



Third Session - Thirty-Sixth Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

*Published under the  
authority of  
The Honourable Louise M. Dacquay  
Speaker*



Vol. XLVII No. 60A - 10 a.m., Thursday, June 12, 1997

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
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	Ind.
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.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David, Hon.	Riel	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank, Hon.	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike, Hon.	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
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SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
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.
Vacant	Portage la Prairie	

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 12, 1997

The House met at 10 a.m.

## ORDERS OF THE DAY

## PRAYERS

## ROUTINE PROCEEDINGS

**Mr. Marcel Laurendeau (St. Norbert):** Madam Speaker, I wonder if there might be leave to go to Reading and Receiving Petitions.

**Madam Speaker:** Is there leave to permit the honourable member for St. Norbert to proceed to Reading and Receiving Petitions? [agreed]

## READING AND RECEIVING PETITIONS

## Montreal Trust—Transfer

**Madam Speaker:** I have reviewed the petition of the honourable member for St. Norbert (Mr. Laurendeau). It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense.

*Praying for the passing of an act to transfer the personal trusteeship and personal agency business of Montreal Trust Company of Canada and Montreal Trust Company to the Bank of Nova Scotia.*

## Introduction of Guests

**Madam Speaker:** Prior to recognizing the honourable government House leader on Orders of the Day, I would like to draw the attention of all honourable members to the public gallery, where we have this morning thirty-seven Grade 8 students from Rossville School in Norway House under the direction of Mr. Rob Schrofel. This school is located in the constituency of the honourable member for Rupertsland (Mr. Robinson).

On behalf of all honourable members, I welcome you this morning.

**Hon. James McCrae (Government House Leader):** Madam Speaker, would you be so kind as to call the bills in the following order: 34, 35, 30, 31, 54, 27, 29, and subject to anything else being announced, the remainder in the order that you see them in the Order Paper.

## DEBATE ON SECOND READINGS

## Bill 34—The City of Winnipeg Amendment and Municipal Amendment Act

**Madam Speaker:** On the proposed motion of the honourable Minister of Urban Affairs and Housing (Mr. Reimer), Bill 34 (The City of Winnipeg Amendment and Municipal Amendment Act; Loi modifiant la Loi sur la Ville de Winnipeg et la Loi sur les municipalités), standing in the name of the honourable member for Transcona (Mr. Reid). Is there leave to permit the bill to remain standing?

**An Honourable Member:** No.

**Madam Speaker:** No. Leave has been denied.

**Ms. Becky Barrett (Wellington):** Madam Speaker, it is my pleasure to rise today to speak on Bill 34, The City of Winnipeg Amendment Act. Before I begin discussing the principles of the bill, I would like to say that, as in the past, the minister and his staff have been very forthcoming with their briefing of me as the critic, and I appreciate that.

These City of Winnipeg bills can sometimes be well, they are usually always quite extensive in the areas that they deal with and sometimes they can be quite confusing. I appreciated the minister's and his staff's willingness to meet with me and provide spreadsheets and discussion on the legislation. Not, Madam Speaker, that we agree with everything that is in the bill, necessarily, but I do appreciate the time and the effort that the minister and his staff have taken to give me the government's position and their reading on this piece of legislation.

As I stated, Bill 34—as are many of The City of Winnipeg Amendment Acts—is a hodgepodge of amendments and I do not mean that in a negative sense. It is just that there are many areas that are dealt with in this piece of legislation, most of which come from the requests from City Council themselves and several of which are amendments that have been initiated by the Department of Urban Affairs. I think we can say that it is a mostly positive piece of legislation, that we do not have concerns with most of the amendments proposed in Bill 34, but there are several areas that are of concern to us. I will speak briefly to those and, as well, at least one of my colleagues, to put our concerns on the record and perhaps to get some further clarification from the government or some willingness on the part of the government to make some changes if that is seen as possible.

Several of the amendments, as I have said, are very positive in nature. I will briefly go through those. One is changing the eligibility criteria for hiring of the city auditor. Currently the city auditor must come from the audit department and this change allows the city to hire any civic employee as the city auditor if they meet the qualifications for that position. I think this is only a good and positive move.

I cannot figure out where the current requirement came from. It would be interesting to go through the history and decide where the requirement came from that only the auditing department had people with the expertise to be city auditor, but I think that this change does allow City Council to hire from a broader pool of potential employees and actually gives the potential for a different perspective perhaps on the role of city auditor if someone outside the auditing department is actually hired for that position. So I think this has, as the minister stated in his comments, provided the council with greater flexibility in decision making and in this case is a very positive thing.

Another area that The City of Winnipeg Act responds to is the whole issue of what do city residents who have unserviced or less than fully-serviced lots do as far as their taxes and their services that they get from the City Council. For several years, we have been discussing this issue with currently St. Germain-Vermette and previously to that, the community of Headingley.

Well, the community of Headingley, several years ago, was given the authority to secede from the City of Winnipeg. One of the issues they had discussed that was raised in Headingley was that they did not receive support in the form of city services while they were paying taxes.

The same issues were raised by residents in St. Germain-Vermette and the government had a series of meeting with the residents of St. Germain-Vermette. There was actually a discussion paper that was prepared by Jim August about a year and a half ago that was looked at and gave several possible recommendations for how to deal with this situation. Finally, the residents of St. Germain-Vermette voted on whether they should ask for forming their own rural municipality or their own community, and they voted against that. The City Council has subsequently asked the provincial government and has been given in this bill the authority to make tax credits available to portions of the city of Winnipeg which do not receive the same level of service as other city residents do.

So I think, again, this is a recognition that the city has a problem on its hands with certain communities. At this point, it is St. Germain-Vermette. I do not know if there are others that may fall into this category at a later time, but that will enable tax relief to be established for community or for portions of the city that lack municipal sewer and water service. So one hopes with this amendment being passed that some of the acrimonious discussion and debate that took place between some of the residents of St. Germain-Vermette and the city will not happen again or will be less of a problem in the future. So, again, I commend the government for this particular amendment to The City of Winnipeg Act.

\* (1010)

Another amendment that, or series of amendments, I guess, that we think is fine—and I will state at the beginning that I do not understand debentures and debts and this kind of financial dealings that the city and the province have to undertake and, particularly, the city. In my English and social work training, we did not get a whole lot of economics and a whole lot of that financial background. My understanding from the briefing by the province and the discussions that I have

had is that there are several amendments that will allow the city to be more flexible again in managing its debt.

I will say, parenthetically, Madam Speaker, that over the decades of the '70s and '80s, City Council did not manage its debt properly. As a matter of fact, it expanded its debt to an alarming degree. I find it interesting that many of the city councillors who were present during those heavy spending years, those heavy debt piling on of debt years, are now sitting on the government benches and accusing the opposition of doing the same thing, which, of course, if you take a look at the financial records of the government, the last government, the previous NDP government, you will find that we did not mismanage finances. We were very careful stewards of the public purse.

Actually, when we were voted out of office in the spring of 1988, we left a budget that was followed virtually intact by the new Progressive Conservative government, that, in fact, ended up with a \$56-million surplus, that then provincial government over the next few years proceeded to spend its way into, at one point, three-quarters of a billion dollars worth of debt just in the budget. This is not the long-term debt but the deficit in just one fiscal year.

Madam Speaker, I think it is clear that the problems that have faced municipalities and provinces and federal governments throughout the years are not due to the fiscal policies of New Democrat governments or progressive governments at City Hall but are, in fact, a direct result of decisions that were made in the '70s and '80s by people on City Council who then moved over to the government benches, including, I might add, the Premier (Mr. Filmon) and the Minister of Finance (Mr. Stefanson). However, Madam Speaker, I believe I am probably digressing just a tad here, so I will move back to the agenda.

There are some amendments, as I said earlier, in The City of Winnipeg Act that provide the city with more flexibility in dealing with its debt. While not understanding all the specifics, I think it is a very positive thing that the city be given this opportunity to take advantage of whatever opportunities arise for it to decrease its debt costs and to, hopefully, decrease the debt as a whole. I will not go through the specifics because the minister has outlined them in his comments

on May 22, but these amendments do allow the city more flexibility, and I think that is a positive thing in managing your economic situation.

Just one final discussion about this in the context of the provincial legislation, while in The City of Winnipeg Act the provincial government is giving the city more flexibility in dealing with its debt and deficits—or its debt, because they are not allowed to have a deficit year over year—at the same time, the bill that was passed several sessions ago, the balanced budget legislation, ties the hands of the provincial government, because it does not allow the provincial government to have capital expenditures treated separately from ongoing operational expenditures, a situation that does not apply, my understanding is, to the City of Winnipeg, nor does it apply to most of the other provinces and other jurisdictions throughout North America that have balanced budget legislation.

So while the province is being very progressive, I believe, in giving the city this increased flexibility in managing its debt, it has tied its own hands to, we believe, the great detriment of the people of Manitoba because the province, in order to balance its budget, is going to have to continue, I am sure, to cut spending on vital services for Manitobans. So I would wish that the government would take a look at what they have done in Bill 34 for the City of Winnipeg when dealing with their own financial management systems.

Again, there are other amendments dealing with the financial instruments for debt financing, et cetera, that, again, will allow for not only greater flexibility but for more accountability on the part of the city government which is, to use a word that the Minister of Health (Mr. Praznik) has been using to a great extent these last few days in Question Period, to allow for some accountability and potentially transparency which is always a positive thing, as I use it. I am not sure if transparency is being used in the same manner by the Minister of Health.

Another amendment or two amendments, actually, that I think are very positive, again requested by City Council, are the amendments that deal with fire prevention services. Currently, the existing legislation does not allow fire prevention officers the right to enter and inspect premises while, at the same time, other city

employees such as building inspectors, health officers, or licence inspectors do have that right. So this is giving the fire inspectors more autonomy and more flexibility again in dealing with potential situations, potential hazards and, hopefully, will be a very good preventive measure, making the fire inspection on the same parallel as the other city inspectors, which we think is a very positive thing.

The fire prevention officers cannot just go in willy-nilly to a house, but they will be able, with an owner's consent or a warrant, to go into premises and investigate for potential fire hazards.

Secondly, the city will now be able to serve notice on property owners whose premises do not comply with fire safety codes requiring them to correct the situation and the city, if they do not, can then take remedial action on their own and bill the owner. This again provides consistency in the city, which now has the ability to issue an order for unsanitary buildings, so this expands that and says that for potential fire hazards the same thing can apply.

I think again charging the owners of a building is a very positive step and again, Madam Speaker, the parallel with provincial legislation is workplace safety and health issues, as has been raised in the House over the past few days by the member for Transcona (Mr. Reid), where the Justice department and the Department of Labour have chosen not to charge the owners of corporations that have not complied with workplace safety and health regulations. The government has chosen not to charge the owners of those businesses but has rather said that because the corporation or business itself has gone out of business or has declared bankruptcy, that is the end of the matter.

\* (1020)

So I think, again, the provincial government should take a look at what it has done in a positive manner with the City of Winnipeg in allowing for owners of buildings that are in trouble with fire codes to be charged for taking remedial action. The provincial government should look at the same parallel when they are dealing with companies with workplace safety and health charges against them.

There are several areas however that we have some concerns about, and I will speak briefly to one and more extensively to another, and another one of my colleagues will speak more extensively to the one that I am speaking briefly to and, hopefully, with a little more succinctness in her sentence structure than I have just showed.

The first one is the eligibility criteria for electrical inspectors. Currently all electrical inspections of any new building or I imagine any upgrading that takes place must be undertaken by a journeyman electrician, someone who holds a journeyman's licence. The proposed amendment changes that and says that for one- and two-person family dwellings, road dwellings and related structures or equipment, city inspectors will not be required to hold a journeyman's licence. Instead they can hold a journeyman certificate in another related field and/or have other suitable qualifications which the city deems to be acceptable.

The minister in his comments has said that this will allow the city again more flexibility and quicker access for people who have homes to get their electrical inspections undertaken more expeditiously. While we are not in opposition to having services provided more efficiently to the citizens of Winnipeg, we do still think that safety is a priority concern. We will await the public hearings and other people who might have some concerns on this, but just at looking at the legislation, we are concerned that this may lead to a dilution of the expertise that is necessary in order to have a safe dwelling.

It is interesting that the electrical journeyman would be required still for larger buildings than just single family, one- or two-person family dwellings. I think that while the electrical systems in residences may be simpler than electrical systems in businesses or larger dwellings, there is still the opportunity and the possibility of something going wrong. It is incumbent, we believe, that people who are doing those inspections have as much training as they need to have in order to find something that has been done inappropriately or incorrectly.

I do not know the statistics, but I imagine that the vast majority of deaths by fire occur in one- and two-family homes because that is where the vast majority of

people live. Some of those fires are caused by smoking in bed or other situations, but I think we need to ensure that not one single fire is caused by a faulty electrical system in a house. Our concern is that allowing the city this degree of autonomy in determining who will be eligible to make these electrical inspections has some potential for real safety concerns.

The second area of concern for us is the Municipal Assistance Program for new home buyers. The minister says the intent of the program is to increase consumer confidence in Winnipeg's housing market, create employment in the construction sector, and increase the assessment base of the city and school divisions. While we are all in favour of all of those things and have no problem with that in principle, but just very briefly, Madam Speaker, I would like to say that nowhere in this comment and nowhere in the briefing notes does the minister really take cognizance of or acknowledge the huge problem that we face here in the city of Winnipeg, and that is the problem of urban sprawl.

Urban sprawl, Madam Speaker, does not just mean outside the Perimeter or outside the confines of the city of Winnipeg itself. It also includes subdivisions that are outside the inner city. The member for Radisson (Ms. Cerilli) has raised this issue in the House several times and will continue to do so today in her comments on this particular part of The City of Winnipeg Amendment Act.

It would have been very simple, we think, for the province to have said, yes, go for this, but we also have a concern for the viability of the entire city of Winnipeg. One of the problems that we face in the housing situation in Winnipeg today is the fact that houses are being built on the Perimeter of the city, both inside and outside the official city boundaries, rather than inside in the older neighbourhoods in the city of Winnipeg.

So we have some concerns about that. The whole issue of urban sprawl is not dealt with in this particular amendment. We think that it was an opportunity for the province to take some proactive initiatives in this regard. I guess perhaps they did not because they are showing themselves in provincial government to be fairly consistent with their actions when they—many of

them were in City Council themselves, which is saying whatever is best for the developers in the city of Winnipeg is best for the city of Winnipeg. We have shown that to be definitely not the case as Winnipeg continues to become more and more a doughnut city.

So, with those remarks, I will close my comments and ask if anyone else wishes to speak on this legislation.

**Ms. Marianne Cerilli (Radisson):** Madam Speaker, I am going to be doing a lot of speaking today. I think my voice is doing some strange things this morning, but I really want to speak on Bill 34, this City of Winnipeg Amendment Act, following up on some of the comments from the member for Wellington.

I was just reviewing the Hansard here. From some of the questions we asked about this in the Estimates for Urban Affairs—and, unfortunately, a lot of the questions that we raised are still unanswered. It is unfortunate now as we are debating the legislation that we do not have a lot of the information that the minister was going to clarify in terms of some of the provisions in this bill before us with respect to issues in the city of Winnipeg.

Nonetheless, the bill is another shopping list of changes the City of Winnipeg has requested in some cases, and maybe I could say at the outset that in the Estimates process in Urban Affairs I was asking some very basic questions to try to get a better understanding of the relationship between the Department of Urban Affairs and the City of Winnipeg to see how they work together when they are anticipating or looking at different provisions for legislation or initiatives for the city of Winnipeg, and it is unclear.

I was just reading the Hansard, and it was really difficult to get a straight answer from the minister as to where these ideas often come from and how involved the Department of Urban Affairs is at the germ stage, if you want to call it that, of—[interjection] At the germination stage of new initiatives for the city of Winnipeg. I think that is important because I think we want to see the Department of Urban Affairs using any capacity it has for research and analysis in its own department or throughout the provincial government to support and ensure that provisions for new legislation

for the city of Winnipeg or other programs are well thought through and well researched.

This bill, though, like many City of Winnipeg acts, changes, is all over the place. It is dealing with eligibility for the position of city auditor. It is dealing with tax credits for unserviced dwellings, business improvement zones, managing debentured debt, fire prevention inspections, variance notices, various amendments necessitated by changes to The Municipal Act or Bill 54 and transitional provisions on business assessment taxation.

\* (1030)

A few of the things that I want to deal with, first of all, is a few comments about the position of auditor, now that it is available to anyone who works for the City of Winnipeg to apply for the job as the city auditor. These positions are extremely important. I had the chance recently to participate in the provincial committee reviewing public accounts and have had meetings with our Provincial Auditor, and I know that there has been a relationship between the staff with the Provincial Auditor and the city auditor and the resources, the independence, the work of the auditors' departments I think are very important both to the City of Winnipeg and to this House. I think it is very important that we continue to have good staff and expertise in those departments as we have had in the past. I think it is reasonable that staff who are familiar with the city as employees are now able to apply and work in the auditor's office.

In talking about the City of Winnipeg staffing, I also wanted to make some comments and congratulate all the City of Winnipeg staff who worked so diligently and such long hours and so expertly during the Winnipeg flood of 1997. In my own constituency, I had a lot of contact with a number of City of Winnipeg employees during the flooding both in south Transcona and dealing with other areas along the river. I found a number of the employees, both from the City of Winnipeg and from the provincial government, to have given above and beyond the call of duty.

I know that there were a few people, in particular there was one fellow, Mr. Gene Trudeau, who was responsible for monitoring and dispatching sandbags

out on Dugald Road in Transcona. He was responsible for being there for, I believe, it was at least 12 hours a day for a number of weeks and worked well with all of the volunteers and what was often chaotic situation as the people arrived at the last minute to try and scramble and get sandbags and take them to their homes. The employees were under a tremendous amount of stress and a tremendous amount of pressure to remain fair and courteous and, to a large degree, when I observed them they were able to do that.

I think that often there are a lot of disparaging comments toward civil service not only at the city level but at the provincial level and other levels of government, and I think we saw during this flood this spring how valuable the expertise and the strong civil service is to our city and to our province. I do not think that we can underestimate or take for granted the fact that we need to have a strong public service. I know that in the budget speech this year, the Minister of Finance (Mr. Stefanson) was gleefully reporting that they have eliminated more than 2,500 staff from the civil service at the provincial level. We know now some of those were in the Water Services branch, and now we know that those cuts limited the ability of this government to do such important things as flood forecasting.

So I think when the members opposite are so gleefully talking about eliminating programs and staff from the civil service, they should look a little bit more long term and look a little bit more at the value of having in place strong civil service programs and staff so that when we do have an emergency, we are not going to be scrambling around, that we are going to have people in place who are well versed in the workings of our public services and the workings of our infrastructure and emergency services, whether it is ambulances or dealing with the Red Cross in health services, and all the other areas that had to be involved in the flood this spring, from police to the Parks and Recreation staff who ended up being responsible for a lot of the operations in the evacuee centre.

One of the other provisions in this bill has to do with the purchasing of liability insurance, and I guess one of the things that often comes to mind is when we see legislation like this, it seems then that the legislation is



trying to play catchup. It raises the question in my mind of what has occurred to force this kind of amendment. What has occurred in the past so that we now have to have new provisions to protect the city from liability? I do not know if those are some questions we can ask and get answers when we go into the detailed review of this legislation in the committee stage, but I would be interested in knowing that.

Two of the provisions in this bill that I want to deal with in greater detail have to do with the tax credits for unserviced dwellings and the grants or credits to new homes, the property tax holiday for new homes being constructed in the city of Winnipeg. Just generally, I want to talk about how both of these provisions are to some extent trying to deal with the problem of urban sprawl. As the member for Wellington (Ms. Barrett) said, and I want to reiterate because I was also making note of this as I reviewed the spreadsheet for Bill 34, there was not one mention anywhere about urban sprawl.

It is like this government has stuck its head in the sand in terms of urban sprawl, exurban sprawl and the problems that are going along with that, which they really refuse to acknowledge, which is inner city or urban decline. Now, the provision here which will enable tax credits for unserviced dwellings such as in areas like St. Germain and even some areas in my own constituency where they do not have city water and they are still using a well, there may be some argument to be made that those people then are not benefiting from the city services, so that they may then have to get some kind of a tax break. But what this obviously is, is some kind of carrot or some kind of offering to these areas to try and keep them from pressuring and wanting to do more expansion or secession out of the City of Winnipeg.

The other thing that bothers me about this is it buys into this idea of what I call user-fee government, the notion that this government, the Liberal federal government, the Reform Party are all advocating when dealing with government, and that is that you only put into government what you are going to use. You pay a user fee when you use a service, and if you do not use that service, you should have no responsibility for paying for it.

I find that very, very disturbing and potentially very destructive for our community and our society because, in my opinion, the whole notion of government is that it is a collective where we are collectively doing together what we cannot do as individuals, providing for infrastructure, providing for services that really benefit everybody, whether it is lighting on the streets, whether it is community clubs and schools, whether it is police and ambulance services.

To have this idea that you can pay as you go for a lot of city services, including things like waterworks, is really troubling. It buys into this other neoliberal idea of individualism that we can all just go about our own business and not have to worry about each other or how we are neglecting certain members of our society and our community.

I find that this provision is buying into this whole idea that you can have this pay-as-you-go, user-fee kind of government, and that eventually is going to see the complete erosion of our public service, the complete erosion of what government is in terms of acting as a collective on behalf of the greater good and the general public.

\* (1040)

There may be some problems. Sometimes governments can seem like they are bureaucratic and sluggish, and we need to work at that. We need to ensure they can be responsive and can be connected to the community and can be as "user friendly" as possible, but the answer in my opinion is not to continue to go towards this user-fee kind of approach to government.

I find that it is very destructive, and it is very inequitable and unfair as well. Those that are the least able to pay those fees are going to suffer the most, but in the end we will all suffer, as we will never be able to finance the kind of infrastructure and services that we rely on collectively. As I said earlier, when a crisis comes like the flood and we do need to have strong services in place, the user-fee approach will never cut it. It will never be able to provide adequately for the resources that we need to deal with our collective problems and our collective needs.

In terms of this tax credit provision, it is unclear from the legislation what the tax credit will be. I am assuming that it is going to be up to the city to deal with the specifics of this, and it does not seem like there are going to be any regulations under The City of Winnipeg Act for this section. So I am wondering again, what is going to be the role of Urban Affairs and the provincial government in determining what these tax credits would be?

In dealing with issues like water service, we know that to a large extent the provision of water services is one of the things that is driving urban development in the Capital Region, with areas like Headingley wanting to develop new water systems. There have been some really what I would call wacky ideas for how we can start piping water from the city of Winnipeg all over the place. The point that I want to make is, we have to be very careful about these types of provisions because, again, these are the kinds of things that are going to continue to drive the urban sprawl and increase the problems of urban sprawl.

When we are dealing with urban sprawl, at some point we have to realize that it is zoning that is the responsible area, and at some point governments have to just say no. This government wants to try and always hide behind the rhetoric and language of people have to have choice, but what ends up happening is those choices are very expensive, and often what happens is the people who are making those choices are not the people who are paying. The people who are making those choices to leave the city of Winnipeg are not the ones that are paying for the roads, whether it is water infrastructure, lighting, other services that are required as the city continues to sprawl out.

In talking about issues around zoning and urban sprawl, one of the other points I think it is important to make, especially after the flood, there was a lot of talk about why do people live in certain areas, why do people build homes in such and such a way in certain areas, why do people choose to live there?

I want to say to the Premier (Mr. Filmon), who made those comments, and to this government that people choose to live there because it is zoned for housing, and it is the government's responsibility to say yes or no to

allowing housing to be zoned and built in a certain area. So let us not blame individual residents. Yes, they should have to live up to building codes, yes, they should have to live up to zoning, and when they are doing that, the responsibility is then with government, who allowed the zoning and wrote those building codes.

So let us not try to again put the blame onto individuals when it is governments often that have abrogated their responsibility to wisely zone our province. There is all sorts of zoning that is in place in terms of the Capital Region that from talking to people in the community I have learned is not being followed, and there are lots of questions to ask after this flood about the zoning and development in the Red River basin, in the Red River Valley.

As I said earlier, one of the other issues related very much to urban sprawl and zoning is an issue that I have been dealing with in the House, and that is this other carrot approach as this government continues to try and use the idea that people have to have choice. Now what they are doing is saying, well, we are going to give you some incentive to build homes within the city of Winnipeg, in the Perimeter line, and we are going to give you a three-year property tax holiday if you purchase a home built within the city of Winnipeg. In some ways, I guess we could say that finally with a program and provision like this, the City of Winnipeg and this provincial government are at least recognizing that there is a problem with exurban sprawl.

But one of the concerns that I have about this program is the way that it has come forward, and when I asked in Estimates about any kind of research and analysis that went into development of this program, it did not seem like there was much at all. I am wondering if there has been any kind of housing needs study or assessment to see if the kind of single-family dwellings that are going to be constructed exclusively under this program, and that will be the only kind that qualify under this program, is the kind that is really required. When I talk to people in my constituency, one of the things that I find that is really necessary is new types of housing, particularly for seniors, and also for families, particularly single-parent families, low-income single-parent families.

We need to become more creative in devising new types of housing, and some of this is occurring. I mean, we are going to be debating in this House later on today probably legislation for condominiums. There is legislation dealing with life leases. There are new ideas out there. I have a private member's bill on community land trusts. There are all sorts of new provisions for co-op housing. But this provision is dealing only with single-family dwellings, and what I am concerned about is a lot of the seniors, as I was saying, that I talk to would like to move out of their single-family dwellings. Their problem is there is either not the kind of seniors care homes that they require or other kinds of housing for them so that they no longer have to have the responsibility for maintaining a large home and a yard, even though many of them love their gardens. They do not want to shovel the snow, and they do not want to have all the responsibility.

But often I do not think we are doing enough planning in terms of where we are putting any kind of alternative for housing for that population. Of course, if they were able to move out of their single-family homes, then younger people and younger families could then move into those homes, and we would not continue to see more and more single-family dwellings, sprawling out and beyond around the Perimeter of the city of Winnipeg. I am concerned that this government or the City of Winnipeg—it does not seem like there is anyone that is doing any kind of real housing needs assessment before these kinds of programs are brought in.

One of the other things I meant to bring with me is a letter I just received a couple of days ago from the minister to do with this program, and one of the concerns that I had is that this program is going to allow housing development companies to continue their practice of starting housing developments in different parts of the city and never finishing any of them so that we have little clumps of housing throughout the urban area of Winnipeg and close to the Perimeter.

The one that really amazed me is the development that is now across from the Mint, which is like this island of housing that is totally unconnected to any other services or part of the city. I do not think they can go and shop at the Mint, and they are completely isolated. I do not how they are provided with any kind

of reasonable bus service. That is the kind of development that I am concerned about. It continues to begin to be built.

\* (1050)

Then there are other areas of our city that have other developments that have been initiated but are not finished either and do not qualify for services like busing, like community clubs. They have a hard time having access to schools. There are all sorts of problems with school busing. Those are the kinds of issues that need to be dealt with and ensure that there are provisions in a program that is going to give a tax holiday for new housing; that we are not going to allow developers to continue that practice.

When I asked the minister about that, it sounded like there was not going to be any provisions like that in the bill, and indeed there is no provision for that problem in Bill 34. The letter I received back from the minister indicates that that would interfere with the market; that would interfere with developers being able to go and develop wherever the market meant they had the most financial benefit. Obviously, that is their attitude to urban development and zoning, let the market decide; we have to allow the housing developers to put their houses wherever they are going to make the most money.

There is no consideration for all the issues that I just talked about in terms of those soft urban services, in terms of providing policing and busing and committee clubs, and ensuring that there is going to be a responsibility for housing developments to qualify for all those services, to have enough homes and population to qualify for all those services.

The answer from the minister was, well, you know, we have to ensure that we are not interfering with the market. That is their attitude to zoning and urban development, and I find that really disconcerting and am concerned that the provisions in this bill for this program, which is going to give a tax holiday for new homes, are going to continue to contribute to urban sprawl. I will acknowledge that there is a modicum of attempt to deal with that by giving a larger tax break to homes that are built in the inner city or as infill housing, but even in the admission in the paper that was

presented to City Hall in the program, three to one, the homes that are going to be built under this program are not going to be in those areas.

I asked questions in the Estimates on Urban Affairs about the number of serviced lots and unserviced lots and how that is going to work, and I have yet to hear back on some of those issues. Hopefully, we will deal with that again in the clause by clause on this bill.

I am not the only one that has been concerned about this program. There have been a number of other letters to the editor and articles in the media critical of this approach for a number of reasons, and let me just see if I can highlight some of those here. This is a letter to the editor from a fellow named Brian Brown, and he says that, in the front-page article "Tax break on agenda," Free Press, March 26, the counsellor for Daniel Mac believes tax relief is a way to stop the downward spiral of new home construction in the city, and he feels that it will stem the tide of Winnipeggers going to rural areas.

This fellow was critical of the counsellor, suggesting that he take a walk around the ward that he is being paid to represent and look at the crime, the decaying streets, and the resulting decline in property values that probably have more to do with people leaving than do property taxes.

So this is another person that feels that this program is not going to deal with some of the other issues related to urban sprawl, as I have mentioned, which is urban decline, and if we talk to people that are leaving some of these neighbourhoods and ask them why they are doing that, especially if they are businesses, safety, issues around safety, issues around their property values may have more to do with it.

One of the other surveys that was done was the Winnipeg Sun's, which asked the question if new home tax break hurts inner city revitalization, and 89 percent agreed and 11 percent disagreed. That was based on only 36 phone calls, but I guess it does give you some sense of the attitude of Winnipeggers towards this program and the aims of this program.

One of the other things, I think, that is important to mention in terms of this program which is trying to

encourage new home construction in the city of Winnipeg is to talk about the fact that now Canada is the only industrialized country in the world that has no national housing strategy; the fact that there is no longer any social housing being constructed with public funds in the province of Manitoba, that there is no infill housing program any longer through this government or the federal government, and the fact that the only housing that is being built right now is likely to be single-family dwellings or to be higher-end condominiums. We cannot continue to have this kind of policy in terms of urban development and housing for very long, or we are going to see huge problems in the city of Winnipeg.

The effects are already being felt in cities like Toronto and Montreal where the number of people who are homeless and living on the street has gone up tremendously as we feel the effects of the combination of policies where we have seen reductions in social, we have seen reductions in rent control provisions, we have seen the reduction in funding for social housing, and we have seen the elimination of other programs that support people, whether it is through Pharmacare and medicare, so they do not have to spend more money on things like eyeglasses.

All of those things coming together are having a huge effect on our cities, and the result is that people have less money to afford decent housing and more and more often are either forced into overcrowded situations or—indeed, as I said and heard people talk and have seen for myself in cities like Toronto where Mike Harris is the champion of introducing all of these provisions at once, the provisions, particularly to reduce rent control, are having a devastating effect on the urban area in downtown Toronto.

I think that I would be remiss if I did not talk a little bit about some of the positive things related to Bill 34, however, and that is recognition of the benefits of business improvement zones. There seem to be a few recommendations in the bill to streamline the process for developing and designating business improvement zones. I was surprised to find in the bill that it only takes 10 percent of businesses in a given area to qualify to have an area designated as a business improvement zone, and then it would take one-third of those other

businesses to oppose the development of a business improvement zone.

\* (1100)

I know that I have talked a number of times with people, members of the public, who are involved, whether it is the Downtown BIZ, whether it is the Transcona Merchants Association or other organizations, to try and encourage businesses and organizations in a given district to work together, and they found that it is very beneficial.

I think it is good that the government is recognizing it. It is unfortunate, however, that they do not take the advice and the recommendations coming from business improvement zones more readily. As we have seen recently, they have ignored a lot of the recommendations related to the casino in downtown Winnipeg. So I think that we must encourage the government, if they are going to, in legislation, encourage the development of business improvement zones, then they should listen to these groups.

They should realize that they are closest to the ground and recognize things that perhaps this government does not, and they should pay more attention to recommendations of what would benefit particularly the downtown, particularly with respect, for example, to the recommendations related to the casino, and where they may not—as the government said, it is not going to be the answer to all the problems in the city of Winnipeg to have a casino in downtown Winnipeg—not having it in downtown Winnipeg is going in the wrong direction. The Downtown Business Improvement Zone or the Downtown BIZ has talked about how one of the focuses for redevelopment in Winnipeg's downtown has to be developing that area as an entertainment centre to attract conventions, to attract tourists, and that would include having a casino in the downtown area.

I recently was at the McPhillips Street Station to do a bingo, and I also have the Club Regent in my constituency, and I am aware of the increased land that has been purchased in order to expand that facility by some \$50 million, and one of the things that I look forward to doing is consulting with my constituents to see what they think about having that facility expanded

in their neighbourhood, rather than having the casino downtown, and I will be bringing that forward.

There was a small reference in the report on the moving of the casino which made reference to the effects on the local community in terms of the number of businesses, restaurants, hotels, bars that are in the near vicinity both of Club Regent and McPhillips Street Station, but I do not think that they actually consulted any of the residents who live there and make that neighbourhood their home. I will be attempting to do that over the next little while. I think that that is just one example, though, of how this government shows, demonstrates, their attitude to the downtown area of Winnipeg and how they can ignore some of the recommendations coming from the community and even, in this case, from the business community.

So I am not sure what the basis is for some of their decision making with respect to downtown Winnipeg and with respect to the city of Winnipeg and the Capital Region. Perhaps, as I mentioned earlier, the letter that I received from the Minister of Urban Affairs (Mr. Reimer) is most telling, where he has said we cannot interfere with the zoning for housing developments. We have to just leave it open to the market, and the zoning is out the window.

With that, Madam Speaker, I will end my comments on Bill 34, and I will look forward to hopefully being able to participate at the committee stage. Thank you.

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, I, too, want to put a few words on the record with respect to Bill 34. It is something which our research department has had the opportunity to go through and had somewhat of a briefing on it.

Madam Speaker, I would like to first I guess thank the minister for providing some of the supplementary information about the bill that he made available to our caucus. After having reviewed this material through the caucus we can say that I have very little difficulty with the bill, changes for eligibility of criteria for the position of the city auditor, the streamlining of the process by which an area can be approved as a business development zone, new provisions to allow fire inspectors to enter and inspect premises for compliance with fire codes. In essence, we have no problem in

supporting amendments like these. The most significant amendment is the change in the law that allows the city to grant tax credits to areas that do not receive full city services. [interjection] The dean of the Chamber is asking that maybe I elaborate a little bit on some of the things and maybe be a little bit more forceful in some of the thoughts.

Well, a very important provision of this particular bill is that it does allow now for the city to attempt to attract, to allow for, to accommodate communities such as St. Germain and Vermette to remain in the City of Winnipeg and how that would compare to a number of years back when we recall the Headingley issue where the government at the time was so happy to allow for a part of Winnipeg or, to use the words from the minister, a disintegration of the city of Winnipeg.

One of the things I like about the current Minister of Urban Affairs (Mr. Reimer), Madam Speaker, is that he appears on the surface to be taking a very strong stand on the importance of keeping Winnipeg together and, to a certain degree, I would applaud those actions from the government, because it is important that we realize that—[interjection] Well, I am sure the Premier (Mr. Filmon) gave considerable consideration to the Minister of Urban Affairs before bringing him into cabinet, the member for Niakwa. He has managed at least to be able to get the government on the record, which shows more of a vision for the city of Winnipeg, and that is something that is necessary, because I can recall, there were petitions that were circulated in some areas in the city of Winnipeg where high percentages were saying, we wanted to secede. The Minister of Urban Affairs did take a very strong, powerful stand on what he believes the government should be doing.

So we have, in essence, seen a reversal of policy from the government. I think that is a positive thing. [interjection] Well, one of the ministers, one of the used-to-be ministers who was responsible for the Headingley move—and I do not know if that was the consequence in terms of his not remaining in cabinet. I will let the Minister of Agriculture (Mr. Enns) determine that. I know he is a very wise man, and he will, I am sure, have a fairly better idea than I as to why he is no longer in cabinet. Anyway, the important thing here is that we recognize that for the first time over the

last year and a half that the government is at least prepared to start talking about what is in the best interest of the city of Winnipeg.

But one of the constant arguments that I hear about from city councillors, Madam Speaker, from individual residents in the city of Winnipeg, is the genuine lack of attention that Winnipeg is given at City Hall, that they have a number of issues, that there needs to be better communication links established. They need to understand that the government is, in fact, listening and being sympathetic to the needs. In part, we have before us a bill that does demonstrate that there is some sense of willingness to co-operate, but still there is a great deal of frustration at the local city of Winnipeg level as to what the government is actually doing and how it is treating the residents of Winnipeg through the City Council and so forth.

\* (1110)

So we can only hope that the government will continue to move in a direction that sees better co-operation and facilitation of the city of Winnipeg and its needs, which is absolutely critical, much like the city of Winnipeg relies so much on rural Manitoba and the activities that are generated from rural Manitoba. Rural Manitoba also needs its urban centres, and those urban centres can be better facilitated if you have a government that is listening and prepared to sit at a table and take into account some of the things, some of the important issues, that these municipalities, and particularly the city of Winnipeg because we are talking on Bill 34, have to say.

I think that this is a common-sense solution in many ways, Bill 34. It goes back to an American tradition which says not taxation without representation. We have updated that today to mean no taxation without services. Madam Speaker, I would want just to qualify that particular remark because I would not want it to come back to haunt me with respect to the regional health boards. So with that one qualification, we are quite content to see Bill 34 go to committee. Thank you.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading, Bill 34, The City of Winnipeg Amendment and Municipal

Amendment Act. Is it the will of the House to adopt the motion?

**An Honourable Member:** Agreed.

**Madam Speaker:** Agreed? Agreed and so ordered.

**Bill 35—The Condominium Amendment and Consequential Amendments Act**

**Madam Speaker:** On the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mr. Radcliffe), Bill 35 (The Condominium Amendment and Consequential Amendments Act; Loi modifiant la Loi sur les condominiums et modifications corrélatives), standing in the name of the honourable member for Transcona (Mr. Reid).

Is there leave to permit the bill to remain standing?

**An Honourable Member:** No.

**Madam Speaker:** No? Leave has been denied.

**Ms. Marianne Cerilli (Radisson):** Madam Speaker, I am also going to speak on this Bill 35, The Condominium Amendment and Consequential Amendments Act. I referenced this in talking about Bill 34, where we do have a lot of new types of housing that are being developed, and condominiums are certainly one of them. They are extremely popular. I think there have been over 600 of them sold within the last year in Winnipeg.

I guess what is happening now is the legislation is trying to keep up with the changes and the requirements in dealing with condominiums, and that is, I think, what Bill 35 is attempting to do. There are a number of new arrangements in condominiums through life leases which are taking in some ways the best from rental properties, from co-ops and home ownership, and creating these new types of arrangements for housing.

(Mr. Ben Sveinson, Acting Speaker, in the Chair)

But it seems that in some ways condominiums have been falling through the cracks, and Bill 35 is attempting to try to fill in some of those cracks. One of those specifically is dealing with the subletting of

condominiums. We, I think, have to ensure that legislation is indeed going to keep up with new types of housing. I know that in other parts of the country, there is legislation that is being developed to deal with community land trusts. There are also, even in the city of Winnipeg, new types of housing co-ops, and I think that this whole area of legislation related to these different arrangements for land ownership and housing is extremely important.

We know that housing generally is extremely important in terms of individuals and communities' health and quality of life, for economic development, and we cannot underestimate the importance of the role that housing plays in our society. It seems that often housing-related issues, though, go to a large extent ignored, and that importance is not recognized.

For example, at the federal government level, the member for Winnipeg South Centre, Lloyd Axworthy, was responsible for initiating a social policy review, and it was quite baffling and disconcerting for a lot of us that that did not even include social housing, and then down the road we found that the federal government was backing out of their 40-year historic commitment and responsibility in providing leadership for social housing. It leads us to wonder if even more the role of housing is being ignored by the federal government.

This provincial government, similarly, does not seem to recognize the importance that housing plays in terms of dealing with poverty, dealing with urban revitalization and urban development, that we cannot continue to go in the direction that we have been in terms of reducing the support for housing. I was also really concerned with this government's budget this time that saw such huge reductions to the social housing programs that are rent-supplement, the SAFER and the SAFFR programs. They, too, do not seem to recognize the importance that these programs play in dealing with poverty, in encouraging a higher standard of housing to be maintained in our province.

What Bill 35 is doing is trying to increase the legislative or legal powers of a condominium corporation and their executives. It was interesting when I was reading the speech by the member for River Heights, the Minister of Consumer and Corporate

Affairs (Mr. Radcliffe) who is responsible for this legislation, and I know how much he likes to use language that is—

**An Honourable Member:** Flowery.

**Ms. Cerilli:** Flowery, the member for Wolseley (Ms. Friesen) says. He likes to string words together in such a way that creates the sort of impression of verbosity, but I was really interested—[interjection] Oh, I did not even know that the member was here. Here he is. But I was interested to notice that he was using the word “condominia,” not condominiums, but condominia, and he may be correct, Mr. Acting Speaker.

#### Point of Order

**Hon. Mike Radcliffe (Minister of Consumer and Corporate Affairs):** Mr. Acting Speaker, I rise on a point of order to defend my honour at this point in time and to point out to the honourable member across—[interjection] There you go—that, in fact, condominium is a Latinized ending, and it is the nominative neuter, and the nominative plural of the neuter term has got an “a” ending to it. I would bring this humbly to my honourable colleague's attention.

**The Acting Speaker (Mr. Sveinson):** Order, please. To the minister—order, please. This is a very interesting discussion that has been happening. The Minister of Consumer and Corporate Affairs does not have a point of order, a very interesting discussion, though. Perhaps, we could do it at another time.

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**The Acting Speaker (Mr. Sveinson):** The honourable member for Radisson, to go on with her comments.

**Ms. Cerilli:** Mr. Acting Speaker, well, the point that I was just trying to make is you have to leave it to the member for River Heights to bring this up, to use the word like “condominia” in his speech on The Condominium Amendment Act.

I was going to say that I have not had the chance to consult any kind of Latin dictionary, that the member for Concordia (Mr. Doer) with his background in Latin

may know if this is the correct terminology or not, but I will hand it to the member for River Heights that he probably knows better than I if the plural for condominium is condominia, and I think indeed he was using that as the plural. Yes, he is nodding that he was.

\* (1120)

So with that all straightened out, I would like to go through some of the sections of the bill which deal with the new provisions to ensure that the management of condominiums, and condominia, is going to be improved in our province. I must say that the first provision I will deal with, and that is to require increased disclosure by vendors who are selling condominiums to the public, makes good sense. It makes sense to have more information required to be disclosed to someone who is going to purchase a home that is part of a condominium, to know indeed what they are getting in terms of their parking arrangements. I understand from listening to the member for River Heights (Mr. Radcliffe) that he has a lot of experience in dealing with issues surrounding disputes of which parking stalls are going to be allocated for which residents in a condominium. Indeed, here it is in the bill, and, hopefully, it is going to make life easier for both the management and residents in condominiums.

Also, another area that I know is often a dispute in terms of condominium life is the common element fees. If there are going to be any increases in those, it makes sense that all of that would have to be disclosed on the purchase of a home. As well, it makes sense to have to disclose any upcoming major expenditures or renovation, increases in assessment, whether that is going to be for property value or taxes. It makes sense to see if there are any issues related to insurance claims, lending proceedings, balances in the reserve fund, all of those issues which are itemized in the bill.

One of the things that I am wanting to know, and I guess we will be able to deal with this in the committee clause-by-clause review of the bill, is if there were any recommendations in this itemized list that were left out. I have attempted to get in touch with the Manitoba chapter of the Condominium Institute to see if there was anything in this area of disclosure requirements that was recommended that was not included. If there



is, then we will hopefully get to have some explanation of why there were some that were not included in the bill.

I think that this provision is reasonable, and it will give more protection to individuals who are purchasing a home in a condominium, and I very much support that there would be full disclosure. I know that there are often lots of problems when people purchase homes when they do not really know what they are getting. They do not know if the basement is going to leak. They do not know if there are problems with the foundation. They do not know often about all sorts of things, and we probably all have, either through personal experience, or we know people who have had very expensive and bad experiences in purchasing a home and then finding out after the fact that there are a few surprises. I think that we want to in legislation ensure that people are protected from that.

I know in this House we debated a similar issue a few years ago, prior to when the current Minister of Consumer and Corporate Affairs was here, that had to do with people who are assuming mortgages and the fact that if they assumed someone's mortgage and that person defaulted, then, subsequently, the original owner of the home could be sought out and held liable. That issue was also dealt with in this House. I think when we are dealing with issues like that around housing, which for most people is the largest expense they ever have, we have to ensure that we are going to offer the most protection possible in ensuring that they know what they are going to get and that they get what they pay for.

The other area of the bill, though, that is going to increase the powers of the condominium corporation has to do with the dealing with repairs. There is now going to be a difference between substantial and nonsubstantial repairs. Substantial repairs will be those that increase the annual operating expenses or materially change the common element, and some of those could be, for example, boiler repairs or roof repairs. I do not know if that would include things like doors and windows or if those are considered operating repairs. There are some repairs that are more along the lines of having to be replaced maybe once every 10 or 15 years that are fairly expensive that may not be deemed substantial under this clause. So I am

interested in finding out how those are going to be dealt with.

I am also interested in seeing exactly how this is going to work in terms of the voting which is another area that is dealt with under the bill, if what will happen is that only for substantial repairs they will now be required to have a vote of the membership of the condominium, and for the nonsubstantial repairs they will just be done on a routine basis without having to have a meeting of the residents of the condominium and have any type of vote.

The other consideration which is in this section of the bill that I think is positive is that any maintenance or renovation or repairs that are required because of a health and safety work order are to be done without having to get the authorizations through a vote of the residents. These, again, may be very expensive repairs and may indeed have to increase the cost in the condominium, but I think when it has to do with health and safety, that those should be done immediately. I am assuming, or from my understanding of the legislation, that that is what is going to be happening, that this section of the bill is attempting to streamline the process so that the necessary repairs can be done more expeditiously, and I think that is a positive component of the bill.

The next section of the bill that I wanted to deal with a little bit has to do with democracy in condominiums. In the life of a condominium where all the residents have then their own little community, and they have to decide together certain things in terms of the governance and by-laws and in terms of what maintenance and repairs are going to be done, I must say that the provisions under this section of the bill could be seen as making life in a condominium a little less democratic, that what is going to be happening is notices are required to be given 30 days prior to a meeting that is going to deal with substantial repairs or a governance by-law for the condominium.

There are some sections in the bill which deal with the displaying of those notices and the mailing of those notices, and it tries to deal with the problem of residents in a condominium not actually receiving the notice and knowing about the meeting, because what

the change in this section of the bill potentially could do is mean that there will be more conflicts in a condominium.

There could be more conflicts, for example, if a resident in a condominium did not get the notice because they were on holidays for more than 30 days. They then return home. They find out that there was a meeting, that there was a by-law or something approved that they do not like, and they, I am assuming from this bill, have no recourse. They would then be in a dispute with the condominium corporation, and this is one of the concerns I have about the bill, how are these issues going to be dealt with? If that person, then, who missed the meeting and was not able to vote on a given by-law or repair then went and talked to some of the neighbours, maybe some of them also had missed the meeting—maybe they did not think it was so important at the time—and they now after talking to one of their neighbours think that it is important, what recourse are they going to have? Is there going to be any type of appeal mechanism?

\* (1130)

I am wondering if the minister and his department and the condominium institute have thought this through, and if we are not going to see that there will be more problems in terms of disputes because people are missing meetings. I realize that these provisions are in the bill because there have been some problems in getting quorum at these meetings. That is why there is a reduction in the requirement for quorum, and it now has to be only 75 percent of those individuals who are at the meeting that are required to approve a certain change in the condominium's operations. So I will look for further clarification on this area as we proceed into committee as well.

I have a number of other questions that I am interested in discussing with the minister related to the operating expense and the revenues of condominiums, and the provision that is in the bill with respect to the reserve funds has raised these questions. It also seems reasonable that the reserve funds, as outlined in this bill, would have to be reserved for major capital improvements, and that they are not to be used for the day-to-day operating expenses of the condominium.

But that raises the issue of how the operating and maintenance are paid, and it raises the issue of what the profit margin is of some of these condominium corporations. Those are some of the kinds of issues that I hope we can deal with to some extent during the committee discussion on the bill, the clause-by-clause discussion.

One of the other things that I wanted to clarify about this bill, and I was looking for clarification from the minister's speech on the bill, and that has to do with again this whole business of voting on the repairs. If I am understanding this correctly, there is a difference of 5 percent in the vote required as a majority vote on substantial versus nonsubstantial repairs: For a substantial repair, there must be 80 percent approval of those at the meeting, and for a nonsubstantial repair, it is 75 percent.

That is not that much difference. Again, I am wondering about the discussions that occurred with the condominium association, and if this is what was recommended. That does not seem to be like a very large difference, and what we could end up happening is there would be a very small number of people then, there could be only three or four people at a meeting, and they will be making the decision.

A couple of people will be deciding on the property decisions for perhaps—I do not know how big some of these condominiums are, hundreds of units, I would think, and I think that there are going to be some issues there as we see how this legislation is actually going to function once it is in place and once we are operating under it.

One of the other things that struck me about this legislation is the requirement then to use The Residential Tenancies Act and the Residential Tenancies Branch and Commission to deal with the whole issue of sublets. I can understand this would be problem but when a resident and owner at a condominium is away, and they sublet their unit and that tenant is then either disrupting their neighbours or causing some other kind of problem in the condominium, and there is a need to clarify the relationship and the responsibility between the condominium corporation and that tenant, that makes sense.

I am concerned about how exactly it is going to work in terms of having the Residential Tenancies Branch involved. What often happens is—and this is not only what happens with the Residential Tenancies Branch but also in dealing with Workers Compensation. If these processes for residential tenancies are not also streamlined and fair and easily accessible, then what often happens is the landlord can purposely send something to the Residential Tenancies Branch knowing that process takes quite a few weeks, that in all likelihood the process could wear down the tenant or the disputant. What ends up happening is there is a knowing violation of the residential tenancies provisions in that legislation, but because some of these procedures are so onerous and take such a long time, the disputant often gives up. That is one of the concerns I have.

I just dealt with this the other day in terms of the Workers Compensation Board. It is a similar kind of system, where it is complaint driven. In terms of the Workers Compensation Board, the disputant, the employee was simply told, if you do not like our decision go and appeal it to Workers Compensation. In my opinion, in that case, they knew that it was a problem, and they are using the system of the Workers Compensation Board which they know can take a long time. It is onerous. Essentially what they are doing is they are setting up the disputant to have to go through a lot of hassle.

One of the concerns that I would have is how this is actually going to function. I do not know how many instances there have been where there are the kinds of disputes between condominium corporations and a sublet tenant to warrant this type of legislation. We may not be dealing with a lot of individuals here, but I, on a regular basis, do get complaints of people who are dealing with the Residential Tenancies Branch. I just had another one the other day, the time that it takes, two weeks where tenants are waiting for a phone call back and then some other issue comes up. It is another two weeks, and then a different residential tenancies officer has the case file and the tenant has to go through the whole process again.

In that kind of situation, once the landlord is aware that that is the case, they may just refer the tenant to use

that process when they know that it is going to, in all likelihood, stretch out and wear down the tenant. I think the minister is understanding the point that I am making, so I can leave it at that.

I guess one of the other comments that I wanted to make in terms of condominiums, this legislation, is to make reference to some other changes that are occurring for condominium owners right now, and that is the fact that there is going to be quite a number of areas where they are going to be dealing with increases over the next while, whether it is because of a rise in the value assessed at their property because they are now having a higher rate of taxation like we probably all will be in the city of Winnipeg, but also because the proportioning of tax paid by condominiums is also going to increase.

\* (1140)

I am wondering if this legislation, in any way, is also going to point to new increases for condominium owners, if one of the reasons we have this legislation is because there are all these repairs that are needing to be done in condominiums that are going to increase the costs for those condominium owners, and they have not been able to get the quorum and the required meetings for votes; so a lot of these changes in repairs or perhaps even in by-laws that would increase the common element fees or other issues, another area where there is going to be an increase in costs for condominium owners.

I have just been notified that the plural for condominium is *condominii*. This is because it is masculine and *condominia* with an “ia” ending is, indeed, not the correct way to pluralize condominium. This is from the Cassell's Latin-English Dictionary, page 201. I am glad we have that clarified for the record. I would not want us to err in our pluralization of condominium.

With that, Mr. Acting Speaker, I want to end my debate on The Condominium Amendment Act. I am sure we will now all leave this House more knowledgeable about our Latin—

**An Honourable Member:** Heritage.

**Ms. Cerilli:** That is right. In some of our cases, our Latin heritage. Thank you.

**Mr. Kevin Lamoureux (Inkster):** Mr. Acting Speaker, I did have a couple of comments I was going to put on the record. In going through the minister's introduction or second reading of this particular bill, I wanted to pick up on one specific quote in which he states that a condominium is really a theoretical ownership of space.

Most people perceive, who live in condominiums, of course, believe that theory of space is, in fact, a home and when the government looks at making changes that it should be taken into consideration. What they are doing is they are not only just changing space, they are changing the way in which people live in their homes, and it somewhat desensitizes the whole nature of a condominium when you have the minister responsible for this particular piece of legislation stating it in the fashion in which he has.

I think it is very important, therefore, that as we debate legislation governing the condominiums, we do not restrict ourselves to the legalistic definitions of condominiums but recognize we are talking about the people's homes. In that respect, I think the minister is on the right track with this piece of legislation, even if he does not consider condominiums as people's homes. This is an area that legislatures will have to pay far more attention to in the future as new forms of rental accommodations come onto the market.

(Madam Speaker in the Chair)

We have seen many different ways in which individuals are choosing to live in homes and more and more people, especially as we are looking at an aging population or as the baby boomers start to look at alternative living outside of single-family dwellings, we are finding that there is an increase in the demand for, or the great potential increase of demand for condominiums, and what we need to do is we have to monitor to ensure and provide, where we can, rules and regulations that will allow for condominium owners to live in more harmony.

When we take a look at this particular piece of legislation, what we do is we do believe that the government is making a positive move in that direction.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading, Bill 35, The Condominium Amendment and Consequential Amendments Act. Is it the will of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Madam Speaker:** Agreed and so ordered.

### **Bill 30—The Farm Practices Protection Amendment Act**

**Madam Speaker:** Second reading, Bill 30, on the proposed motion of the honourable Minister of Agriculture (Mr. Enns), The Farm Practices Protection Amendment Act (Loi modifiant la Loi sur la protection des pratiques agricoles), standing in the name of the honourable member for Osborne (Ms. McGifford).

Is there leave to permit the bill to remain standing?  
No? Leave has been denied.

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, I would like to take the opportunity to put a few comments on the record with respect to this bill, and this is a bill that was amending the Farm Practices bill which was brought in just, I believe, in the last year to deal in particular with the problems that we were seeing in the way animals, such as in the puppy mills, were being treated. A bill was brought in to address the concerns there, but some of that legislation did not give enough power to the board that was brought in, and this bill will address those concerns.

We have a tremendous change taking place in agriculture. In particular, we have changes as a result of the change of the Crow, changes to transportation costs, and because of these changes and increased cost of transportation, farmers are diversifying their production and we are seeing much more livestock being produced in this province and across the country, and so we should.

But as we increase the livestock production, the industry comes under much more scrutiny, and we also tend to have conflicts because, as the industry grows, there are those people who are living in the same areas and some may not agree with what is happening in the

agricultural industry. What we have to look at as the agriculture industry grows, is we have to ensure that what we are doing is that we are developing a sustainable industry, an industry where we can see people who live in the rural areas live in harmony with the people who are expanding the industry.

We have seen conflict. In particular we have seen conflicts with the expansion of the hog industry, and, of course, those of us that are involved in the livestock industry appreciate the odours that come with the industry and do not think of them as being offensive, but those people who are not involved in the industry but live in close proximity do not appreciate the most fine fragrances, as the Minister of Industry and Tourism (Mr. Downey) indicates, and for some it may be an offensive smell, but for some of them it may smell like money. [interjection] That is right, it is income for other people, and we have to look at ways to ensure that all of these things are addressed, so that we can see the industry grow, whether it be the hog industry or the cattle industry or the feather industry.

\* (1150)

Those are all important to our economy, but we have to look at ways to ensure that they do live in harmony, and I think many of these conflicts can be avoided if government works along with municipalities and the producers and works out the wrinkles that are there prior to the operation being established.

Again, I will refer to the Interlake where we have had an expansion of the hog industry, and there has been conflict about the impacts of this industry on the water supply. But government has a role to play to ensure that all of the issues are addressed, that operations such as this are not being established in areas of sensitive water supply. I think that there could be more that can be done.

**Hon. Harry Enns (Minister of Agriculture):** It is a good act. Pleased to support it.

**Ms. Wowchuk:** Certainly the minister says it is a good act. It is a good move because when the original act was brought in it was the responsibility of the complainant to take the farm operation to court if the appeal board found that there was an offence

committed. This act, as I understand it, will allow the board to have more teeth in their ability to carry forward on the offences. That is a positive step. I think that this, although it is a minor change, does put much more strength into the bill, and it is what we are needed.

**Mr. Enns:** You caught the essence of it, Rosann.

**Ms. Wowchuk:** I thank the minister. I guess I want to also thank the minister's staff for being open when we call his department for advice. They are very open in providing us with information, and I indicate that it is the minister's staff that has been very open to us.

I think we have to look, as well, as we develop new industries. One of the new industries that are being developed is the elk industry. Again, I would encourage the government to ensure, as this industry expands, that they look at ways of addressing conflicts that arise in this industry as well.

For example, one of the concerns has been that elk ranches will be established too close to Crown lands, too close to forest reserves. I think that the government has to be very conscious of this; and, although this act cannot address this kind of conflict, I do not believe, because it deals more with other issues such as nuisance smells and things like that, the government has to be conscious that, as the elk industry is expanding and people are looking to take over Crown lands to establish their industries, they are conscious of what the concerns are of the other people that live in the area. If they address those concerns and keep in mind the concerns of people wanting to protect wildlife habitat as well, then it would help the conflicts that we could see in this industry.

Certainly, Madam Speaker, I want to say that in this particular bill the recommendation that has been put forward is a good recommendation and one that we will be supporting. We will certainly want to hear when we get to committee. I think this is the one bill that has a presenter, so we would look forward to hearing what they have to say on this bill. I am sure that it will be supported.

Again, I would urge the government to recognize, as we change from a province where we grow a

tremendous amount of grain that is exported and we move to more value-added in the livestock industry, that in all of these aspects we have to look at ways to ensure that things are done sustainably.

The good Lord created for us a wonderful earth, and we have the responsibility of looking after it. We have the responsibility to ensure that the water supplies are protected. Whether it be rivers and streams, whether it be under Crown water, whether it be aquifers, we have that responsibility to ensure that is protected not only for ourselves but for future generations. We have the responsibility to ensure that as the industry grows that enough planning is done, that when operations are being built that there is not conflict.

We have a lot of space. I would encourage the government, when this planning is done, that there be a long-term plan put in place, so we do not have people looking at building, for example, hog operations or feedlot operations in close proximity to residential areas that will then cause problems and conflict for the people in the areas. [interjection] Well, now, the minister tends to carry things a little too far. It was his comments—

**An Honourable Member:** That was not Harry Enns.

**Ms. Wowchuk:** That was not the real Harry Enns speaking, I am sure.

**An Honourable Member:** That was the old Harry Enns. That is the ghost of Harry Enns.

**Ms. Wowchuk:** The real ghost.

**An Honourable Member:** Or was that the Speaker maybe.

**Madam Speaker:** Order, please.

**Ms. Wowchuk:** Madam Speaker, I have to say that I am quite disappointed in the Minister of Agriculture with his comment, because I was just telling him, offering him some very good advice, and his government good advice, as to how we could have the livestock and the value-added industry grow in this province without conflict if they would listen to people

and take into consideration where operations are being established prior to establishing them, rather than having to deal with conflict.

If they dealt with those things ahead of time, we would not even need this kind of legislation.

**An Honourable Member:** You put yourself into a conflict position.

**Ms. Wowchuk:** Yes. I would say to the minister, let us work out the details ahead of time. We would have much less conflict. We would see our environment protected much more and much less conflict.

So with those few words, Madam Speaker, I look forward to hearing what presenters have to say at this committee. We are prepared to pass this bill and hear further comments as we get to committee, and the specific questions we will then be asking the minister at committee.

**Mr. Neil Gaudry (St. Boniface):** Madam Speaker. I have only a few minutes, but I will continue after a break.

Madam Speaker, agriculture continues to be important to the economic development of Manitoba, and because it is so important I want to take a few moments to speak on this bill, 30, The Farm Practices Protection Amendment Act.

The farm practices protection board has played an important part in contributing to the development of agriculture in Manitoba. The amendments in this act are consistent with those contributions. They are limited but will have an important effect.

Farming practices have changed considerably over the last 20 years. The size of farms—

**An Honourable Member:** Leave.

**Madam Speaker:** Order, please. Is there leave? Is there leave for the honourable member for St. Boniface to complete his remarks? [agreed]

**Mr. Gaudry:** —and the transformation of farms from family concerns to a large corporate concern is a

process that as legislators we have to watch very closely. With these developments have also come changes in technology.

The farm practices protection board has the authority to end farm practices that are unacceptable or disturbing to neighbours that may result as a development of changes to farming practices and new developments like technology. The amendments in this legislation allow the board to apply to the court and to have its judgments enforced. I think this is a reasonable development. I hope they would be able to accomplish their mission without using these amendments, but they should have the powers.

With these few comments, Madam Speaker, we would like to see it go to committee and have further discussion. We will be supporting this bill. Thank you very much.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading, Bill 30. Is it the will of the House to adopt the motion?

**An Honourable Member:** Agreed.

**Madam Speaker:** Agreed and so ordered.

The hour being 12 noon, this House is recessed and will reconvene at 1:30 p.m. this afternoon.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 12, 1997

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