



Second Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

Standing Committee

on

Law Amendments

Chairperson
Mr. David Newman
Constituency of Riel



Vol. XLVI No. 2 - 7:30 p.m., Wednesday, June 5, 1996

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ASHTON, Steve	Thompson	N.D.P.
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DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
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FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
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McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
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PENNER, Jack	Emerson	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
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REID, Daryl	Transcona	N.D.P.
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RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupert's Island	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
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SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS**

Wednesday, June 5, 1996

TIME – 7:30 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. David Newman (Riel)

ATTENDANCE - 9 – QUORUM - 6

Members of the Committee present:

Honourable Messrs. Derkach, Ernst, McCrae

Ms. Barrett, Messrs. Dyck, Newman, Radcliffe,
Santos, Tweed

APPEARING:

Mr. Gary Kowalski, MLA for The Maples

WITNESSES:

Bill 69–The Real Estate Brokers Amendment Act

Mr. Cliff Palmer, Winnipeg Real Estate Board
Mr. David DeLeeuw, Banfield McFarlane
DeLeeuw

Bill 7–The Medical Amendment Act

Mr. Doug Abra, College of Physicians and
Surgeons of Manitoba

MATTERS UNDER DISCUSSION:

Bill 69–The Real Estate Brokers Amendment Act
Bill 7–The Medical Amendment Act
Bill 74–The Court of Queen's Bench
Amendment Act

Mr. Chairperson: Will the Standing Committee on Law Amendments please come to order.

This evening, the committee will be considering Bill 7, The Medical Amendment Act; Bill 69, The Real Estate Brokers Amendment Act; and Bill 74, The Court of Queen's Bench Amendment Act.

To date, no persons have registered to speak to these bills. I will canvass the audience at this point to see if there are any persons in attendance wishing to make a presentation to Bills 7, 69 or 74. Are there any? [interjection] Yes, sir?

Mr. Cliff Palmer (Winnipeg Real Estate Board): Cliff Palmer from the Winnipeg Real Estate Board.

Bill 69–The Real Estate Brokers Amendment Act

Mr. Chairperson: That will be then on Bill 69, so best we begin with Bill 69. Is that all right, Mr. Minister?

Please state your name, sir.

Mr. Cliff Palmer (Winnipeg Real Estate Board): I am Cliff Palmer and I am the immediate past president of the Winnipeg Real Estate Board.

First of all, I would like to applaud Minister Ernst and the entire Legislative body for the expediency in which they are dealing with the proposed amendments to The Real Estate Brokers Act.

Just by way of background, this program was fashioned after a similar project in Columbus, Ohio. I should say that our friends to the south have been most helpful in developing and using their expertise in developing the program. Over the past five years, the Columbus board of realtors have developed or financed over 15 housing units, and they anticipate doubling that over the next five years.

Now, our program is obviously going to be much more modest in scope than that, but when we first heard of the Columbus housing program, the Winnipeg

Real Estate Board became very excited, and, certainly, we are very, very supportive of the entire project, firstly, because we believe that every Manitoban should have the opportunity to have home ownership.

Just to expand on that, while this is a pilot project here in the city of Winnipeg, our mandate is to get the program working smoothly, get it working in Winnipeg and then expand it into other centres in Manitoba where we find it to be workable.

We, again, support the program because not only does it promote home ownership, but also it develops individual pride not only in themselves and their quality of life but also in their city and in their environment. It also serves to rejuvenate deteriorating neighbourhoods. It reduces crime and other social problems that are associated with that.

I think the important prospect from our perspective is the fact that we are not using public funds. We are using real estate generated revenue to go back into the real estate market and promote home ownership. I think this is particularly important at a time when governments are cutting back on both budgets and grants.

In starting this program, we called on the entire community that is involved in housing. We called on Habitat for Humanity which has been most, most helpful in giving us their experience and their expertise, and, again, we will continue to use their expertise as we develop the program.

We had the financial institutions involved. We had CHMC. We had Manitoba Housing. We had the City of Winnipeg, Councillor Prystanski, and we had the renovation industry, just to mention a few of the bodies that were involved in that. So, again, I say we have had extremely good support, and I brought with me David DeLeeuw, who has ably directed this entire project to this point.

I thank you for the opportunity of speaking to you this evening. If there are any questions, David and I

would be more than happy to respond. Thank you very much.

Mr. Chairperson: Thank you for your presentation, Mr. Palmer. Do members of the committee have questions they wish to address to the presenter?

Mr. Gary Kowalski (The Maples): You mentioned that you have been in consultation with Habitat for Humanity and others. Will your projects be separate from Habitat for Humanity? Will they continue with the work they are doing and this will be in addition, or will it be in partnership with them? What will be your relation with Habitat for Humanity?

Mr. Palmer: No, it will done separately. This very issue was discussed.

Paul Hiebert from Habitat for Humanity served on our committee. It was his feeling that this should be a separate juncture. We would work together. They will be on our ongoing committee and probably on the board of directors, as well, but it will be a separate entity.

Mr. Kowalski: As far as the areas that you will be doing the projects in, I have seen Habitat for Humanity. I have worked in the inner city area, and I have seen them go two different ways, where they have done one home here, one home there, or where they have done a number of homes in one area.

Now, with your resources, have you thought about whether you will be targeting a certain area, or will you be dispersing it over a larger area? Is there a target area you will be looking at?

Mr. Palmer: Our thoughts on that are that we would target an area and try to—first of all, we feel we have to be visible, and we have to make the program work, so our thoughts were that we would take one area that is on the peripheral, not right into the heavy, heavy core area, but where it is starting to deteriorate and try and work that way in, but try and concentrate on an area to give the program visibility.

Floor Comment: If I may add to that—

Mr. Chairperson: Is this Mr. DeLeeuw?

Mr. David DeLeeuw (Banfield McFarlane DeLeeuw): Yes.

Mr. Chairperson: Welcome.

Mr. DeLeeuw: Thank you. Some of the criteria we are developing would be surrounding making our decision on what area and what location we choose by way of a determination of what the present homeowner ratio is to tenant-occupied ratio.

We feel that if we choose an area that has not had too large a percentage of turnover into rental or tenant-occupied, we can stimulate more home ownership within an area, so we will determine what area of the city we are going to work on first. As opposed to a shotgun approach, we will take a very specific approach, hopefully, to one or two streets, where we can have a noticeable difference in bringing in renovated homes in hoping to stimulate in that area more people looking at private home ownership as a result of seeing the change in the renovations we do.

Mr. Kowalski: Will the plan be to select people, and then once the people have been selected, they will be eligible for the program, working with them to find suitable locations, or will the idea be that you will find a house or property that is suitable and then look for a person to match that property? Which way would it be your intentions to go?

Mr. Palmer: Well, I am not sure if we have the details of that worked out, what comes first, the chicken or the egg, but the first thing will be to set up a board of directors and set up our committees. Again, we will be working closely with Habitat for Humanity and perhaps even drawing on past applicants to that body, as well.

Mr. DeLeeuw: There is a difference between what we are doing and Habitat, to a minor degree.

In Habitat, you do not require a down payment of actual cash to get in. In our program, we will go with CMHC financing, a minimum financing of 5 percent down, but CMHC has agreed to acknowledge sweat equity as 2.5 percent of that 5 percent, so we will be

getting a different market in people who are able to put a bit of equity into their purchase, and we have discussed the parameters of a selection process for both the area and the type of house, as well as the individuals who would come into the program.

Mr. Kowalski: Maybe I should know more about this than what I am revealing here, but what you are looking at as far as your board, I do not know if you are looking at sectoral representation, but if you are, just from my experience, I know one of the projects that Habitat did on Jarvis Avenue, they had a lot of problems after they built those facilities—I think it was during the Jimmy Carter project—with prostitution going on in front of the street.

Now, if they had consulted with people active in social services in the area, with the police, I do not know if they would have gone into that area. Maybe they would have selected another suitable location but not that one, so I am wondering, in looking at who you plan to have on the board, are you looking at social services? Are you looking at police?

I have my answer right here, thanks to the minister.

* (1940)

Mr. Chairperson: Mr. Ernst has just handed Mr. Kowalski what he hopes is the answer.

Mr. DeLeeuw: That is a list of people who have sat on our committee. From there and with potentially a couple of additions, trying to get as diverse a group as possible, we hope to form our board.

Mr. Kowalski: I see on the list there are a number of people from the City of Winnipeg. I am not too sure of their positions unless they are in social service. I do not see anybody here involved in social services.

Again, I will be very parochial because of my background. I think, especially if you are going to be in the core area, in the inner city area or even on the periphery, to have someone from the police would be beneficial, so I would suggest that possibly you look at adding that resource to your board, someone from social services, someone from the police.

Mr. Palmer: I would just like to acknowledge that and say that is certainly something we will take under advisement when putting our committees together.

Certainly, the social aspect is an important part of our deliberations. We want to be able to provide an ongoing training in that regard, so the point is well taken.

Mr. Chairperson: Any other questions from the committee?

Mr. Conrad Santos (Broadway): Do we get the same information as the member for The Maples got?

Mr. Chairperson: What you are seeking is a copy of the document Mr. Ernst gave Mr. Kowalski.

Hon. Jim Ernst (Minister of Consumer and Corporate Affairs): Mr. Chairman, what I gave Mr. Kowalski was an attachment to a letter I sent to the opposition House leader which outlined the board of directors, and I would be more than happy to provide members of the committee with a copy of that.

Mr. Chairperson: Does that satisfy you, Mr. Santos, and other members of the committee?

Mr. Santos: Yes, Mr. Chairman. It is only fair.

Mr. Chairperson: Thank you, Mr. Palmer and Mr. DeLeeuw, and congratulations on your initiative.

Are there any other presenters in attendance with respect to this bill or, frankly, any other bill that we are considering tonight? If not, can we proceed with the—[interjection]

Bill 7—The Medical Amendment Act

Mr. Doug Abra (College of Physicians and Surgeons of Manitoba): Doug Abra, Mr. Chairman, here on The Medical Amendment Act. We do not intend upon making a presentation. I am with Dr. Ken Brown, the Registrar of the College, but we are prepared to answer any questions members of the committee may have respecting the legislation.

Mr. Chairperson: Okay. This is Mr. Doug Abra, legal counsel, and if there are any other questions, members of the committee, in relation to this bill, please address them.

Mr. Conrad Santos (Broadway): To facilitate things, Mr. Chairperson, will we be receiving a copy of the brief even if it is not presented?

Mr. Chairperson: There is no brief that I am aware of. He has stood up, I understand, to answer questions if there are any questions, Mr. Santos.

Are there any questions for Mr. Abra or his delegation?

Mr. Santos: I do not want to take time, but I would like to ask some questions, and that will delay the proceedings of the committee. If the person making the appearance had any written submission, it might as well be received in writing and distributed to the committee.

Mr. Chairperson: I gather, Mr. Abra, that you do not have a written submission, but you are here to answer questions. Do I understand you correctly?

Mr. Abra: That is correct.

Hon. James McCrae (Minister of Health): I should tell the committee that in the case of Bill 7, I made a request of the opposition Health critic that if the opposition could somehow see its way clear, we would like to see this bill passed prior to the end of this part of the session, so that it would not have to wait until next fall, the reason being that it is a very good bill, that it is a very supportable bill. It calls for even more public accountability on the part of the College of Physicians and Surgeons of Manitoba.

The honourable member for Kildonan (Mr. Chomiak) very kindly, I take it, advised his House leader that he had no concerns with respect to getting this bill through committee and passed in the House, and in this connection I would like to thank the House leaders for the parties, the Liberal Party as well, the Health critics for the role that they are playing in helping us provide a better service to the public through

the Manitoba College of Physicians and Surgeons and to the college itself for its initiative in making improvements and modernizing its procedures and bringing the college into, how shall I put it, making the college more accountable and allowing more public participation in the college's activities.

So with all of that being said, I also responded to the honourable member for Kildonan who asked for a sheet setting out what the various amendments are and would do in this legislation, and I assume that this matter has been discussed in his caucus, and it is on that basis that we are here this evening, and I am a grateful minister to all of those involved in those things that I have mentioned.

Thank you, Mr. Chair.

Mr. Chairperson: Thank you, honourable minister.

Are there any other questions, or does the representative of the official opposition have an opening statement? I think I will take what the honourable minister said as the opening statement with respect to Bill 7. Any opening statement? None from the official opposition?

Gentlemen, thank you for taking the podium. It appears there are no further questions for you, and thanks for your attendance here tonight.

Can we now proceed, if it is the will of the committee, with clause by clause or a more rapid consideration of Bill 7.

With respect to Bill 7, is it the wish of the committee to proceed en bloc? [agreed]

Can we then proceed with Bill 7, and we will deal with Clause 1 through Clause 18—pass; Table of Contents—pass; Preamble—pass; Title—pass. Bill be reported.

Bill 69—The Real Estate Brokers Amendment Act

Mr. Chairperson: Honourable minister, do you have any opening statement with respect to this bill, Bill 69?

Hon. Jim Ernst (Minister of Consumer and Corporate Affairs): No, I really do not. Mr. Palmer did an admirable job. Quite apart from the congratulations he got, the fact of the matter is this is good, decent legislation, an opportunity to do something, as all bills are that have been brought forward by the government, but this is an opportunity to do something real for some people and ultimately can make a difference. I am more than pleased that there has been agreement amongst all parties in the House to see this bill pass reasonably quickly, so I thank all of you for that.

Mr. Chairman, if I could at this point table the list of participants in the Manitoba Housing Initiative over which we had some discussion earlier.

* (1950)

Mr. Chairperson: Those will be circulated to members of the committee. Thank you, Mr. Minister.

Does the critic for the official opposition have an opening statement? There being no opening statement, the bill will now be considered. This is Bill 69, The Real Estate Brokers Amendment Act. Can we proceed with Clauses 1 through 3? Is that the will of the committee? [agreed]

Clauses 1 through 3 of Bill 69—pass; Preamble—pass; Title—pass. Bill be reported.

Bill 74—The Court of Queen's Bench Amendment Act

Mr. Chairperson: Does the Acting Minister of Justice have any opening statement to make with respect to Bill 74?

Hon. Jim Ernst (Acting Minister of Justice and Attorney General): Only to say that, again, we have had good consideration from members of all political parties in the House to deal with this important issue.

I think we are all collectively agreed that we want to see an increase in the number of judges in the family court to try and pick up the backlog that exists there, so that people in pretty stressful circumstances are dealt

with as expeditiously as possible, and I congratulate members of the other political parties in the House for agreeing to bring this bill for consideration quickly.

Mr. Chairperson: Thank you, Mr. Minister. Does the critic from the official opposition have any opening statement? There being none, Bill 74, The Court of Queen's Bench Amendment Act, Clauses 1 through 3, can we consider all three? [agreed]

Clauses 1 through 3—pass; Preamble—pass; Title—pass. Bill be reported.

The time is now 7:53 p.m. Shall the committee rise? [agreed]

COMMITTEE ROSE AT: 7:53 p.m.