn't change it now.

MR. McNAIRNAY: No, it isn't changed, except that some time some committee did turn its mind to this and it's not being introduced for the first time.

MR. CHAIRMAN: The Minister of Autopac.

MR. URUSKI: Mr. Chairman, there is a difference in the comments made, and the difference being that the action that is being proposed is in relation to a loss sustained by an individual, which is an insured loss, where there is insurance moneys coming back to that individual on property that was damaged or totally lost as a result of coverage, as the result of an action that would be covered by an insurance policy, and this only broadens the aspect of the recoupment of taxes.

MR. GRAHAM: But it enters a different field.

MR. URUSKI: Only in relation to an insurance policy, not in relation to the payment of taxes, not in relation to the broad term of payment of taxes. It only relates to property and personal belongings that would have been lost as the result of fire or whatever the insurance covers it, and the insurable moneys that would be paid to that individual, a portion of them would be used to pay any outstanding taxes. There is a difference in procedure there. Because the procedure with respect to non payment of taxes is being carried on under a completely different aspect of the Act.

MR. F. JOHNSTON: Mr. Chairman, the Minister has mentioned that it has been in other acts and it was left out. Now I think maybe it was a good idea it was left out.

A MEMBER: I didn't know that. I didn't mention that. No, I'm sorry.

MR. F. JOHNSTON: A person, if he doesn't carry insurance up to say 80 percent of his house and has a fire, could be in trouble; and the amount he would receive for his insurance on the real property might not be enough to cover arrears in taxes, so therefore you're then saying this poor guy has now got another insurance policy which he has his furniture insured under, so he's going to get a cheque for his losses of beds, carpets and chesterfields, you might say, and you're going to take it all from him. Now I don't know whether getting into the personal end of it versus the real is that good an idea. It's tremendous protection for the province but I really don't think you're doing the person that's had a problem of this nature any favour.

MR. CHAIRMAN: The Member for St. Boniface.

MR. MARION: Mr. Chairman, it would seem to me that as we're dealing with the security here of the municipality, in essence, the property, the real property still exists. Even if the house has been destroyed, the property still exists, and there is that kind of protection for the municipality not to be at a loss. I would suppose that the encumbrances by the municipality on the actual value of the land would be greater than the actual value of the land itself. So, I agree, what benefit is there for the municipality to attach the personal property, over and above the real property? I'm not convinced that the case is good. The protection is over and above, really, what we actually would need.

MR. CHAIRMAN: Does the member for Birtle-Russell . . . ?

MR. F. JOHNSTON: . . . any further, he could be a man that has to use his car, and if it was destroyed you'd have the right to take the money he would be given to replace it to make a living.

MR. URUSKI: . . . The municipality would.

MR. F. JOHNSTON: The municipality would, eh?

MR. CHAIRMAN: The Member for Birtle-Russell.

MR. GRAHAM: Mr. Chairman, I think that the arguments that are being put forward here bear a little bit of thought and it is now time for adjournment. The House meets in one hour, I believe.

MR. CHAIRMAN: Could we conclude this bill? We have only the two pages, or . . .

MR. GRAHAM: Mr. Chairman, I think you've missed the point that I was trying to make, that this was something that maybe members should think about before the next meeting, and I would suggest that the committee rise.

MR. CHAIRMAN: Is the committee agreed?

A MEMBER: Well, it is 12:30.

MR. CHAIRMAN: It now being 12:30, Committee rise.