

TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF MANITOBA

Your Standing Committee on PRIVATE BILLS presents the following as its First Report.

Meetings

Your Committee met on June 14, 2011.

Matters under Consideration

- **Bill (No. 204)** – The Consumer Rights Day Act/Loi sur la journée des Droits du consommateur
- **Bill (No. 205)** – The Regional Health Authorities Amendment Act (Mammography Accreditation)/Loi modifiant la Loi sur les offices régionaux de la santé (homologation des mammographes)
- **Bill (No. 217)** – The Residential Tenancies Amendment Act (Expanded Grounds for Early Termination)/Loi modifiant la Loi sur la location à usage d'habitation (nouveaux motifs de résiliation par anticipation)
- **Bill (No. 220)** – The Justice for Victims of Child Pornography Act/Loi sur l'indemnisation des victimes de pornographie juvénile
- **Bill (No. 222)** – The Sexual Assault Awareness Month Act/Loi sur le Mois de la sensibilisation aux agressions sexuelles
- **Bill (No. 300)** – The Winnipeg Foundation Amendment Act/Loi modifiant la Loi sur la fondation dénommée « The Winnipeg Foundation »
- **Bill (No. 301)** – The Providence College and Theological Seminary Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation le « Providence College and Theological Seminary »

Committee Membership

- Ms. BLADY
- Ms. BRAUN
- Ms. BRICK
- Mr. DEWAR
- Mrs. DRIEDGER
- Mr. GOERTZEN
- Mr. MARTINDALE
- Mr. PEDERSEN
- Mr. SARAN
- Mr. SCHULER
- Hon. Mr. SWAN

Your Committee elected Mr. DEWAR as the Chairperson.

Your Committee elected Mr. SARAN as the Vice-Chairperson.

Motions

Your Committee agreed to the following motions:

- *That this committee recommends that the fees paid with respect to Bill (No. 300) – The Winnipeg Foundation Amendment Act/Loi modifiant la Loi sur la fondation dénommée « The Winnipeg Foundation », be refunded, less the cost of printing.*
- *That this committee recommends that the fees paid with respect to Bill (No. 301) – The Providence College and Theological Seminary Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation le « Providence College and Theological Seminary », be refunded, less the cost of printing.*

Public Presentations

Your Committee heard the following presentation on **Bill (No. 204)** – The Consumer Rights Day Act/Loi sur la journée des Droits du consommateur:

Gloria Desorcy Consumers Association of Canada - Manitoba Branch

Your Committee heard the following presentation on **Bill (No. 217)** – The Residential Tenancies Amendment Act (Expanded Grounds for Early Termination)/Loi modifiant la Loi sur la location à usage d'habitation (nouveaux motifs de résiliation par anticipation):

Major Heather Collins Department of National Defence

Your Committee heard the following presentation on **Bill (No. 301)** – The Providence College and Theological Seminary Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation le « Providence College and Theological Seminary »:

Gus Kunkel Providence College & Seminary

Written Submissions

Your Committee received the following written submission on **Bill (No. 217)** – The Residential Tenancies Amendment Act (Expanded Grounds for Early Termination)/Loi modifiant la Loi sur la location à usage d'habitation (nouveaux motifs de résiliation par anticipation):

Kim Storeshaw NorWest Co-op Community Health

Bills Considered and Reported

- **Bill (No. 204)** – The Consumer Rights Day Act/Loi sur la journée des Droits du consommateur

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 205)** – The Regional Health Authorities Amendment Act (Mammography Accreditation)/Loi modifiant la Loi sur les offices régionaux de la santé (homologation des mammographes)

Your Committee agreed to report this Bill, with the following amendments:

THAT the proposed section 28.1, as set out in Clause 2 of the Bill, be amended by striking out "must ensure that a mammography unit is not used in its health region unless" and substituting ", health corporation or health care organization must ensure that a mammography unit is not used in any facility owned or operated by the regional health authority, health corporation or health care organization unless".

THAT Clause 4 of the Bill be replaced with the following:

Coming into force

4 This Act comes into force on March 31, 2012.

- **Bill (No. 217)** – The Residential Tenancies Amendment Act (Expanded Grounds for Early Termination)/Loi modifiant la Loi sur la location à usage d'habitation (nouveaux motifs de résiliation par anticipation)

Your Committee agreed to report this Bill, with the following amendments:

THAT Clause 2 of the Bill be amended

(a) by replacing the proposed section 92.1 with the following:

Interpretation: Canadian Forces member or member of the armed forces of another country
92.1(1) For the purposes of this section, a person is

- (a) a Canadian Forces member if he or she is a member of
 - (i) the regular or a special force of the Canadian Forces, or
 - (ii) the reserve force of the Canadian Forces on or proceeding on full-time training or service or on active service; and
- (b) a member of the armed forces of a country other than Canada if he or she is
 - (i) assigned to military duties with the Canadian Forces, or
 - (ii) attending a training course in Manitoba provided by the Canadian Forces.

Termination re Canadian Forces members and members of the armed forces of another country

92.1(2) A tenant of a rental unit may terminate the tenancy by giving notice in accordance with subsection (3) if the tenant is

- (a) a Canadian Forces member as described in clause (1)(a) who is posted to a location that is at least 50 kilometres from the rental unit after the tenancy agreement is entered into;
- (b) a member of the armed forces of a country other than Canada as described in clause (1)(b) who has ceased to be assigned to military duties with the Canadian Forces or whose training course has ended; or
- (c) a person who resides with a member described in clauses (a) or (b), if
 - (i) the person is the spouse or common-law partner of the member, and
 - (ii) the member is named as an occupant in the tenancy agreement.

Notice and certificate from official required

92.1(3) To terminate a tenancy under subsection (2), the tenant must give the landlord

- (a) a notice of termination that is not less than the prescribed period of notice; and
 - (b) a certificate in the form approved by the director from an official with the Canadian Forces confirming that the tenant or the spouse or common-law partner of the tenant, as the case may be, is
 - (i) a Canadian Forces member as described in clause (1)(a) who has been posted to a location that is at least 50 kilometres from the tenant's rental unit, or
 - (ii) a member of the armed forces of a country other than Canada as described in clause (1)(b) who has ceased to be assigned to military duties with the Canadian Forces or whose training course has ended.
- (b) *in the English version, by replacing the proposed clause 92.7(a) with the following:*
- (a) section 92.1 (termination re Canadian Forces members and members of the armed forces of another country);

THAT Clause 6 of the Bill be replaced with the following:

Coming into force: royal assent

6(1) *Subject to subsection (2), this Act comes into force on the day it receives royal assent.*

Coming into force: proclamation

6(2) *The following provisions of **The Residential Tenancies Act** come into force on a day to be fixed by proclamation:*

- (a) section 92.1 and clause 92.7(a), as enacted by section 2 of this Act;
- (b) clause 194(1)(j.5), as enacted by section 5 of this Act.

- **Bill (No. 220)** – The Justice for Victims of Child Pornography Act/Loi sur l'indemnisation des victimes de pornographie juvénile

Your Committee agreed to report this Bill, with the following amendments:

THAT Clause 2 of the Bill be replaced with the following:

Application on behalf of victim

2 If a resident of Manitoba was involved in conduct that would constitute a child pornography offence — whether or not he or she has been convicted of the offence — the minister may apply to the court for an order requiring the person to pay damages for injuries and other losses suffered by a child who is depicted in the child pornography in question, whether or not that child has been identified.

THAT the following be added after Clause 5 of the Bill:

Limitation of Actions Act

5.1 Despite *The Limitation of Actions Act*, no limitation period applies with respect to bringing an application under section 2.

THAT Clause 8(2)(a) of the Bill be amended by striking out "who is" and substituting "who is known or is".

- **Bill (No. 222)** – The Sexual Assault Awareness Month Act/Loi sur le Mois de la sensibilisation aux agressions sexuelles

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 300)** – The Winnipeg Foundation Amendment Act/Loi modifiant la Loi sur la fondation dénommée « The Winnipeg Foundation »

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 301)** – The Providence College and Theological Seminary Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation le « Providence College and Theological Seminary »

Your Committee agreed to report this Bill without amendment.

Submitted by,

Mr. Greg DEWAR, Chairperson
June 14, 2011