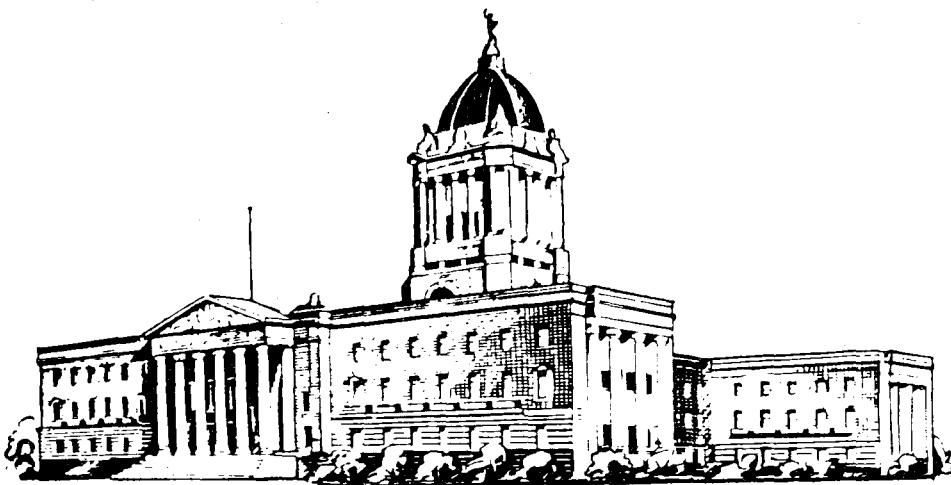




Legislative Assembly of Manitoba

HEARINGS OF THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS

Chairman
Mr. John C. Gottfried, M.L.A.
Constituency of Gimli



8:00 p.m., Monday, June 16, 1975.

MUNICIPAL AFFAIRS COMMITTEE

8:00 p. m., Monday, June 16, 1975

CHAIRMAN: Mr. John C. Gottfried.

MR. CHAIRMAN: The committee will come to order. This is the second meeting of the Standing Committee on Municipal Affairs. The bills presented before us this evening, honourable gentlemen, are the following:

- Bill No. 27 - An Act to Amend The Municipal Act.
Bill No. 33 - An Act to Repeal an Act respecting the Town of Portage la Prairie.
Bill No. 36 - An Act to Vest Title to Certain Land in the City of Portage la Prairie.
Bill No. 44 - The Planning Act.
Bill No. 45 - An Act to Amend The Convention Centre Corporation Act.
Bill No. 49 - An Act to Validate By-law No. 3321 of the Town of Dauphin.
Bill No. 50 - An Act to amend The City of Winnipeg Act.
Bill No. 51 - An Act respecting the Rural Municipality of Morris, the Municipality of Roland, the School District of Kane No. 2007, and the Morris-Macdonald School Division No. 19;

and others referred.

Is there anyone in the audience who wishes to make a presentation on any one of these bills? If so, will you please step forward in order and speak into the microphone. That is, give your name and the group you represent. The Clerk of the Committee will take the information.

MR. GORDON JOHNSTON: Mr. Chairman.

MR. CHAIRMAN: Yes, Mr. Johnston.

MR. G. JOHNSTON: Mr. Chairman, I suggest that you find out who is here and what bills they wish to speak and establish a grouping . . .

MR. CHAIRMAN: Mr. Johnston, I was going to do that immediately following a list of those who wish to make presentations. Your name, please.

MR. LENNOX: D.C. Lennox, representing the City of Winnipeg. I wish to speak on Bill No. 45 and Bill No. 50.

MR. CHAIRMAN: Bill No. 45 and 50. Fine. Thank you, Mr. Lennox.

MR. PERRY: Councillor D. Perry, President of the Manitoba Association of Urban Municipalities, on Bill 44.

MR. CHAIRMAN: You represent . . .

MR. PERRY: The Manitoba Association of Urban Municipalities.

MR. CHAIRMAN: All right.

MR. NUGENT: Ross Nugent, on Bill 45. I'm the solicitor for the Convention Centre Corporation. And Bill 51, I represent one of the affected ratepayers.

MR. CHAIRMAN: Thank you, Mr. Nugent. Next, please. Your name please?

MR. BRAUN: Stan Braun, I'm here with respect to Bill 51. I represent the Rural Municipality of Morris.

MR. CHAIRMAN: Thank you, Mr. Braun. Next. Your name please.

MR. FLOWER: E.D. Flower, representing the Association of Manitoba Land Surveyors, respecting Bill 44.

MR. GALANCHUK: Ken Galanchuk, Mr. Chairman, of the Committee of Environment, to speak on Bill 44.

MR. CHAIRMAN: Thank you, Mr. Galanchuk.

MRS. DEVINE: Karen Devine, Mayor of the City of Portage la Prairie, to speak on Bill 44.

MR. CHAIRMAN: Fine, thank you.

MR. WOODMAN: Wayne Woodman, Chairman of the Manitoba Division Community Planning Association of Canada, to speak on Bill 44.

MR. CHAIRMAN: Thank you. Next.

MR. SCOTT: Reeve Scott, East St. Paul, Bill 44.

MR. CHAIRMAN: Okay. Your name, please.

MR. McDONALD: McDonald from Thompson, Dorfman, Sweatman, on behalf of two clients interested in Bill 44.

MR. CHAIRMAN: Thank you.

June 16, 1975

MRS. HEMPHILL: Maureen Hemphill, the Manitoba Association of School Trustees, on Bill 44.

MR. WALKER: Dave Walker, to speak on Bill 44.

MR. CHAIRMAN: Thank you. It's the custom of the committee when hearing presentations to hear those who have come in from some distance to make their presentation. I understand there are some who would like to get theirs over with as soon as possible so they'll be able to get back at a convenient hour.

One such person spoke to me just before the meeting, Mr. Braun - Is it still your intention to - from Morris, would like to get back. Is there anyone else who would like - from out of town - that would like to - yes, Mrs. Devine. All right. If it's agreeable with the committee then we'll proceed with Stan Braun from Morris - he appears to be from the R. M. of Morris. He appears to be the furthest distance. Stan Braun, will you . . . Mr. Braun, do you have a brief?

MR. BRAUN: No, I have no brief.

MR. CHAIRMAN: You do not. Fine. Will you proceed then.

MR. BRAUN: Mr. Chairman, Mr. Nugent has a summary of the Act in point form and I'm wondering if you could hear him first of all, and then I would like to speak after he has finished.

MR. CHAIRMAN: Is that agreeable to the committee? (Agreed) Fine, Mr. Nugent.

MR. NUGENT: The bill in question, Mr. Chairman and gentlemen, is Bill 51, and I represent Mr. John Toews who is one of the ratepayers who has solicited the introduction of this bill in the House. The facts are - and I will try to be as brief as possible, Mr. Chairman.

Mr. Toews is a ratepayer and owner of land in the Rural Municipality of Roland, and in 1967 Roland, or at least the part of it in which Mr. Toews farms was in the Kane School District, 2006, and in 1968, Kane School District merged in the Morris-Macdonald School Division No. 19. And the question that this bill seeks to answer is whether or not there was an unfair apportionment of taxes against some of the ratepayers in Roland as a result of the balanced assessments used in 1967, 1968 and 1969.

The School Division costs, under the Public Schools Act are apportioned amongst those parts of the municipalities in the school district or school division on the basis of the balanced assessment under the Public School Act. The municipalities affected were these: Under this Kane School District in 1967 there were two municipalities, the R. M. of Morris and the R. M. of Roland, only part of Roland being in it; and in 1968 and 1969 when Kane became a part of the Morris-Macdonald School Division the municipalities there were a part of Roland, and the R. M.'s of Macdonald and Morris.

What appears to have happened is this. In 1967 the Department of Municipal Affairs, in dealing with the allocation of school costs amongst the municipalities that were within these respective school districts and school divisions used an updated assessment for the R. M. of Roland, but used the old assessment for Morris, which resulted in an inequity in that those few ratepayers in Roland paid more than their share of a proper allocation of the school costs that were being allocated on the basis of the balanced assessments. In other words, the very few taxpayers who were in the portion of Roland affected in Kane School Division paid considerably more than the share that they should have, with the resultant benefit to the ratepayers in the R. M. of Morris.

The assessment figures which had been used in 1967 had not come into force, and therefore we're not exactly sure why they were used at all in dealing with the balanced assessment; but the fact that they were not in force resulted in Mr. Toews not knowing that new assessment figures were being used. He had had no change in his assessment and expected nothing to happen, but when his tax bill came in, he found that the portion of it for which school taxes were responsible had increased drastically. When he discovered this, he went to the Roland Secretary-Treasurer, but he couldn't find out what had happened, and the Secretary-Treasurer's attempts to find out what had happened through the department and through some of the members threw no light on the subject. Meetings were held with the then Minister, Mr. Baizley, I believe with Mr. McDonald, and then subsequently all of the ratepayers in Roland who had been affected, some dozen of them, went to see Mr. Baizley, Mr. Reimer, the Municipal Assessor, and again Mr. McDonald who was then the Deputy Minister. They were told by those gentlemen that there was no machinery that could correct the matter. There was some tacit admission that something had gone wrong in this transaction, but precisely what had

(MR. NUGENT cont'd) happened, no one appeared to be prepared to say. But having admitted that something was wrong and having said that there was no machinery to correct it, they did agree that over the next three years, they would slowly reduce it so that at the end of the three-year period, things would be back to normal, and this was done. But the amount of money which had been collected from these people in Roland over that three-year period - the moneys were never repaid to them. The amount of money is relatively small. There are some 17 people affected, about 25 quarters of land affected, so that in 1967, we're looking only at an amount of \$2, 500; in 1968, an amount of approximately \$2, 175; in 1969, about \$700 - for a total of approximately \$5, 375. As I say, the amount of money is small. The principle that is involved is one which has become a major one to the people who have been affected. Having found a mistake having been made, no one prepared to say what it was, and no one prepared to see that the matter could be corrected, and some form of justice restored.

If the adjustment is made, and the R. M. of Morris for 1967 and the R. M.'s of Morris and Macdonald for 1968 and 1969 levy for an equitable share of the tax charged, I'm informed that the cost spread over those municipalities will amount to about \$1.00 per quarter section of land. Mr. Toews has been to the R. M. of Roland and was told that they couldn't do anything for him; he's been to the R. M. of Morris several times - they, of course, are one of the principal parties involved, and latterly the R. M. of Macdonald.

In 1970, in a letter to Mr. McDonald, then the Deputy Minister, it's dated March 16, 1970, Mr. Harder who was Secretary-Treasurer wrote: "It has been brought to the attention of council that your department is endeavouring to correct an error made in the 1967 equalized assessment of the R. M. of Roland which caused an unfair apportionment of education costs in the Kane Consolidated School District. For your record, the council of the R. M. of Morris will not oppose any move made by your department to rectify this matter." But from 1970 onwards, Mr. Toews and the gentlemen who have been affected haven't been able to find the technique or the structure or the machinery by which this relief could be given, and notwithstanding repeated attempts to obtain satisfaction through the office of the Ombudsman, through Members of the Legislature for the introduction of a private member's bill and so on.

I am advised that at this date Morris-Macdonald School Division, who agree that an error has been made, have no objection to a correction being made - and of course, they wouldn't be affected financially. The R. M. of Macdonald, I am told by Mr. Toews, has agreed to him orally that they have no objection. I understand that the R. M. of Morris who is represented here this evening, does have some reservations or objections.

The Ombudsman refused relief on the ground that there was a right of appeal by statute which hadn't been taken. However, the Ombudsman overlooked the fact that the right of appeal existed only in the right of the municipalities in question; that the appeal could not be taken by any of the ratepayers; and that by the time the source of the error was discovered and the fact that a right of appeal through the municipalities could have been exercised, all the appeal periods had expired, so that the only relief which can now be given is by this bill. Mr. Henderson, the MLA for Pembina, agreed to sponsor it this year in order that the matter could come before your committee and hopefully so that the matter might be passed and an equitable adjustment be made.

It's a complicated matter, that is, not in terms of dollars but in terms of the technique. The calculation of the relief that's required is also a complicated calculation and therefore, rather than attempt to do it in a bill or to ask your committee to endorse any particular figures or adjustments, the bill provides that the matter be done by taking the proceeding to the municipal board in the expectation that they will make the adjustment that should have been made in 1967, 1968, and 1969.

Now, having said that, Mr. Chairman, there are one or two things in the bill that I think should be looked at. The first is that in Section 1 - and I may say that this is a carry-over of a bill the previous year, so that this error is understandable - the right of the ratepayer to apply to the municipal board is said to be limited until January 1, 1975. That time having passed, I believe that date should now be January 1, 1976. And in addition, the Rural Municipality of Macdonald should be added as a party so that an adjustment made in respect of the years 1968 and 1969 could properly be made. And for that purpose, I refer to the third recital in the third line after the word "recited" - I'm sorry, in the fourth line after the word "Morris", should be added the words "and the Rural Municipality of Macdonald." And in Section 1, in addition to the change of date from 1975 to 1976, at the conclusion of the paragraph of the

June 16, 1975

(MR. NUGENT cont'd) section, the words should be added "and the Rural Municipality of Macdonald"; and in Section 4, paragraph (b) in the second line after the word "Morris", the words "or either of them" should be deleted, and the words "and the Rural Municipality of Macdonald or any one or more of them" should be substituted.

Finally, Mr. Chairman, gentlemen, in Section 3, there's a reference to an adjustment being made and an order being made for the repayment to the persons affected who have sustained any loss or incurred any expense. There may be, in the judgment of the municipal board, should this bill be passed, some relief to be given in addition to the amount of taxes paid to cover interest on the money at the legal rate of 5 percent - again a relatively small thing, but it's become a matter of greatest principle with the people affected. I think it might be noted that anyone who is paying back moneys in 1974 with 1974 dollars, even paying interest on the money, is not paying anything like the money that was spent in the years 1967, 1968, and 1969. So that even if the bill is passed and the fullest relief is given by the municipal board, the people who have been adversely affected unjustly by a mistake over which they had no control and no means of discovering it, will not be restored wholly. They will still be out by the amount of money that inflation has taken away from them. Thank you.

MR. CHAIRMAN: Thank you, Mr. Nugent. Does any member of the committee have a question? Mr. Jorgenson.

MR. JORGENSON: I have a question in connection with Section 3, there's a provision for the payment of expenses. You are not suggesting the payment of expenses other than the interest rate on the money that was involved initially?

MR. NUGENT: Well, I would like the committee, if it would, and the House to leave that to the discretion of the Municipal Board who is very conservative in these matters. The only costs I can think of are first the tax; second, the interest; and third, legal expenses. Now I don't know what the legal expenses are. I've represented only Mr. Toews. I can tell you that I am subsidizing them considerably because there's only \$5,000 at issue, but it would be a reasonable amount, and usually in the discretion of the Municipal Board if you get \$100, you're doing extremely well. So I don't think that that should be a matter of concern to any of the parties who might be affected.

MR. JORGENSON: Mr. Nugent, has any of the other affected people come to you for relief, or are you acting on behalf of one person only.

MR. NUGENT: I acted on behalf of Mr. Toews. Of the other people affected, I think all of them, after going through the department, to the Ministers, to the members, finally became fed up and decided that there just wasn't any way it could be corrected. Mr. Toews alone has persisted at his own expense and presumably is prepared to pay the cost himself. Whether the others will participate, I don't know.

MR. JORGENSON: Thank you, Mr. Nugent.

MR. CHAIRMAN: Are there no further questions? Thank you, Mr. Nugent.

MR. NUGENT: Thank you, sir.

MR. CHAIRMAN: Mr. Braun, is it your intention to speak now?

MR. BRAUN: Mr. Chairman, gentlemen. This is our understanding, that not an error had been in the assessment in 1967 or 1968 or 1969, but rather the municipality of Roland had been reassessed and hence its assessment in relation to Morris differed, and on the assessment dollar the taxes in Roland were higher as compared to Morris - and that wasn't an error that was made, that was just a reassessment.

The basic objection that the municipality has is that there is machinery in The Public Schools Act which allowed the municipality or school district to appeal these assessments, and this machinery wasn't made use of, and that's the objection that the municipality has. If you're going to allow this bill, so to speak, you will be taxing people who are land owners now who didn't even own land in 1967, 1968 or 1969, and also people who owned land in 1967, 1968 and 1969 who according to this bill should have been taxed, they will be paying no taxes at all.

The amount of money involved is not that great, however the principle of allowing taxes to be levied now which should have been levied a long time ago, the municipality does not agree with that.

We had one other objection, and that is that the R. M. of Macdonald should be included, but Mr. Nugent has already made reference to that point.

Those then are the two basic objections that the municipality has. In other words, you will allow retroactive taxation, which we think is a bad precedent.

MR. CHAIRMAN: Mr. Henderson.

MR. HENDERSON: Mr. Chairman, I would like to ask Mr. Braun, are you aware that Mr. Toews and the other group concerned contacted the R. M. of Morris because there was an inequity, and that they were trying to get it corrected and that it wasn't their fault that it wasn't corrected.

MR. BRAUN: I think they should have gone to the R. M. of Roland, that's where their lands were situated, and the R. M. of Roland could have appealed the assessment, not the R. M. of Morris.

MR. HENDERSON: But actually the mistake was made really with the government when they did the assessment, on account of the unitary school divisions, because one-quarter on one side of this road was assessed \$100 more than the other in one particular year.

MR. BRAUN: I don't think it was a mistake, it was just a matter of the assessors making the assessment; that's not an error, that's just an assessment. Those things happen all the time and they will continue to happen. If you have a reassessment in one municipality today, then the municipality across the road will benefit or suffer, whichever way the assessment goes.

MR. HENDERSON: But I understand that this is a thing that happened earlier when the unitary school divisions came in, when one rural municipality would be assessed within that division and yet the whole area wasn't done. I understand that this was a mistake on the part of the government that this wasn't done later on because of this very reason.

MR. BRAUN: I don't think it was a matter of mistake, it was a matter of assessment. In 1967 the School District of Kane was a part of Morris and Roland. Roland had been re-assessed, and hence the area of Roland, in the School District of Kane, bore a greater share of taxes by virtue of the assessment - but that's all, not because of error, just by virtue of assessment.

MR. HENDERSON: But if it hadn't been an error in assessment, they wouldn't have corrected it later to reduce it.

MR. BRAUN: Well, Morris was reassessed a few years later, and I think that has been balanced out now.

MR. HENDERSON: It's been balanced out since - yes.

MR. BRAUN: Yes.

MR. HENDERSON: But it was not in balance at that time?

MR. BRAUN: I'm not the assessor.

MR. CHAIRMAN: Mr. Pawley, Minister of Municipal Affairs.

MR. PAWLEY: Mr. Braun, just to pursue the questions by Mr. Henderson. I gather this difficulty occurred back in 1967, when the lands were reassessed in the R. M. of Roland that were part of the Morris-Macdonald School Division.

MR. BRAUN: In 1967, it was the School District of Kane.

MR. PAWLEY: Right - which fell within the Morris-Macdonald School Division.

MR. BRAUN: The Morris-Macdonald School Division didn't come into existence until 1968.

MR. PAWLEY: 1968. But the assessment I gather applied to the Morris-Macdonald School Division in 1968.

MR. BRAUN: In 1968, yes. But not in 1967. In 1967, it was the School District of Kane.

MR. PAWLEY: And I gather that in the balance of the Morris-Macdonald School Division, the other municipalities in the school division, namely Macdonald and Morris, they were not reassessed at the same time that the R. M. of Roland was reassessed.

MR. BRAUN: That's right.

MR. PAWLEY: And it's because of this practice that we apparently are faced with this problem now.

MR. BRAUN: But that is the reason for Section 484 of The Public Schools Act, in my opinion.

MR. PAWLEY: Would you just expand a little more on that, Mr. Braun.

MR. BRAUN: Where a municipality, a local government district or a board of trustees of a school district, a school area, a secondary school area or a school division is affected by an apportionment, allocation, requirement or notice made or given under Section 482 - that has to do with moneys for a school district - or 483 in any year, it may, on giving 30 days'

(MR. BRAUN cont'd) notice in writing to the divisional board making or giving the apportionment, allocation, requirement or notice, and each municipality, local government district, school district, school area, secondary school area and school division that is affected by the apportionment, allocation, requirement or notice, appeal against the apportionment, allocation, requirement or notice to the Municipal Board.

MR. PAWLEY: In what year was that section . . . does that relate . . . ?

MR. BRAUN: Well, the preamble to this bill - oh, no, not the preamble - Section 1, speaks of Section 484 of The Public Schools Act, Revised Statutes and then - that's this section - and then in 1954, Revised Statutes of Manitoba 1954, that power was there in Section 471. If you read Section 1 of this Bill 51 . . .

MR. CHAIRMAN: Are there any other questions? Mr. Jorgenson.

MR. JORGENSON: You mentioned that a number of the farmers that currently own land in the municipalities of Macdonald and Morris, who will be affected by this bill if it is to pass, did not own land in the years that the problem occurred, in 1967 and 1968 and 1969. I wonder if you could tell the committee how many farmers, who were adversely affected in the Municipality of Roland in this Kane School Division, are still farming? Is it possible to repay to those people who were affected exactly the amounts of money that they have coming to them? Mr. Nugent said there were 17 farmers affected. Are those same 17 farmers still there?

MR. BRAUN: I'm sorry, I can't answer that, but as I indicated, I think that people who will have to bear the cost of this taxation did not own those lands at the time those assessments were made - I think that's inequitable.

MR. JORGENSON: And if some of the 17 farmers who were affected are not there, then other people will benefit accordingly.

MR. BRAUN: Exactly.

MR. JORGENSON: And you have no idea who those people will be?

MR. BRAUN: No, I don't.

MR. JORGENSON: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Henderson.

MR. HENDERSON: You will agree though that they were adversely affected by this assessment at that time, and that it was a loss to them - and even if they aren't farming, that it is money that they overpaid at that time.

MR. BRAUN: I don't consider it an overpayment. It was an assessment, and when you were assessed, you must pay your taxes.

MR. HENDERSON: But if there was something wrong with the assessment, the way it was done at that time, and it wasn't fixed up, then they did overpay. Do you agree with Mr. Nugent when he states that it would amount to \$1.00 per quarter section to correct this inequity?

MR. BRAUN: The amount of money really isn't the important thing in the eyes of the municipality, it's the principle involved.

MR. HENDERSON: I suggest to you, Mr. Braun, that the principle is very important to Mr. Toews.

MR. BRAUN: Well, if the principle was that important to Mr. Toews, then surely he should have approached . . . well I imagine he approached the school board, I imagine he approached the municipality of Roland, but then why didn't he seek legal advice? I don't know if that's proper for me to say that, but I'm sure he would have found some help.

MR. HENDERSON: Well, Mr. Braun, through the Chairman, I want to say that Mr. Toews has been pursuing this in other ways. He has even tried it through a private member's bill, and as you will realize at that time it was a Conservative Government; Mr. Shewman was the Member for Morris and he died, then there was Homer Hamilton who was the member under redistribution, then there was an election called that - you know, the different problems that Mr. Toews had while he was trying to correct this. And then you knew that he tried with a private member's bill and then he tried it with another bill, and he went to the Ombudsman. But ever since then, he has been trying to correct it.

MR. BRAUN: He needn't have followed any of those avenues. The appeal provision was available to him in 1967 when the assessment was first made. It was in The Public Schools Act at that time, it is in The Public Schools Act now.

MR. HENDERSON: But you must agree that many people never look at their assessment until they go to pay their taxes, especially after a unitary school division has been set up, and they wouldn't realize there was a difference until they became aware later on that the other party had paid much less.

MR. BRAUN: Well, it was up to the municipality or the school board. Surely the municipality was aware that they were reassessed, that their taxes would be much higher - the school board must have been aware of this.

MR. HENDERSON: Well, that part I cannot be sure of, but I do feel that Mr. Toews isn't aware of it, being a farmer myself - and when there's something like this going on, often you don't look at your assessment in a case like this until you come to pay your taxes.

MR. BRAUN: It wasn't up to the individual taxpayer to commence an appeal, it was up to the municipality in which his lands were located to appeal if they thought that the apportionment which was made against them by this school district was improper.

MR. HENDERSON: Do you suggest that they would really know that at that time?

MR. BRAUN: The municipality would certainly know it, because they were the ones that were the subject of the reassessment.

MR. HENDERSON: But they didn't know of the big difference between Roland and Morris at that time. It was \$100 a quarter in 1967, and a quarter on just one side of the row, and knowing the land in that area, there isn't any difference in assessment much of a quarter on one side of the road to the other.

MR. BRAUN: It wasn't the value of the land, it was the location of the boundary that caused the . . .

MR. HENDERSON: Yes, it was the location of the boundary, which actually hurt the people on the west side of the boundary.

MR. BRAUN: I agree. We acknowledge that, but there was provision, there is provision to have rectified that situation.

MR. HENDERSON: But, Mr. Braun, through the Chairman, I say to you that your main complaint about the thing is that just because it wasn't done through the proper channels at the right time, but you do realize that he has been pursuing it since trying to get it corrected?

MR. BRAUN: Of course I know he's been pursuing it.

MR. CHAIRMAN: There being no further questions, I'd like to thank you, Mr. Braun, for being present this evening. That concludes the presentations on Bill 51.

We have one gentleman present here who wishes to speak on Bill 45 and Bill 50, followed by nine who will be speaking on Bill 44. Therefore, if it's agreeable with the committee, I think it would be proper to hear the presentations on Bills 45 and 50 now before we get down to the main . . . Therefore if it's agreeable, and I feel that it is, I'd like to call on Mr. Lennox, the Solicitor for the City of Winnipeg who will speak on Bill 45 first.

MR. LENNOX: Thank you, Mr. Chairman. Bill 45, Mr. Chairman, in essence is a bill to exempt the Convention Centre and the lands on which that building is situated from all taxation by the City of Winnipeg whether it's for municipal purposes, school purposes, local improvement or other purposes, that's the thrust of Bill 45.

After the bill was printed, certain difficulties were pointed out by Mr. MacDonald, the City Assessor, namely that while the Convention Centre would be exempt from all taxation under the amending legislation, the space leased to commercial enterprises within the complex would remain liable to assessment and taxation in the hands of the tenants as occupiers of exempt property. At the same time, the leases made between the Corporation and its tenants will include in the rent, a calculation for taxes which will not be assessed against the Corporation if the proposed amendment to its Act is enacted. In the result, the tenants would be subjected to double taxation. As a result of this, City Council - that's Winnipeg City Council - has requested an amendment to Bill 45, to the effect that a grant be paid by the Corporation - that's the Convention Centre Corporation - to the City, in lieu of taxes to cover the realty assessment of those portions of the complex actually leased and used for commercial purposes. So I'm asking your committee, Mr. Chairman, to give consideration to that amendment when it is considering Bill No. 45.

MR. CHAIRMAN: Are there any questions on Bill No. 45, honourable gentlemen? Then I guess we'll proceed with Bill 50.

MR. JORGENSEN: There is one other representation on Bill 45.

MR. CHAIRMAN: Bill 45. Who wishes to speak?

MR. JORGENSEN: I believe Mr. Nugent indicated that he wanted to speak on 45 as well.

MR. NUGENT: Mr. Chairman, I represent the Convention Centre Corporation, but I have nothing to say to the bill. It's self-explanatory. It's an assessment from taxation, except for the parts that are commercially operated; and the indemnity of directors is simply because all

June 16, 1975

(MR. NUGENT cont'd) of the directors are either volunteers who serve many many hours without any remuneration, or are employees of the Provincial Government and the City Government, who again serve because they have to, without extra remuneration. I'd be glad to answer any questions but I have nothing to say.

MR. CHAIRMAN: Thank you, Mr. Nugent. Are there any questions? Mr. Pawley, the Minister of Municipal Affairs.

MR. PAWLEY: Mr. Chairman, just so that we're all clear in our thinking on this bill, what is implied here, that the taxes will be paid to the city in block and those taxes will be collected by the Centre from the commercial establishments through the individual rental cheques, but there will be no concessions tax-wise to any of the occupiers of the Centre itself.

MR. NUGENT: Yes. The commercial leases - this is the shopping plaza on the second floor - the commercial leases all provide that any taxes levied will be paid by them, and in the event of a tax exemption being given to the building, taxes will be calculated by the Assessment Commissioner and will be paid as though it were taxed. So that we've covered that they are not getting a free ride.

MR. PAWLEY: Good.

MR. NUGENT: Yes.

MR. CHAIRMAN: There are no further questions. Thank you, Mr. Nugent. I'll call on Mr. Lennox again to present his presentation on Bill 50.

MR. LENNOX: Bill 50, Mr. Chairman and members of the committee, are the amendments to the City of Winnipeg Act. I have no comments on the amendments because they are self-explanatory except Section 6. This was an amendment which was requested by the City of Winnipeg and it concerns annual rental value which is the basis for business tax as your committee is aware. And at the time of drafting it, it was done in order to what we thought, clarified the existing Section 167, subsection 1, on what is meant by "services necessary for comfortable use or occupancy." There was some discussion in a hearing before the Municipal Board and we thought we would clarify this section. But as so often happens sometimes when you do this you open up more problems, and on considering this matter and reconsidering it we have come to the conclusion that we would be opening up more problems than we are attempting to solve, and are therefore requesting that Section 6 be removed from Bill No. 50.

MR. CHAIRMAN: Are there any questions? None? Thank you . . .

MR. LENNOX: I'll be glad to answer when the bill is being considered, if I can help at all in the committee's deliberations on any points of the amendments that the city itself has recommended, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Lennox. Now we'll proceed with the presentations on Bill 44 and we've had one request from Mayor Devine of Portage la Prairie to speak earlier because she is --(Interjection)-- Pardon? and Mr. Woodman. So I'll call on Mayor Devine.

MAYOR DEVINE: Mr. Chairman, I have some copies of the brief. Do you wish them given out?

MR. CHAIRMAN: Yes.

MAYOR DEVINE: Mr. Chairman, committee members and ladies and gentlemen, I appear before you to express the concern of the City of Portage la Prairie on the impact of Bill 44, The Planning Act.

Firstly, I would like to say that while the bill is called The Planning Act, the content of Section 23 of the bill, in light of the powers given to the Planning Board relate more to the provision of major services than it does to planning. I will refer to this again later on.

I express our concern over the short time given to municipalities to study the content of the bill, since it relates to both planning and to what can inevitably become another form of government. The general principles of the bill must have been known for some time to the Government, but we are prepared to approach it on the basis of the planning aspect, however, the Bill is much more than just that.

The intention of the government in the presentation of this bill is acknowledged, and we agree that in some areas are extremely good. There are some sections, however, that can cause innumerable problems in rural Manitoba. Section 60 is probably a good example. We recognize that it is probably included in the Act to overcome problems around the Winnipeg area, but when you consider the total impact of the section that says a person cannot lease or rent his house, or that a farm cannot be leased for more than a year without the approval of the approving authority, it will completely upset the standard practiced of three or five year leases

(MAYOR DEVINE cont'd) on farms. How else can a farmer be assured of summer-fallow without a reasonable term lease. The definition section describes land as including "messuages" - and I had to look that up in the dictionary - and this means the house and the outbuildings on it. We will be placed in a position of approving every unsubdivided household lease in order to make it legal. More thought should go into this section to relate to the total province, rather than the Winnipeg area alone. It is difficult also to know whether the documents granting the use of land to the Manitoba Hydro, Manitoba Telephone System, MHRC or other Crown corporations would be excluded.

We would like to encourage you, however, to eliminate the red tape and existing procedures that presently cause serious delays in the actions of planning commissions. We feel that the Act goes a long way to accomplish this.

An area of concern in the Act, is the lack of any form of financial control on the district board. We see in Section 23 the authority to run transportation systems, sewer and water utilities, recreational facilities and housing facilities. These operations could result in expenditures of huge amounts of money.

The operation of a utility, sewer and water, etc., is provided for in the Municipal Act as a municipal jurisdiction, and the method of operation and control comprises of 38 pages, and some 86 sections. The Planning Act does it in one section. The creation of debt in these powers is not clear. If the board own and operate a recreation complex or a transportation system, it could be single municipality or joint-use enterprise. Does the board have the power to acquire debt, and if they do, how will it be repaid? Where is the control we find on municipalities such as we find in Section 454 to 477 of the Municipal Act, on borrowing, debt, investments, and the like?

The whole area of finance seems to need further looking at. We know that the District Board will have to employ staff and they will necessarily have to pay them. It should be made clear if there is any obligation on the municipalities to pay. We could not find this in the Act where the municipality must pay, and if they refuse the board becomes sterile. Contributions to capital debt could be treated in the same manner. We do not see whether or not their money must even be kept in the bank, and we also note that there is no provision for an audit. It is not my intention to throw curves, but rather to bring these matters to your attention, and I hope that this area can be repaired by reference to the Municipal Act as a pattern. I think we are all satisfied with the Municipal Act, in this area, and quick and ready reference to it would not be difficult.

We note also that while Section 295 requires a municipality of over 5,000 persons to adopt the National Building Code as their building by-law the Planning Act says that the Planning Board will administer it. Apart from the legal aspect and the administration of it, the Appeal Board is someone other than the group drafting the original by-law, and the reasons and directives emanating with the by-law may not be known to the administrative group. Any amendments to the by-law can only be requested from the municipality, who may refuse.

Section 298 gives a municipality power to set standards of maintenance and occupancy and lays out the procedures of administration and enforcement. The section also empowers the municipality to appoint an enforcement officer, but Section 24 of the Planning Act states that this shall be done by the district board. This too could be tidied up. Section 27 and 28 of the Planning Act require the district board to present a five year capital budget, and present it to the municipalities. Municipalities have since 1970 had to draw a five year capital expenditure program by virtue of Section 561 of the Municipal Act. Their budget will not be approved by the Minister without it. If we are doing it now, and in a satisfactory manner, do we need another body to do it for us?

We recognize that the revision of the Planning Act is long overdue, and we are pleased to see that the Minister is taking some action at this time. We encourage his efforts as they relate to planning. We express very serious concern however over the powers given to the district board, the operation and maintenance of services and facilities that have historically been a municipal responsibility. Section 23 gives the board almost unlimited power in some areas, land purchasing as an example, with no apparent administrative responsibility. A million dollars could be spent on land acquisition, and the Secretary-Treasurer does not even have to be bonded. They are not even responsible to the councils of the district.

We would like to suggest therefore along the following lines:

- 1) That Section 23 be deleted until the total impact of it is known; and

June 16, 1975

(MAYOR DEVINE cont'd)

2) That the financial and other portions of the Act be tidied up, as they are brought to the attention of the Committee; and

3) That if the government are not prepared to withdraw Section 23 that the government give clear indication that no action will be taken within the limits of this authority, until after another sitting of the Legislature; and

4) That you proceed with the speedy passage of the bill as it relates to joint planning.

I am sure that many of the minor amendments that have come to our attention are already in your hands and will be brought out at the committee stage. We urge the government to proceed as the concept of regional planning is good, and when you have finished with the bill we are sure you will have a workable document.

MR. CHAIRMAN: Thank you, Your Worship. Mr. Pawley, Minister of Municipal Affairs.

MR. PAWLEY: One or two short questions, Mayor Devine. On Page 3, when you made reference to Section 23, you understand that the board of the district would not be a levying authority, would not have the power to levy for moneys within that district for its purposes.

MAYOR DEVINE: No, we didn't understand that.

MR. PAWLEY: I see. That is in fact the case. Now if that doesn't translate itself in proper drafting we'd have to check that, but that certainly is the intent, that the district would have no levying authority, and that the municipalities would have to contribute any funds that would be required by the district.

MAYOR DEVINE: Our concern is that what is going to happen in the future. It's happening right now with the school board that suddenly they come and they say, "All right, this is our budget and we have to pay." We are concerned that perhaps this board is also going to come and say, "This is our budget" and maybe it is a million dollars and we have to raise it on the taxes before we even consider our own taxation.

MR. PAWLEY: Right, and we had this in mind to ensure that insofar as this board is concerned it had to receive its moneys from the municipalities.

MAYOR DEVINE: You are saying, sir, that they cannot come and say, you must give it?

MR. PAWLEY: No.

MAYOR DEVINE: The same way as the school board . . .

MR. PAWLEY: That's right. The other area I just wanted to question you about, Mayor Devine, is the general principles of the bill must have - this is on Page 1 - must have been known for some time by the government. I would just like to ask if you attended the . . . were you in attendance at the district meetings of the Manitoba Urban Association when Mr. McNairnay had outlined the basic principles of the legislation?

MAYOR DEVINE: Yes, but that was only in regional planning. It wasn't in being involved with recreation or transportation, or any of the utilities. We knew that there was a great deal of talk about planning, but not about Section 23 or Section 60. And we only got Bill 44 about two weeks ago.

MR. PAWLEY: You would agree that the general concepts as per planning were outlined and discussed at the district meetings though?

MAYOR DEVINE: Yes. The planning, yes. We've no quarrel with the planning.

MR. PAWLEY: And your reservations pertain to Section 23?

MAYOR DEVINE: 23 and 60 in particular.

MR. PAWLEY: Fine. Thank you.

MR. CHAIRMAN: Are there any further questions? Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, I'd just like to ask Mayor Devine if she could elaborate a little bit more on exactly what procedures you . . . and time you've had to examine the specifics of this bill, and has it been discussed in council? Has it been passed into the different departments of your city government for examination and review? Have you been able to conduct a pretty thoroughgoing assessment of it in the two weeks.

MAYOR DEVINE: No. I must admit that we haven't. It came, and then we had conventions out in Ontario, and then we had this week, and our secretary-treasurer with his staff has gone over it. That's as far as it's gone. Then this hearing came and so we came in.

MR. AXWORTHY: So, Mayor Devine, you're saying . . . has the bill had an opportunity to be discussed by the individual councillors in the City of Portage la Prairie?

MAYOR DEVINE: They have a copy of this but we've never sat down and gone over it.

MR. AXWORTHY: You haven't discussed it in council at all? So there isn't really any statement from council. This is a statement that's been drafted through your office and your secretary-treasurer.

MAYOR DEVINE: Well no. Council has expressed, just reading this at home . . .

MR. AXWORTHY: I see.

MAYOR DEVINE: . . . that this is the section that worry them, but we've never really sat down and gone through each section. We have a council meeting tonight but it was council's wish that I come in here to present this brief.

MR. AXWORTHY: Sure. Thank you.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Mr. Chairman, to Mayor Devine. I think first of all we should thank Mayor Devine for taking the trouble to make this presentation because I know the time has been extremely short. It's very important that we hear from the heads of municipal governments like yourself in respect to this bill.

You do express your support for the principle or concept of district planning and regional planning. Mayor Devine, do you conceive of regional or district planning as one in which the region or district has the major authority or one in which the centralized Provincial Government has the authority?

MAYOR DEVINE: I must admit, sir, I had not even thought of that.

MR. MCGILL: Do you think this bill gives major authority to the district board or does it rest with the Provincial Government who has major control, as I read the bill, over the appointment of the district board?

MAYOR DEVINE: That I would think would depend on the Provincial Government who is in power, whether they use their power to appoint their own people or whether it becomes a democratic way of appointing.

MR. MCGILL: Do you think in the main that membership in a district planning board or regional planning board should be of people elected by the district, or within the district, and responsible to the people who live in the district over which they are going to exercise a measure of control in respect to planning? Should they be responsible to the people over which they are exercising control, or should they be responsible to the centralized Provincial Government?

MAYOR DEVINE: They should be responsible to the people.

MR. MCGILL: Do you think this bill is set up in such a way as to make the planners or the members of the planning board responsible to the people?

MAYOR DEVINE: No, I would have to say really no.

MR. MCGILL: Do you think it's possible to amend this bill so that that major change could be made?

MAYOR DEVINE: I think any bill can be amended if people want to amend it.

MR. MCGILL: Your council didn't consider this vesting of authority under the bill specifically in its dealing with this bill, I take it.

MAYOR DEVINE: Well I think we were concerned that we were going to - there was another form of government that was going to be set up.

MR. MCGILL: Oh you do consider this as another form of government?

MAYOR DEVINE: I think so. It has very strong powers.

MR. MCGILL: Another form of government not necessarily elected by the district but getting their authority from the province, eh?

MAYOR DEVINE: Well I would imagine that there would be someone from the various municipal councils on this board who would be elected by the people.

MR. MCGILL: Oh yes I think there are people appointed by the municipal councils but subject to the approval of the Minister. I think you'll find that in the bill.

MAYOR DEVINE: Well that could be, sir, yes.

MR. MCGILL: Thank you.

MR. CHAIRMAN: Mr. Axworthy, did you wish to . . . ?

MR. AXWORTHY: No, I had a question.

MR. CHAIRMAN: Fine. Are there any other questions? Mr. Pawley.

MR. PAWLEY: Mayor Devine, just following on the questions that were posed to you by Mr. McGill, I would just like to clarify a couple of points with you. One is in connection with the membership on the board. You referred to Section 19(1) of the bill. Would you concur that

June 16, 1975

(MR. PAWLEY cont'd) the members of the board would be elected members of the individual councils that make up the district?

MAYOR DEVINE: Yes, sir, except I would like to ask if the person employed by the government has a vote on the board?

MR. PAWLEY: No he doesn't.

MAYOR DEVINE: He doesn't.

MR. PAWLEY: So that in fact insofar as being responsive to the people and the district are concerned, that would depend upon elected councillors that would be serving on the district board. Would that be correct?

MAYOR DEVINE: Yes, it says so there. At least one councillor from each municipality.

MR. PAWLEY: Do you also agree, Mayor Devine, that the legislation provides for voluntary development of these district boards on the part of the municipalities? If a municipality wishes to continue as it is at the present time they can do so, that their entry into a district board would only be voluntary except under very unusual circumstances that might occur.

MAYOR DEVINE: I realize that now, sir. I wonder about the future.

MR. PAWLEY: In general however, Mayor Devine, you would like to see, with some of the changes that you have suggested here in connection with 23 and 60, you would like to see the bill proceed through to legislation.

MAYOR DEVINE: Yes. I think that's our council's decision.

MR. PAWLEY: Thank you.

MR. CHAIRMAN: There being no further questions I would like to thank you, Mayor Devine, for taking the time to be with us here this evening.

MAYOR DEVINE: Thank you.

MR. CHAIRMAN: I'll call now on Mr. W. Woodman, representing the Community Planning Association of Canada, who expressed a desire to speak earlier because of other factors. Mr. Woodman.

MR. WOODMAN: I have several copies of our submission here, Mr. Chairman.

MR. CHAIRMAN: You have a brief and the Clerk will pass it around to the members of the Committee.

MR. WOODMAN: Mr. Chairman, Honourable Minister and Members of the Committee, I would like to thank you for this opportunity to speak to you briefly with regard to the proposed passage of Bill 44.

On June 3rd as Chairman of Manitoba Division of CPAC, I wrote to the Minister of Municipal Affairs suggesting that it would be desirable to defer immediate passage of Bill 44 until such time as the Municipal people had an opportunity to examine the bill and have a discussion with members of the department who would be in a position to answer specific questions on specific sections.

The Minister addressed the February Conference of the Manitoba Division of the Community Planning Association of Canada in Winnipeg and at that time indicated that the Cabinet Committee was studying the Act and that it was subject to change at that level. He also indicated it would be subject to change based upon representations of other government departments, or when its content is established with other groups, for example, Manitoba Association of Urban Municipalities and the Union of Manitoba Municipalities, etc.

It would be most unfortunate if this bill proceeded to third reading now without the municipal men being afforded the opportunity for discussion implied by the Minister in February. Two copies of the bill were circulated (to our area for Council use) May 23rd and May 26th, there was a difference in the delivery date at the various municipal offices, at which time the rural people were involved with seeding and had no opportunity to study the bill and discuss it in council as requested. In speaking to a number of municipal people from the Western Manitoba area, it would seem the majority of them agree:

A. Copies should have been available for each member of Council to read. Two copies was, they felt, not enough for circulation speedily.

B. The timing of distribution should not have coincided with the seeding period if in fact local municipal participation was expected on short notice.

C. Municipal meetings should be held before third reading.

The lack of knowledge of the specific content of the Act, or of clear answers to a number of the questions asked would indicate that a deferment as suggested would be desirable and

(MR. WOODMAN cont'd) beneficial to both the government and the municipal men who will be expected to work with and under the Act.

I would respectfully request that this committee consider recommending to the members of the Legislative Assembly that third reading of Bill 44 be deferred until the municipal people of this province have been afforded an opportunity to have sections of the proposed legislation as now printed fully explained to them and to have their questions answered and their concerns considered.

Respectfully submitted on behalf of CPAC.

MR. CHAIRMAN: Mr. Pawley, Minister of Municipal Affairs.

MR. PAWLEY: Mr. Woodman, you would agree as you indicate in your brief that I did address your meeting in February of this year?

MR. WOODMAN: Yes.

MR. PAWLEY: Would you concur that detailed notes were given to your association at that time for distribution to your membership?

MR. WOODMAN: I haven't myself had an opportunity to compare all of the detail in the notes with the exact content of the bill, Mr. Pawley, and I think that's the point that the people themselves wanted to make, was that they themselves haven't had the same opportunity. I was handed a list of 16 pages of amendments proposed to the bill, as it is now printed, that the municipal men have never even seen, so I would suggest that there are many changes going to be made even at this stage that the municipal people have not had an opportunity to view.

MR. PAWLEY: Have you examined the details of the notes that I did leave with you in February, Mr. Woodman?

MR. WOODMAN: I have not examined them in detail. I have read them myself.

MR. PAWLEY: Have they been discussed in detail by members of the Community Planning Association?

MR. WOODMAN: Only in the question and answer period at which you participated.

MR. PAWLEY: Have there been - I note in a report which was distributed I believe to your membership in spring, 1975, it indicates a conference report is now in process of being printed and will be mailed to all those who attended. This report, which includes delegates' deliberations, will also provide the background for a land-use workbook, which will be prepared and used as background material by delegates attending a series of seminars. That indicates we believe that it is important to examine more closely the new Planning Act and provide government with your comments. In order to achieve these goals the division plans to hold a number of regional seminars, perhaps five in all, Dauphin, Brandon, Morris, Selkirk and Thompson. Were those seminars held to discuss the . . . ?

MR. WOODMAN: They were not, Mr. Pawley, because we have only received the bill in the last two weeks and we felt it was pointless to in fact hold seminars to discuss something which we did not have in front of us.

MR. PAWLEY: Did I not indicate to you, Mr. Woodman, in February that all the concepts and principles of a major nature were included within the notes which were distributed to your conference in February?

MR. WOODMAN: I couldn't ascertain that. I assume that you did, Mr. Pawley.

MR. PAWLEY: Would that not have been a basis then to - you recognized the fact that a bill was then going to be introduced some time during the session?

MR. WOODMAN: That's correct. It was also our understanding though that there would be ample time for discussion with municipal people, which has not been the case.

MR. PAWLEY: You would be prepared to acknowledge that since May 20th it's now close to four weeks, would you not, Mr. Woodman?

MR. WOODMAN: That is very true, Mr. Pawley, but as you are well aware the majority of the rural people in Manitoba, the elected people are themselves farmers and seeding takes precedence over any speed up in legislation, which is what we're faced with here.

MR. PAWLEY: Mr. Woodman, in respect to your brief on Page 2 would - (c) Municipal meetings should be held before third reading - would you consider it fair if we held municipal meetings prior to proclamation of the bill?

MR. WOODMAN: Well I think that's a thing, Mr. Pawley, that I was discussing with some of them today and it was indicated that this would in fact be a possibility. But I think we must all recognize the fact that third reading is in fact the making of a bill, and that if there were changes to be made following third reading it in itself would require an amending bill, which

(MR. WOODMAN cont'd) would then still have to come before the Legislature. So I feel that nothing would be gained at that point if in fact it was considered there may be amendments to make.

MR. PAWLEY: Mr. Woodman, how many individual municipalities has the Community Planning Association Conference heard from in their requests to you as a conference to ask for a delay on behalf of the municipalities?

MR. WOODMAN: I have spoken to several members of councils in the Western Manitoba area myself. I have not taken a poll of all municipalities, and as I indicate in here it's just in speaking . . .

MR. PAWLEY: How many have approached you as president of the Community Planning Association Conference requesting a delay?

MR. WOODMAN: I would say that none have approached us in that sense. We have approached several of the councillors because of the fact that that document that you read from has been circulated, indicating that we would be proposing to hold various seminars to discuss in detail The Planning Act, which we have not been able to do.

MR. PAWLEY: Do you mean to say, Mr. Woodman, that no councils on their own initiative have approached you, or the Community Planning Association Conference on their own initiative requesting a delay?

MR. WOODMAN: Not councils.

MR. PAWLEY: Fine. That's all.

MR. CHAIRMAN: Mr. Johnston.

MR. J. FRANK JOHNSTON: As I understand your brief, and from the questions the Minister has asked you, the Minister has stated they did come out and hold some meetings. He did circulate notes, and of course this we know. As I understand you, really all that your brief is saying, and the people that you have been in contact with and have had discussion with, are saying since they've had the bill they would like to examine it all and tie it all together and have discussion on the bill so it can have proper representations on it.

MR. WOODMAN: That's correct.

MR. F. JOHNSTON: Thank you.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Mr. Chairman, to Mr. Woodman. I presume, Mr. Woodman, that since you are the Chairman of the Community Planning Association of Canada that you're in favour of community planning.

MR. WOODMAN: That's correct.

MR. MCGILL: And you have presented certain thoughts about this particular bill. It would be difficult I suppose to bring out all of the reasons for your asking for a delay of this bill at this time, but you did make the point that much of the difficulty being experienced by the R. M.s in your area was due to the time of year at which this bill was presented. Would that also apply to members of your CPAC council in respect to getting a feedback from those members and their comments in respect to this bill?

MR. WOODMAN: Well the members of the council are not themselves involved with the seeding operations but the people with whom they would want to discuss this certainly are in that it is municipal councils.

MR. MCGILL: Mr. Woodman, Mayor Devine from Portage la Prairie thought of this district board as another level of government, sort of regional government. Does that concept in any way fit with what you have in mind about this?

MR. WOODMAN: I think that would probably take some looking at personally, just speaking personally, because I don't know all of the ins and outs of it. It was suggested by one of the planners that, when I raised the question as to the numbers of meetings that some of these boards might be required to hold, if they became too large or associated with a larger urban center it was suggested that perhaps some of these people might have to rely on being full-time councillors and part-time planners, if you want to put it that way, as a means of livelihood. And this to me implied a creation of a level of bureaucracy that we could do without.

MR. MCGILL: You're also involved not only with CPAC but as Secretary-Treasurer of the R. M. of Cornwallis, is that correct?

MR. WOODMAN: Yes.

MR. MCGILL: And the R. M. of Cornwallis is presently involved I am told in a form of community planning council.

MR. WOODMAN: We are one of four municipalities involved in a planning district.

MR. McGILL: How is that council constituted? What is its membership?

MR. WOODMAN: There are two members appointed by each council to represent a specific municipality, one member being a member of council, and one being a citizen at large. The chairman is appointed jointly by all four councils, as is the secretary.

MR. McGILL: So all of the members are responsible locally, either by appointment or by election to the R. M. councils, I see. Now you said there were four R. M.'s involved, they're in the area of Brandon?

MR. WOODMAN: That's right.

MR. McGILL: I understand that the City of Brandon is not presently a member of that council. What is the intention in that respect?

MR. WOODMAN: It's anticipated that at some point in time in the future, once the basic rural planning has been, we'll say, set in order, that the City of Brandon may very well become involved in it. It was felt at this particular point in time. . . . The city is currently meeting every second week to deal with localized planning management in the city, and if that many more meetings were to be involved in order to accomplish the rural planning, we'd have no members on the planning board because the rural councillors cannot afford that many days or nights in a month to sit on a planning board.

MR. McGILL: You feel that even without the passage of this Act that there is developing in the region a planning board which conceivably could provide the function and the concept that you support. Is that right?

MR. WOODMAN: It is hoped that it can provide it. That's the aim and objective in setting it up.

MR. McGILL: Fine. Thank you.

MR. CHAIRMAN: Mr. Banman.

MR. BANMAN: Thank you, Mr. Chairman. How many municipalities would you be representing here in Manitoba.

MR. WOODMAN: In which. . . .

MR. BANMAN: The association. . . .

MR. WOODMAN: I wouldn't be able to tell you because the membership records are all on an individual, basically all on an individual basis, and I know that there are a great number of municipal men who are involved as members in the Community Planning Association of Canada. But I wouldn't have the figure.

MR. BANMAN: In the set-up that was mentioned by the Member from Brandon West, where your municipalities have voluntarily got together and joined as sort of a regional planning authority, have you maintained your own local planning groups? In other words people, representatives, from the general public sitting on planning boards?

MR. WOODMAN: No, only the citizen member who sits on the overall board, because all of the members of the Grand Valley Planning District Board have been individually appointed by each of the municipalities as their localized planning board as well.

MR. BANMAN: Thank you.

MR. CHAIRMAN: Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, I would like to ask Mr. Woodman if he could tell us whether the executive of CPAC, or whoever was involved in the drafting of the brief he presented tonight, has had a chance to determine whether the concepts that were put forward by the Minister at the February meeting have been followed through in this Act? Have you had a chance to compare those?

MR. WOODMAN: Not as a board we haven't because the bill has just, as I say, come out in the last two or three weeks and we haven't had a meeting. We'll be meeting this coming Thursday in Winnipeg, and whether or not that's on the agenda, I don't as yet know.

MR. AXWORTHY: Mr. Woodman, between the February meeting and the development of this legislation, what kind of consultation might have gone on in terms of discussing specifics in those concepts like, for example, was there a series of discussions around the idea of a designated area, where certain areas would be designated agricultural or recreation, and so on? Did CPAC itself discuss these? Did you discuss it with the Department of Municipal Affairs? Did you have the planners in the department come out and lay out what the implications or consequences of this particular action. . . .?

MR. WOODMAN: No, we haven't done that as yet because we had felt that at the time

(MR. WOODMAN cont'd) of discussion of the bill itself would be the time that the answers to many questions would be raised, we assumed. We have had no basic opportunity to discuss Bill 44 as it is printed before you tonight. We have had the other document which was presented by Mr. Pawley, but like many rural councils we meet once a month - we're from various walks of life and areas - and we had other commitments which we had to make on the national programs which involved us in the interim between our February conference and now. So we haven't as yet had an opportunity to deal with Bill 44.

MR. AXWORTHY: Mr. Woodman, the thing I'm not clear about between the discussion you had with Mr. Pawley was - at the February meeting was there any specific understanding or commitment made that there would be a set procedure in terms of the introduction of this bill, and then the opportunity to consult to gain expert advice as to its implications - was there any discussion with the Minister about such an undertaking? Did CPAC ask for it?

MR. WOODMAN: As basically quoted on the first page here, where he indicated that there would be the representation with the other groups, for example, those are taken right out of the material that he gave to us. And so it's an implied suggestion that there would be discourse with both of the union bodies to . . .

MR. AXWORTHY: In your opinion that discourse has not taken place.

MR. WOODMAN: Well it hasn't on the actual bill as yet, and I know that the Union of Manitoba Municipalities, I assume, has this on the agenda for the district meetings which start tomorrow. I don't know . . .

MR. AXWORTHY: Thank you, Mr. Woodman.

MR. CHAIRMAN: The Minister of Municipal Affairs.

MR. PAWLEY: Mr. Woodman, your brief this evening, and a further question to that asked by Mr. Axworthy, has been discussed in the executive meeting of the Community Planning Association Conference?

MR. WOODMAN: It has been discussed with some of the members of the executive, as I indicated. We found out Friday that this would appear on the agenda of this committee this evening, and again it doesn't give anybody much time to do anything, so some of the members in Winnipeg were contacted with regard to the follow-up of the letter which we sent out in February.

MR. PAWLEY: Well, Mr. Woodman, could I ask you to . . . First I have the notes of my speech to the conference in February, and I'm going to make them available to members of this committee because they're very detailed, and that was in February. Was there a meeting of the Community Planning Association conference after February to discuss the contents of these minutes?

MR. WOODMAN: Not the contents of those, Mr. Pawley. As I indicated we preferred to do it with the bill rather than the notes.

MR. PAWLEY: Well then, Mr. Woodman, you received the bill on May 20th . . .

MR. WOODMAN: May 23rd, it was . . .

MR. PAWLEY: May 20th to 24th. Was there no meeting called shortly thereafter to discuss the bill itself?

MR. WOODMAN: We haven't had an opportunity to meet, no.

MR. PAWLEY: Despite the fact that's three to four weeks ago?

MR. WOODMAN: Well it's roughly three weeks ago, yes. We were involved with a CPAC meeting in Saskatchewan that took up a portion of one of those weeks, and we haven't even had the full period time in that interval to do anything on it.

MR. PAWLEY: Well, you would agree that municipal people are usually pretty good at voicing their own concerns if they have those concerns, wouldn't you, Mr. Woodman? They're pretty independent thinking people?

MR. WOODMAN: I would agree, Mr. Pawley, providing they're given the opportunity, and it didn't appear that they were being given it when this was being rushed through into Law Amendments this evening. As indicated, they were involved themselves with seeding, and that takes precedence over some of this other type of thing.

MR. PAWLEY: You're aware that there were seven district meetings of the Manitoba Urban Association to discuss more or less the same contents of the notes that I have here in front of me.

MR. WOODMAN: Yes, that's correct, Mr. Pawley, and what I'm suggesting is that the district meetings of the Union of Manitoba Municipalities, which represents more bodies than does the urban, commence tomorrow.

MR. PAWLEY: Are you aware that Mr. Chapman and the executive members of the Union of Manitoba Municipalities have also discussed this at different meetings that they had around the province?

MR. WOODMAN: At Mayors and Reeves meetings it has been referred to . . .

MR. PAWLEY: Yes.

MR. WOODMAN: Yes and there was from what I understand, there was some concern over some of the areas but they did not have the full details.

MR. PAWLEY: Are you aware, Mr. Woodman, that it's been reported to me that the Planning Act is not on one of the agendas, not one of the agendas of the Union of Manitoba Municipalities' district meetings?

MR. WOODMAN: I haven't seen an agenda . . .

MR. PAWLEY: Were you not aware of that?

MR. WOODMAN: I'm not aware.

MR. PAWLEY: So that you would acknowledge that the detailed material was presented in February; that there were district meetings of the Urban Association about the province; that there were meetings of the Mayors and Reeves sponsored by the Union of Manitoba Municipalities in which discussion was made possible at those meetings; that I spoke to two of your conferences in respect to this bill; and that in fact your executive has not in fact itself met as a whole to discuss the contents, or in fact to approve your brief this evening?

MR. WOODMAN: I would agree there has not been a formal executive meeting. As I indicated, there was conversation between the executive director and some of the members of the executive to . . .

MR. PAWLEY: How many members on your executive, Mr. Woodman?

MR. WOODMAN: There are 14.

MR. PAWLEY: And how many of those members of the executive were advised of the position you were going to take this evening?

MR. WOODMAN: I couldn't honestly tell you, Mrs. Gillis did . . .

MR. PAWLEY: A majority? A minority?

MR. WOODMAN: I would assume there was a majority.

MR. PAWLEY: You would assume.

MR. WOODMAN: I would assume there was a majority.

MR. CHAIRMAN: There being no further questions, I'd like to thank you Mr. Woodman for making a presentation this evening. I now call on Councillor Ken Galanchuk.

MR. GALANCHUK: Mr. Chairman, I have copies of the brief for the members of the committee except for one thing that under comments on Page 2, our City Clerk . . .

MR. CHAIRMAN: Do you have a brief, Mr. Galanchuk?

MR. GALANCHUK: Just for the benefit of the members of the committee, Mr. Chairman, Pages 1, 2 and 3 are the nuts and bolts really of what I intend to comment on, and I'll wait until the copies are passed out. I'm going to restrict my remarks to the Additional Zone aspect of the Planning Act.

As I said earlier, Page 2 which is missing under comments really has been summarized already in the first three pages of the brief that was submitted by our Commissioner of Environment and our Planning Administration to the Committee of Environment. The brief has been submitted to executive in policy, and I'll try and summarize it and expand on our concerns.

Basically, as you know, the government has introduced planning legislation which applies generally to the entire province except as indicated, the City of Winnipeg as described in the City of Winnipeg Act; Northern Manitoba as defined in the Statutes of Manitoba 1974, Chapter 56; and lands designated as provincial parklands under the Provincial Part Lands Act; and I presume also any federal Crown lands as well, which was omitted by our administration.

Although the city is not directly affected by the proposed new legislation, we are concerned with respect to certain implications dealing with the fringe areas of the City of Winnipeg. The proposed Planning Act provides for the establishment of District Planning Boards, as indicated by other delegations here this evening. The formation of such a district may be initiated by either (a) the Minister, (b) a municipality, or (c) more than one municipality jointly. The District Planning Board, composed of councillors from each municipality included in a district would be responsible for the preparation, adoption, administration, and

June 16, 1975

(MR. GALANCHUK cont'd) enforcement of a district development plan, or basic planning statement, and for the administration and enforcement of any zoning by-laws, building by-laws, and by-laws for minimum standards of maintenance and occupancy. Of particular interest to the city is the formation of a district planning area under Section 14(8), which deals with lands in the Additional Zone and which reads as follows:

"Where a municipality forming part of the additional zone, as described under Section 4(2) of The City of Winnipeg Act" - and I won't go into the references - "becomes part of a Planning District under this Act, the jurisdiction of the City of Winnipeg over that part of the municipality" and I quote the words "shall cease", this is mandatory then under the proposed legislation. "But every by-law, order or plan in force on the effective date of the establishment of the Planning District continues in force within that part of the municipality under the board of a district or the council of a municipality, as the case may be, otherwise directs."

The wording of this section would suggest that the policies pertaining to that part of the Additional Zone becoming part of a district could be altered, replaced or repealed simply by a simple resolution of the new authority in the absence of a comprehensive district plan or basic planning statement to replace them.

The city recommends, or requests, a change to this section whereby the city's interest in the Additional Zone continues - and if I may use the quotation - "until the adoption of a comprehensive district development plan by the new authority." The preparation and adoption of a development plan could be realized within two years from the date of formation of a district according to the proposed Section 26(1) of the new Act.

There is a further recommendation. It is further recommended that in the intervening time between the establishment of a district and adoption of its district development plan, any changes to any by-laws, orders or plans in force within the portion of the Additional Zone so affected, not be made without the approval of the City of Winnipeg. And I'll give my reasons for that when I conclude my remarks.

The formation of a single district around the city would at least deal with the Additional Zone - and these are the key words - in its entirety. So there's no fragmentation and complete split say with respect to zoning or planning principles. However, the matter is somewhat more complex in light of the recent recommendations made by the Winnipeg Region Study Committee. Both Councillor Bockstael and myself have been representing the city on this particular Region Study Committee. As you will recall, Mr. Chairman and Mr. Minister, the Winnipeg Region Study Committee was formed in November of 1974. The group . . .

MR. PAWLEY: Excuse me, could I just interrupt . . . it was 1973.

MR. GALANCHUK: 1973, I beg your pardon, right, a year prior. We carried on since the last election. The group included representatives from 30 towns, villages and rural municipalities within a 30 mile radius of the city. The City of Winnipeg and the province were also represented, as you know, Mr. Minister, on the group. Its aim was to investigate the land-use problems around the city and make recommendations on land-use planning. Two subcommittees were formed. The first group examined the present administrative structure in order to ascertain whether it was adequate to serve the purpose of planning in the area and considered alternative structures which might better meet the common planning problems and needs of the region. The second group produced a set of policy statements to ensure that the regional settlement pattern would develop in harmony with the natural and man-made resource base of the area - that is with any additional zone.

The Winnipeg Region Study Committee concluded its deliberation and adopted a set of policy recommendations in April of this year. Included was the recommendation that District Planning Boards consisting of elected municipal officials be constituted as the planning authority and further that at least four district planning boards be established within the Winnipeg region.

If the proposal to establish four districts as recommended by the Winnipeg Region Study Committee is to proceed, the disposition of the additional zone will depend on the independent formation of any one or all of the four districts. It is conceivable that some municipalities may not wish to join a district and function independently or as part of the additional zone, while others may group to form the districts as contemplated under your legislation. The formation of each district may take place at different times, and as a result there could be a long transition period filled with confusion instead of orderly planning.

(MR. GALANCHUK cont'd) Some assurance is necessary that the disposition of the entire additional zone will be determined within a reasonable period of time after the formation of the first district adjacent to the city taking out part of the additional zone.

It is therefore recommended that the disposition of planning jurisdiction for the entire additional zone be determined within two years from the date of the formation of the first district affecting any part of it. The reason for this, if you want any unified or cohesive type of planning, and you want a reasonable or proper transition period, you cannot have this continued fragmentation.

As you know, Mr. Minister, the additional zone committee meets; each particular municipality may have different zoning by-laws, and they're interpreted in various forms. Some of them come within the additional zone; some of them come just beyond or form part of the additional zone and part of an adjacent municipality. As a result, some municipalities may have minimum acreage holdings of five acres, some may have a policy of 30 acres. So in order to have a proper transition or period, it's important that if they're opting in or to set up these districts, you have a uniform or a proper transition period. Otherwise there's going to be utter chaos. What you would have developing is hedge-hopping, spot zoning, and extreme pressures in a given municipality on the local councillors to deal with particular zoning matters. And right now, as you know, the Additional Zone Committee does consist of three reeves and three city councillors, so there is a tremendous need that this be taken into account, the question of the additional zone. The additional zone, for the members of the committee, is greater in size, in total acreage, than the City of Winnipeg itself. So you're dealing with a lot of land here, and there has to be proper and co-ordinated planning.

Part III of the proposed bill provides for the establishment of districts through consultation with councils of affected municipalities and representations at the municipal board. Section 13(2) provides that an area to be included in any district plan shall comprise lands constituting a logical rational area for planning purposes based on, but not limited to such considerations as extend to the existing and probable urban development in the interest of planning concerns common to the municipalities or communities concerned. Consideration of these criteria in the formation of districts will provide the city the opportunity to effect the necessary judgments of the city limits or boundaries as well. Active participation by the city at the municipal board hearings on the formation of logical areas for the purposes of planning must take place if the rationale of this provision is to be adhered to.

That report, Mr. Minister and Mr. Chairman, was presented to the Environment Committee approximately a week and a half ago, and they instructed me to appear when your committee was in session. So with that, we're not being pessimistic but we do think that those concerns should definitely be noted, and the necessary amendments hopefully would be included when the bill is presented in the House.

MR. CHAIRMAN: Minister of Municipal Affairs.

MR. PAWLEY: Mr. Galanchuk, I find considerable merit in your recommendation, and I would like to just say that for one, I would like to review them very closely, and it doesn't appear to be too much in conflict with the recommendations of the Winnipeg Regional Study Committee in this regard. I would like to just get your opinion in respect to the recommendations by the Winnipeg Regional Study Committee. As a participant, I believe the City of Winnipeg participated and also voted on the final recommendations in April from that committee.

MR. GALANCHUK: Well, if you're considering the numbers, we were outnumbered. Yes, but as far as the intent, I think the intent was to set up a proper planning policy throughout the entire province, whether it be through districts or some form. We were concerned with respect to what consideration the government might give towards perhaps changing the Act as far as planning considerations were concerned as it affects the City of Winnipeg itself, but this is why we were merely there as conscientious observers, if I may use that term, together with our administration. Councillor Bockstael spent many more meetings than I did, or attended many more meetings, pardon me, than I did because of other commitments as chairman, so he was there in my behalf, advising me accordingly. So with that, I don't know whether it helped you a great deal but I think from the point of view whether you look at it from a city base or from a rural area, what you do want eventually, I presume, is some form of co-ordinated and proper planning whether it be on a province-wide basis or on a city basis.

(MR. GALANCHUK cont'd) I think this is extremely important no matter where you live in Canada. Otherwise, you just have fragmentation and no co-ordination, no future planning. Thank you, Mr. Chairman.

MR. CHAIRMAN: Are there any further questions? Mr. Axworthy.

MR. AXWORTHY: Well, Mr. Chairman, I'd like to just ask Councillor Galanchuk if he could tell us at this point the nature of the planning that is presently being applied in the additional zone in terms of land use control and its effect in terms of preserving areas and conforming to some of the concepts set forward.

MR. GALANCHUK: As I said, because we're dealing with so many different municipalities the policies may vary as they presently exist under the City of Winnipeg Act, and the committee deals with any number of types of applications, whether it may be a simple consent, and the right of appeal does exist if the additional zone committee turns down an applicant to have a full-fledged public hearing before the Committee of Environment, as such. So depending on what he's applying for, and also there are areas we're presently dealing with which are limited urban expansion, as you know, other areas within the additional zone which are complete or non-expansionary.

Thirdly, because of lack of services or poor planning to avoid hedge-hopping. And fourthly, I would say that the other areas that we probably have been dealing with, or trying to come to grips with, and I would presume if that proper transition takes place, the question of setting up proper district plans for various municipalities which might or might not incorporate the present zoning regulations that they're trying to follow . . . Because quite often we'll get a recommendation from a municipality saying this is our policy but let's waive this particular application, mainly because it's local pressure say on the reeve and his councillors to pass the buck onto the Additional Zone and Environment Committee to deal with the matter.

MR. AXWORTHY: Would you say, Councillor Galanchuk, that the system that's in place now is coping well with the expansion, movement of people beyond the city perimeter into the additional zone? Is it a fairly rational and constructive kind of growth or is it one that the City of Winnipeg is satisfied with, or are you dissatisfied with the kind of growth that's taking place in the additional zone?

MR. GALANCHUK: I think we're implementing the policies that have been laid down by the city in a fairly good fashion. I would say that we want to see controlled and orderly growth, naturally, and we are carrying this out under the terms of our legislation. Naturally, we want to see amendments; we are always meeting with the government on an ongoing basis but as far as the additional zone is concerned, the only personal view I have is that there should be some uniformity on these acreage holdings and have proper planning, whether it be on a city-wide basis right throughout the additional zone, rather than some of the fragmentation that exists now from municipality to municipality. Hopefully the Act would correct this, and if not I know our planning administration has been dealing with these proposals.

MR. AXWORTHY: Councillor Galanchuk, when you say at the beginning that you'd like to see the city's interests in the additional zone continue, what do you have in mind in the way of a mechanism for that? Do you see the city being a member of the embryo of this development board? How would the city's interests be represented and protected in this transition period?

MR. GALANCHUK: No, I think through the mechanism of both the planning administration as it presently exists, and also the additional zone committee at present until this transition takes place, because if the transition doesn't take place in a proper fashion, then you're just going to have continued splits or the problems will continue to exist. Okay? I don't know whether that answers your question, but I do have confidence in the fact that the three reeves who are presently sitting represent a broad section of the additional zone, and the three members of the Committee of Environment are far enough removed so that we're not subjected to the local pressure and we can deal with each application individually on its merits and look at it on a broader basis.

MR. AXWORTHY: Has the procedures, or the discussions that have gone on in the additional committee, is it broken down in terms of division between city interest and R.M. interest in terms of the style of planning and the way you want to control growth? Perhaps even more importantly, do you foresee in terms of the continued growth of the city itself as the pressures inside the perimeter begin to grow and the population expands, that district

(MR. AXWORTHY cont'd) planning boards, say in the northeast corner, says we don't want any more development here and City of Winnipeg says we have nowhere else to go? How, within that Act, do you see that being resolved?

MR. GALANCHUK: Well, if the district plans are formulated and adopted, as I said, then of course that would be the guidelines by which any board would function, or try to implement existing zoning regulations under it. What I'm concerned about is that these plans can in effect be adopted before there be any change or the city's interest be removed.

MR. AXWORTHY: So what you're saying to me is that you really want the development plan, or plans, for the additional zone to in effect already be decided upon before the district planning board becomes into effect. Is that right?

MR. GALANCHUK: No. I'm saying that if there's any policies which might be drastic, which might constitute a drastic change, should not take effect where they could just reverse in entirely, as you say, a particular area, say of the additional zone, which could come in conflict with the kind of orderly growth we anticipate in the city.

MR. AXWORTHY: Oh, I see. I'm beginning to see something I didn't quite see there before . . .

MR. GALANCHUK: In other words, they don't come in during the transitional period and simply go contrary to existing zoning regulations, which could then in the long run really hurt that particular municipality. And right now we're going through a process of submitting a number of district plans. The reeves are here from West St. Paul and East St. Paul. We're going to be conducting public hearings on this, and all of this probably will be tied in eventually with when the provincial planning boards would take over, say, within that district.

Some of the reeves had one concern, if I may state this, that they were concerned that perhaps what would happen if two of the municipalities within the additional zone, Mr. Minister - perhaps you could clarify that for me - would opt not to go in or form part of the district planning board and rather remain within the city, or connected with the city as it presently exists under the planning regulations as such, because two of the reeves have personally phoned me - and one's away - and wanted to appear here this evening. I just remembered that, and that's why I'm raising that particular concern that, will the proposed planning Act allow that option to these particular municipalities if they want to opt in or stay out, and if they do, then of course they'd be subjected to the question you raised to the existing planning . . . ?

MR. AXWORTHY: Yes. I wonder if we could, before the Minister answers that question of opting in, which I think is an interesting one, I still want to clarify in my own mind at least the statement of the City of Winnipeg if - we're partially reading between the lines - is stating that - and I'm not trying to put words in your mouth but I'm trying to restate it in my own way - in order for this particular concept to work, you feel in order to protect the City of Winnipeg's interest as far as growth is concerned, you want to see in effect a planning policy related to the additional zone basically hammered out before the district boards came into being. Is that right?

MR. GALANCHUK: You're correct. There would be proper planning board hearings as such, much along the lines we've taken now for proposed district plans which some of them affect . . .

MR. AXWORTHY: So the district board would then just administer a plan that has basically been developed between the city and the province and the rural municipalities in that transition period before the board became the . . .

MR. GALANCHUK: During the transition period, our position is that the city retain control until that orderly transition takes place.

MR. AXWORTHY: I see. So presumably the city could hammer out that policy during that transition period and then the district boards would then just administer it.

MR. GALANCHUK: We honestly feel that right now we have through our Environmental Planning Department the technical expertise required, eh, to assist the councillors and elected representatives in dealing with, for example, the simple consent application, or whether it be a re-zoning in a given area of limited urban expansion, Mr. Minister. So whereas some of the municipalities may not have that kind of expertise for a number of years, so that transition, as I said, should take place in an orderly fashion, otherwise chaos and confusion will exist. This is my point.

June 16, 1975

MR. AXWORTHY: Thank you. That's an interesting point.

MR. CHAIRMAN: Mr. Johnston, Sturgeon Creek.

MR. F. JOHNSTON: I'd like to ask - In looking at the general comments at the end of your brief to the permissiveness of the Act regarding the formation of district, leaves the majority of municipalities to agree among themselves to initiate the formation of planning regions, it would seem more logical to define regions on the basis of Section 13(2) and proceed to set up the administrative structure to deal with them. 13(2) pretty well gives the Lieutenant-Governor-in-Council and the Minister pretty well all the authority to set up the . . .

MR. GALANCHUK: Well it may be but what I'm saying is I think the other considerations are far more important as far as the city is concerned. Whether there should be three districts or four districts or one is really not the concern of the city as long as proper planning principles are adhered to or adopted. The exact number - unless I've misunderstood your question - of districts, really, I'm not for one to say because two adjacent municipalities may very well have the same sort of policies which have developed and evolved over a number of years, and others may be in a state of flux and are still developing, so our concern is that proper control be retained until that transition period and proper district plans are formulated to cover the entire area so there isn't that fragmentation.

MR. F. JOHNSTON: Thank you, Mr. Chairman.

MR. GALANCHUK: The Minister of Municipal Affairs.

MR. PAWLEY: Well, I was just going to comment in respect to the question that Mr. Galanchuk posed to me in regard to a municipality that might decide on its own to remain out of the district for some purpose or other, and the action that would be foreseen would depend a great deal, of course, whether that remaining outside the district was going to jeopardize the development plan that it was hoped to proceed with to cover around the city, and under 14(1) there would be authority to initiate by the Minister or by a municipality, or more than one municipality jointly, a planning district, so that if that occurred and it was going to jeopardize the total picture then the Minister could in fact bring about the remedy of that situation. It would only be used very reluctantly because it would be certainly a very delicate and difficult situation. But if it's going to jeopardize the development plan and the proceeding with a district on the proper basis, then he would have that authority.

MR. CHAIRMAN: On behalf of the committee I would like to thank you, Mr. Galanchuk, for your presentation this evening.

MR. GALANCHUK: Thank you, Mr. Chairman.

MR. CHAIRMAN: From here on in we'll proceed on an alphabetical basis. We have seven more presentations to be made so I'll next call on E.B. Fowler of the Manitoba Association of Land Surveyors.

MR. PAWLEY: Mr. Chairman, Mr. Flower to act for me. I would point out that it's Flower.

MR. CHAIRMAN: I see. Thank you. I stand corrected.

MR. PAWLEY: Mr. Flower I point out, not Mr. Fowler.

MR. CHAIRMAN: Thank you, Mr. Pawley

MR. E. B. FLOWER: Mr. Chairman, I have a brief to present. I have the original and copies here.

MR. CHAIRMAN: The Clerk will pass them out.

MR. FLOWER: Perhaps while these are being passed around the Chair would give me a ruling. I have two members of our association attending this evening. I would like to introduce them to the Chair and to the Committee so that they may be involved in the discussion which may follow.

MR. CHAIRMAN: I believe you may proceed if you wish to introduce them now.

MR. FLOWER: Thanks, Mr. Chairman. Mr. J. H. Wilson I would like to stand, and Mr. Aubrey Beattie, Secretary Treasurer of our association.

MR. CHAIRMAN: Thank you.

MR. FLOWER: Mr. Chairman, gentlemen, I wish to present a brief on Bill 44, a proposed new Planning Act in Manitoba, to the Standing Committee on Municipal Affairs by the Association of Manitoba Land Surveyors. The Association of Manitoba Land Surveyors has enjoyed the privilege of practicing within the constraints of The Land Surveyors Act these past 95 years. Responsibility is associated with privilege however, and it is the responsibility of the council of our association to report to government our views on Bill 44 the proposed Planning Act.

(MR. FLOWER cont'd)

Successful enterprise of any nature must plan if it is to endure. We agree that revision of the Planning Act in Manitoba is long overdue. We agree also with the Minister of Municipal Affairs, who was reported by the Winnipeg Free Press on April 18th, 1975, as indicating that the new Planning Act may be the most far-reaching and most important legislation introduced to date by the New Democratic Party Government. Indeed, it is the significance and impact of the proposed legislation that has prompted us to submit this brief.

First, consider what has occurred during the Alberta Government's review of its current Planning Act. Approximately two years ago an intensive review of the Alberta Planning Act was begun by the Director of Planning for Alberta. At the outset the Director requested various provincial associations, such as the Association of Municipalities, HUDAC and the Association of Alberta Land Surveyors, to present their views on the problems inherent in and deficiencies of the current Alberta Planning Act and its appended regulations.

These briefs were submitted approximately one year ago, and we understand that of all the briefs submitted the most valuable to the Minister was that presented by the Association of Alberta Land Surveyors. Perhaps we are prejudiced but this assessment seems realistic to us because land surveyors have intimate knowledge of conveyancing, administrative procedures, and statutory regulations in accommodating land use requirements of the public, industry, other professional groups, and three levels of government.

Following submission of the briefs the Minister of Municipal Affairs formulated a red paper on the proposed bill, and approximately one year ago presented it to the Alberta Legislature for information only. The Director of Planning then requested the same groups that he had asked to criticize the Act to prepare briefs criticizing the provisions outlined in the red paper. We understand that these briefs have now been presented to the director. Further dialogue is to occur between the director and all groups involved, and we further understand that public hearings will be held before the bill is prepared. The bill is expected to be presented to the Legislature no earlier than fall 1975, and possibly as late as fall 1976. Thus the total time required to review the planning legislation in Alberta, which is currently more extensive than the Planning Act in Manitoba, will consume somewhere between two and a half and four years of time.

Now contrast the effort and philosophy of the Manitoba administration in creating Bill 44. The principal authors of the proposed Planning Act are planners in the Civil Service. We question the wisdom of accepting the exclusive opinion of this group. Their views of the problems inherent in the present legislation, and the plans they advocate to correct these ills, have been formulated entirely upon their own wisdom and frustrations rather than upon the balanced views of the public, of municipal officials, and of the legal survey and planning communities. As Civil Service planners they will not have to answer to the public for major administrative problems inherent in the bill. This will fall upon municipal officials and the staffs of the seven Land Titles Office districts in Manitoba. The public may find that it has become the victim, not the beneficiary of the proposed legislation.

Lest our position be misconstrued we want to make it clear that the survey profession could only benefit by the expanded workload that the proposed legislation would create if adopted in its present form. We recognize that any change in the Planning Act may bring with it an expansion of professional services. We also recognize that as Manitoba land surveyors we have a professional responsibility to communicate our views if we consider that changes would mean we might be performing more work than necessary.

Section 3, subsection (2) of the present Planning Act reads, and I quote: "In addition to the other duties imposed upon him by this Act the Director of Planning is responsible under the supervision of the Minister for the implementation of such programs of planning education as the Minister may prescribe." With a view to becoming better educated our association appointed a committee to review the proposed Act. On March 26th, 1975, this committee wrote to the Director of Planning requesting a copy of the proposal and a meeting to review it. This was done in response to an invitation to discuss the new Act which had been extended to our association by municipal planning. When the Director replied to our request on April 8th, he indicated that a final copy of the draft Act was not available and that he was enclosing a copy of a talk presented by Mr. Pawley to the Community Planning Association of Canada in late February of 1975. The Director also said he would provide us with a copy of the bill later in April, and undertook to meet with the committee to discuss it. Now to date

June 16, 1975

(MR. FLOWER cont'd) this committee has received no further communication from him.

Although the proposed Planning Act has been presented in Bill 44 the regulations which are an extremely important adjunct to it, for they will explain many of the intricacies of the Act, have never been brought forward. In Alberta the regulations were brought forward at the time the red paper was presented, perhaps two and a half years in advance of the passage of the Act. We believe that presenting major legislation such as Bill 44 without the regulations is not in the public interest. Without the regulations many provisions of Bill 44 are obscure, so that its full impact cannot be properly assessed. Hence we doubt whether the executive of the Union of Manitoba Municipalities would endorse the proposed legislation without requesting further study of the bill.

We also note that the bill's provision for subdivision control and park lot control have been copied almost verbatim from the City of Winnipeg Act. History shows that even with all the administrative and technical resources of the city government available, nearly two years of impeded development occurred in the City of Winnipeg, following the passage of the City of Winnipeg Act, contributing substantially to inflated land costs. If identical legislation is imposed on rural Manitoba with its different problems, different values, and scattered administration, and if no clear guidelines are established, development will be impeded, land costs will be inflated, and general chaos will occur in the conveyancing of land.

Matters are further complicated by the dual role of the Minister of Municipal Affairs who is also the Attorney-General of the province. We contend that the plan has been prepared by planners in the Department of Municipal Affairs to resolve their specific concerns. We wonder how much criticism of the bill has been requested of staff and registrars of the seven Land Titles Office districts in Manitoba. There has, too, been an implicit transfer of authority from the municipal board to the municipal planning branch. The authority for approval of proposed plans of subdivision and the authority for registration of completed plans of subdivision has for many years rested with the municipal board upon whom the public has come to rely for an impartial review and judgment of many matters.

Approximately two years ago however a subdivision advisory committee was established and domiciled in the new Municipal Planning Branch. Although subdivision applications continued to be received by the board it appears that the assembly and assessment of reports from various governmental agencies responsible for reviewing land development concerns, has become the responsibility of municipal planning subdivision advisory committee. It also appears that since the inception of the subdivision advisory committee the municipal board simply rubber stamps its approval of decisions made by the subdivision advisory committee. The net result is the loss of the impartial judgment expected by the public. The proposed bill acknowledged this transition. We contend however that the public interest may not be properly served when such decisions are the exclusive domain of civil servants.

Witness the following examples:

1. Section 41 subsection (2)(h) of Bill 44 reads "For greater certainty and without limiting the generality of subsection (1) a zoning by-law may contain provisions establishing the location, size and number of access points to a parcel from adjoining highways or streets, but allowing at least one point of access to the parcel from an adjoining highway or street."

Supplies as an attachment to this brief is a letter from the municipal board approving a proposed plan of subdivision and a partial print of the subdivision proposal. This letter recites final requirements to be satisfied before an order may be issued by the board to allow the plan to be registered.

We draw attention to Item 4 of the board's letter and quote: "The six-foot strip abutting the public reserves, lot 1, block 1, lots 4, 5 and 6, block 2 and lot 8, block 3 be designated as public reserve." That is the last page in the brief, that attachment.

This item was reviewed with the Examiner of Surveys for the Province of Manitoba who, though not in favour of the public reserve being so created, had no recourse but to allow the plan to be registered. The effect of the board's decision, which most likely is the advice of the municipal planning branch is to create a lot with no legal access in a plan of subdivision, although public access to buildable lots in a plan of subdivision is not a statutory requirement in Manitoba it certainly is a reasonable requirement, as evidenced by Section

(MR. FLOWER cont'd) 41 subsection (2)(h) quoted earlier. An anomaly obviously exists if planners can write the possibility of a public access requirement into legislation, but public access to a lot can be effectively eliminated when a subdivision is approved. Perhaps the planners may not be concerned about this detail but the individual purchasing lot 5 in this example would have great difficulty in convincing a mortgagee that public access was not important.

We are also concerned that the bill may give impetus to a situation that could enable the Municipal Planning Branch to circumvent the democratic process. Under the present legislation municipalities subscribing to the planning service appoints advisory planning commissions, whose meetings are attended by a planner from the municipal planning branch. Members of our association are aware of instances when a commission has held meetings and drawn conclusions, but the conclusion which has prevailed, and upon which subdivision approval has been contingent, has been the conclusion of the planner appointed to assist the commission, not the majority opinion of the members of the advisory planning commission. As this concept has been carried into the proposed new Planning Act it may render invalid the views of elected representatives whenever their views conflict with those of the attendant appointee of the Director of Planning.

We have used these examples to illustrate that effective land use and effective land development are contingent upon numerous factors, not all of which are immediately obvious or indeed tangible. Effective land use and development require not only technical planning skills but also common sense and a firm knowledge of statutes affecting land. With the public interest uppermost in our minds, we therefore recommend:

1. That Bill 44 be tabled pending further review.
2. That the Minister of Municipal Affairs prepare and submit for public information the draft regulations which will append the new Planning Act.
3. That the Minister of Municipal Affairs request briefs be prepared and submitted to him to indicate problems with the present Act and with the proposed Act and regulations and that these briefs be requested from
 - (a) the Law Society
 - (b) the Community Planning Association of Canada (Manitoba Division)
 - (c) the Association of Manitoba Land Surveyors
 - (d) the Manitoba Association of Urban Municipalities
 - (e) the Union of Manitoba Municipalities
 - (f) the District Registrars in the various Land Titles Offices in Manitoba
 - (g) such other interested organizations as may be able to contribute.
4. That the Minister of Municipal Affairs host meetings following submission of the briefs in recommendation 3 to advise all groups involved of the concerns of each group for the public interest, and to attempt to resolve these concerns.

The members of our association consider themselves officers of the Land Titles Office system in Manitoba. In the interest of the public, the Land Titles Office system and orderly land development, we wish to extend our covenant of the utmost co-operation to the Honourable Howard Pawley, Attorney-General and Minister of Municipal Affairs, in his endeavour to provide good planning legislation for Manitobans.

MR. CHAIRMAN: Thank you, Mr. Flower. The Minister of Municipal Affairs.

MR. PAWLEY: Mr. Flower, you are aware that the present Alberta Planning Act does provide for presently, whereas the Manitoba Planning Act does not - does provide for some form of subdivision control by municipalities, are you?

MR. FLOWER: Yes, I am Mr. Pawley.

MR. PAWLEY: And you would agree that their present legislation in Alberta, not dealing with the proposals, but their present legislation is in advance of our old 1916 legislation that we're working under at the present time in Manitoba.

MR. FLOWER: Yes, I believe we acknowledge that in the brief, Mr. Pawley.

MR. PAWLEY: I just also wanted to indicate to you, Mr. Flower, that we have consulted with the district registrars of our various land titles office and in fact, some changes were made as a result of suggestions that were made by the district registrars, to the legislation.

I just wanted to clarify, on the bottom of Page 7 of your brief - Page 8 of the brief, in which it indicates that "members of our association are aware of instances where a

(MR. PAWLEY cont'd) commission has held meetings and drawn conclusions but the conclusion which has prevailed upon such subdivision approval has been contingent, has been the conclusion of the planner appointed to assist the commission, not the majority opinion of the members of the advisory planning commission." You're aware, of course, it's not the lot of the advisory planning commissions to make final decisions, are you not, Mr. Flower?

MR. FLOWER: I would understand that they should have some large influence on the subdivision, Mr. Pawley.

MR. PAWLEY: You would agree that they are advisory to the municipal council but not decision-making bodies and that it certainly would not be unforeseen that their recommendations would not be approved at the municipal council level?

MR. FLOWER: That's correct.

MR. PAWLEY: Mr. Flower, do you think that your recommendations on Pages 9 and 10, the intent of them could to some extent be followed if we were to refrain from proclaiming the legislation while we held meetings, while we prepared the regulations referred to and examined the legislation further with the possibility of amendments next session if they were provable areas that the legislation now should be amended?

MR. FLOWER: Could you tell me what useful purpose the passage of the Act would do at this time if it could not be proclaimed, Mr. Pawley. I'm sorry, I don't understand.

MR. PAWLEY: Well, the result would be if we didn't pass the legislation this time, we have to re-route the legislation again through the Legislature.

MR. FLOWER: I see.

MR. PAWLEY: We are assuming, you see, from our own point of view that it is workable as it now stands. You've been suggesting that it's not workable but our assumption is that it's quite workable and we have no reason to feel it is not. However, I think that we should attempt to obtain further views certainly from interested groups over the next period of time and to refrain from acting on the legislation until we've received those briefs, till we've had an opportunity to complete the regulations, and if there are specific areas that require change after those briefs have been submitted and discussions have been held, then to make those changes. But from our point of view, we see no reason to withdraw the principle of this legislation, the basic direction of the legislation we would not want to refrain from proceeding with.

MR. FLOWER: If the legislation cannot be proclaimed if this bill cannot be passed until, we'll presume a fall sitting, what harm would be done? Could you explain that to me carefully, Mr. Pawley?

MR. PAWLEY: Well, the difference would be that we would - I guess the basic difference that we would have is that we would be refraining from proceeding on a matter till if there was a fall session - we're not even aware whether there'll be a fall session, might be a one year period we might be looking at of delay - if there was a fall session, then the delay would not be that long, but if we're looking at passage of this legislation a year from now, then recommendations, for instance, that we've received in critical areas could not be acted upon, and we have certainly critical areas that we've received recommendations on, for instance, the area around the City of Winnipeg. That would be our concern. But to refrain from proclaiming it over a two or three month period would be a different matter.

MR. FLOWER: This is what we're asking you for in Recommendation No. 1, Mr. Pawley, and I have no authority certainly from our council to extend that to approve the passage of the bill at this time to you.

MR. CHAIRMAN: Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, I'd like to ask Mr. Flower just to explain one statement that I caught. I apologize for not being here for your full testimony but you seem to be indicating some reservation about the bill in terms of its powers that it will be transferring into the hands of planners, I think was the word. I believe you also indicated that there would be a lack of the kind of technical skills that would be necessary in order for the municipalities or district boards to make this thing work. Could you elaborate upon that point and be a little bit more specific about the question first of whatever danger you see in relation to the position of planners within the bill itself vis-a-vis elected members or

(MR. AXWORTHY cont'd) the public, whatever it may be?

MR. FLOWER: I have some rough notes here which may assist in answering your question, Dr. Axworthy. Section 25, subsection (1) of the Act states: "The Minister may make an agreement with the board of a district to assist the district (a) by providing technical and administrative assistance; and (b) by payment to the district of financial grants subject to such terms and conditions as he may determine." We did indicate a concern in that we have seen planning decisions made by appointees of the Director of Planning adopted over the views of the Advisory Planning Commission and the Act does provide for the extension of this technical and administrative assistance to these planning boards as they develop and we would view this as something of an extension of the arm of the Director of Planning.

MR. AXWORTHY: From your statement then I gather that you feel that there should be some other system of affording assistance to the district board or municipalities to aid in the development of the plan rather than direct line opposites in the Municipal Affairs Department doing it. Is that right?

MR. FLOWER: Yes. Although discussion which we have recommended we would hope would resolve this matter.

MR. AXWORTHY: Can you tell us what that might be or what the recommendation is?

MR. FLOWER: No, I'm sorry. At the moment, we don't have any recommendation, Mr. Axworthy.

MR. AXWORTHY: But you would like to see some alternative system of professional assistance being afforded by the government?

MR. FLOWER: At least explored, yes.

MR. AXWORTHY: I see. Okay, thank you.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Mr. Chairman, to Mr. Flower. As Mr. Axworthy was mentioning, I read your brief to indicate that you foresee a sort of a dominating role on the part of planners in this whole bill, that with the establishment of district councils in the manner suggested, that there is a danger in your view of a planner being a very dominating force in the total decision of the council. Is that essentially the way you see it?

MR. FLOWER: That's correct.

MR. MCGILL: And you mention in your brief, Mr. Flower, and compare what was done in Alberta where they issued a red paper. Perhaps what you're suggesting really is that this bill now be used as, I suppose in Manitoba we should call it a white paper which would be appropriate, and take the bill as presently drawn and perhaps use that as a suggestion and at the same time, perhaps the department would be prepared to issue a set of regulations which we could consider, you can consider, during the interim between now and the next session of the Legislature and then deal with, in firm and resolute terms, a Planning Act, having full knowledge and the additional time required to examine this proposal and the regulations. Is that essentially what you would like to see happening?

MR. FLOWER: Yes, that's correct.

MR. MCGILL: Thank you.

MR. CHAIRMAN: Mr. Banman.

MR. BANMAN: Thank you, Mr. Chairman, through you to Mr. Flower. Two points struck me when they were presenting the bill. Number one, the expanded workload that the proposed legislation would create. I wonder if you could just expand on that just slightly.

MR. FLOWER: Subsequent to the passage of the City of Winnipeg Act, the workload of the average land surveyor in private practice in the Winnipeg area was increased substantially and we would expect that when the regulations appear, that the need for documentation which is normally supplied by a land surveyor would be inserted into the regulations. It would become more evident at that time why the survey profession would be busier.

MR. BANMAN: The other point I would just like to ask you several questions on; you also make mention here that history shows that even with all the administrative and technical resources of the City government you go on to say that it has contributed substantially to inflated land costs and you mention further on that land costs will be inflated and general chaos will occur in the conveyance of land. And of course, with the problems

June 16, 1975

(MR. BANMAN cont'd) we're facing today with the high cost of housing and everything, I think this would be a very important thing as far as myself is concerned. Could you just relate briefly what you think would be the major factor in causing higher costs?

MR. FLOWER: I believe that during the formulation of the development plans there would be a reluctance to approve plans of subdivision until development plans were formulated for an area. If you don't have plans of subdivisions being approved on a fairly regular basis, you reduce the number of lots available for the market and of course, the price goes up.

MR. BANMAN: Do you feel that there is a certain amount of apprehension now as far as the passage of subdivisions with people waiting for the proposed legislation?

MR. FLOWER: There has been something of an increase in activity in the conveyancing of land by metes and bounds description.

MR. BANMAN: Do you feel that the Act would facilitate for speedier passage of subdivisions in different areas?

MR. FLOWER: I think every desk you put in front of an approval will consume another day, another week of time and certainly this will delay the development of land.

MR. BANMAN: So in other words, you're saying more or less we're inserting another level of government at this time?

MR. FLOWER: No, I never said that.

MR. BANMAN: Well, you mentioned the word, passing through another "desk".

MR. FLOWER: That's right. That's not another level of government, that's another civil servant who must approve the application.

MR. BANMAN: And that would be the regional board the way it sits right now, according to the Act?

MR. FLOWER: I'm not convinced that's the case, no.

MR. CHAIRMAN: Minister of Health and Social Services.

MR. MILLER: . . . behind the times, Mr. Chairman. Through you . . . Mr. Flower, you seem very concerned about the power of the planner in this bill. You're aware that, as I read it, Section 19, the board is comprised of a person who is employed by the government, the planner, and at least one councillor from each municipality is included in the district as may be determined by Lieutenant-Governor-in-Council. So that in fact it's one person and the other members of the board are members of municipalities . . .

MR. FLOWER: Who is recited firstly in the Act?

MR. MILLER: I beg your pardon?

MR. FLOWER: Who is recited firstly in that list?

MR. MILLER: Well, it's a matter of (a) or (b). If you want to just shift it around and put (b) where (a) is or (a) where (b) is, really I don't see the difference that makes.

MR. FLOWER: There is another concern here. In Section (a), "a person employed by the government and designated by the Minister, where a substantial part of the land in the district is Crown land." What's a definition of "substantial". We can have a government appointee on every one of . . .

MR. PAWLEY: Mr. Chairman, maybe I should interrupt on this. There will be amendment which reverses the order of (a) and (b), and (b) will only be so appointed upon the request of the Board. So that the member from (b) will only sit if it's the board's request that he be a member of the board.

MR. FLOWER: Thank you, Mr. Pawley. We've made an attempt to keep up with the amendments but obviously weren't successful.

MR. MILLER: One other question, through you, Mr. Chairman. You mention the increase in the land costs. Are you suggesting, can you state with any assurance that in fact the cost of land in Manitoba or Winnipeg has accelerated at a higher rate than cost of land in cities the size of Winnipeg right across the country?

MR. FLOWER: No, I cannot.

MR. MILLER: So that in fact to attribute the increase in cost of land to the City of Winnipeg Act or any other planning mechanisms that have been introduced is in fact a conjecture on your part and not a statement of fact?

MR. FLOWER: Well, I would say it's a little more than that. I know that if you restrict a commodity, the price will go up, and the number of lots available in the City

(MR. FLOWER cont'd) of Winnipeg here, a year and a half subsequent to the passage of the City of Winnipeg Act was greatly decreased and of course, the price went up.

MR. MILLER: Mr. Chairman, that doesn't answer the question about the land costs which have risen from coast to coast in greater degree even than in the City of Winnipeg and I was just curious whether that was taken into account when you made the statement you did in your submission.

MR. FLOWER: I don't believe the brief purports to convey the idea that the increase in cost was due to the passage of the Act. That wasn't the intent anyway.

MR. MILLER: Thank you for the clarification.

MR. CHAIRMAN: Mr. Johnston, Sturgeon Creek.

MR. F. JOHNSTON: Mr. Flower, I've listened to your brief and done some thumbing through it and something I would like to ask you as a surveyor, if you noted in the bill, the definition of "building" includes any well, pipeline, excavation, cut, fill, transmission line, or other erection or structure, or any part thereof, and also includes any addition to or extension of a building and any chattel that is attached to any structure or land or that is installed therein or thereon. You didn't mention that, but is that a fairly broad definition of building?

MR. FLOWER: I would say so. This is the type of thing that we would like to explore with the Minister during meetings.

MR. F. JOHNSTON: I beg your pardon.

MR. FLOWER: This is the type of thing that we would like to explore with the Minister during meetings - definitions in the Act. There is a definition of a plan of subdivision supplied in the Act with which we do not agree.

MR. F. JOHNSTON: Thank you, Mr. Flower.

MR. CHAIRMAN: The Honourable Mr. Pawley.

MR. PAWLEY: Mr. Flower, I just want to point out to you that the definition of building is lifted from the City of Winnipeg Act 1971. Are you indicating that there has been problems in the definition of building as per the City of Winnipeg Act?

MR. FLOWER: No. I said that was the type of thing we wanted to explore, not that particular definition, Mr. Pawley.

MR. PAWLEY: Not that particular definition?

MR. FLOWER: No. And then I went on to mention the plan of subdivision being a definition with which we would have difficulty.

MR. PAWLEY: The subdivisions you referred to, Mr. Flower, were being held up. Are you aware that subdivisions are presently being held up by the Municipal Board for the very straightforward reason that municipalities do not have development plans at the present time, and that is the reason in many instances that these plans of subdivision are held up?

MR. FLOWER: Yes, I am aware of that, Mr. Pawley. I'm afraid that our approach on it is somewhat negative. Many of the good features which you have incorporated in the Act, we do not comment on.

MR. PAWLEY: So you would agree then that the passage of development plans throughout the province by municipalities, whether in groups or individually, would speed up the process of subdivision approval?

MR. FLOWER: My personal opinion would be yes, once the machinery was working, yes.

MR. PAWLEY: Now, Mr. Flower, do you agree - No. You mentioned that there was another desk involved here somewhere insofar as subdivision approval was concerned, I believe.

MR. FLOWER: I did not mean that to indicate subdivision approval, Mr. Pawley, or rather subdivision by the plan method, but rather subdivision by metes and bounds description, this type of thing. At the present time I'm sure you're familiar with the situation where a lawyer in acting for his client will send to a land surveyor a request for the preparation of a legal description to effect a certain conveyance. At the moment that is very easily accomplished. We simply search the title from which the transfer is to be made and submit the legal description and the sketch back to the solicitor who processes the transfer, and that's done very expeditiously. Now, in future, as I understand the legislation, each one of these applications must firstly be directed to someone who will approve it, the approving authority.

MR. PAWLEY: Well, Mr. Flower, are you aware that one of the biggest problems that we are encountering, and in fact have been brought to our attention by a number of municipalities, is that very problem of lot splits and the inability by municipalities to properly check development, because 65 percent of the transfers of lots are taking place outside of subdivisions by the very method that you have indicated?

June 16, 1975

MR. FLOWER: Right.

MR. PAWLEY: And this has been a growing concern on the part of the municipal people.

MR. FLOWER: Right. We do not object to the philosophy, Mr. Pawley, rather we would like to see the mechanics of the situation worked out so that we are not confronted with a stack of approvals sitting somewhere unprocessed. We would like the machinery in place when the legislation is workable.

MR. PAWLEY: Would you see difficulty here where it's forcing by this legislation that the municipal council would provide the consents to the lot splits, the providing of a consent to the lot split, and would probably establish some pretty general guidelines by which the clerk could give approvals in certain instances that would be prescribed ahead of time, but this approval would take place by a consent form at the council level, municipal council level.

MR. FLOWER: Right. If it could be processed that simply, Mr. Pawley, that would be a distinct advantage. But I don't see that spelled out in the legislation at this time.

MR. PAWLEY: I think, Mr. Flower, that if you checked the legislation that the relationship of lot splits is dealt with in the same way as a plan of subdivision would be approved. So that as soon as there is a development plan that's been approved for the district, then the lot split would be a matter of form as long as it was consistent with the overall development plan for the district.

MR. FLOWER: I can appreciate that, Mr. Pawley, but in the transitional period what would occur?

MR. PAWLEY: In the transitional period leading up to? Well, the Municipal Planning Branch would be providing that service for municipalities. But I think that's the problem that we are at here at the present time, that we would want to reach the level by which the lot splits are dealt with expeditiously by the district board through their development plan in ensuring that the lot splits, when they do take place, are only done if they are consistent with the development plan.

MR. FLOWER: There's probably no other professional group that deals with the Planning Act more frequently on a day to day basis than do the members of our association, and we are vitally concerned that you come up with workable legislation, something that does not bog down the conveyancing of land for the public.

MR. PAWLEY: On that very point I would be very happy if . . . We've referred to subdivision controls, and basically that's what so much of this legislation comes down to. Do you have in mind a system of subdivision control that would be more expeditious than the present system? Because what we have here is lifted from the City of Winnipeg Act (1971) but I would not at all be defensive if you, or your association, did have some recommendation that could be brought to us dealing with a better system of subdivision controls but that would still be consistent with the direction that we're hoping to undertake.

MR. FLOWER: Yes. I believe that I can speak for our association, Mr. Pawley, when I say to you that we have no objection to the subdivision control, rather that we are concerned that it be very workable.

MR. PAWLEY: I am advised that Alberta and Saskatchewan have this type of control that's contained within this legislation, and has apparently worked extremely well over that period of time. In fact apparently the people from our Planning Branch looked at the legislation and the system there prior to this being drafted.

MR. CHAIRMAN: Thank you, Mr. Flower. I believe that concludes your presentation along with Messrs. Wilson and Beatty.

MR. FLOWER: Yes.

MR. PAWLEY: Except I, you know, I want Mr. Flower to keep in mind that I certainly made that suggestion very sincerely, if there are any further proposals, not to hesitate to come forward with them.

MR. FLOWER: We thank you for that opportunity, Mr. Pawley, and we'd like to thank the Chairman and this committee for the opportunity of presenting this brief.

MR. CHAIRMAN: Will Mrs. Maureen Hemphill, President of the Manitoba Association of School Trustees, now approach the microphone and make her presentation.

MRS. HEMPHILL: Thank you, Mr. Chairman. I'm sorry that I don't have copies of my brief. My office is moving today and all of our equipment and supplies, and I think some of my staff, are in packing boxes. However, we'll type it up tomorrow and get copies to you if you would care to have them.

I'd like to comment on one thing that is unrelated to planning - maybe it isn't quite so unrelated to planning - before I start my presentation. The washroom in your Member's Lounge does not have a sign on it saying "Men Only." Do you want to know how I found out? I just went in.

A MEMBER: We'll try and have that rectified. Who did you catch in there?

MRS. HEMPHILL: We didn't take time to find out who they were.

We're pleased to have this opportunity to appear before you to express the feelings of the Manitoba Association of School Trustees with respect to Bill 44. These were developed at two regional meetings, one held in Brandon and one in Winnipeg on June 9th, where we had 145 school trustees representing school boards all across the province. I would like to start with just a few general statements.

We agree that the legislation needs changing. We believe that there should be better policies and controls over land use, and that there should be better planning for the development of our province. We agree that proper planning and development plans will enable school boards to better plan their educational facilities. We believe that educational facilities should be included and co-ordinated with other planning. Schools are one of the most important public facilities in any community and should not be planned in isolation. Whether or not school divisions have been a part of this process before, we believe is immaterial. Today's legislation should fit today's needs. With our present limitations on land, resources, and money, we believe we should be actively seeking ways to co-ordinate development and encourage wide participation and involvement by all planning groups. And we consider ourselves a planning group.

Our position on Bill 44 is that it should be delayed until the next session so that the involvement that is one of the basic principles of the bill is carried out in practice. We have had a little over two and a half weeks to study, understand, discuss, and react to what is, in Mr. Pawley's own words, "a piece of far-reaching legislation." It is not enough time. We do not fully understand, nor are we fully aware of all the implications of the bill, and we believe that we are not alone in this. Bill 44 is of prime interest to rural and southern Manitoba, and these people are totally preoccupied with working their land. Our rural membership has not had time to study the bill sufficiently.

I think we all agree that this is a major piece of legislation. It has been referred to as one of the most significant this government has brought in. The question that should be asked, is why should it go through in this short period of time, not why shouldn't it? We have lived with the old one for 60 years. Can we not manage 60 and half years? If this is permissive legislation as stated, it is going to take awhile before municipalities can study, understand, and examine their own position to determine whether or not the establishment of a district is in their best interest. If the bill was delayed until the fall session it could be being examined both for ways to improve or clarify it, and for its usefulness for implementation at the same time. It is doubtful that any time would be lost this way.

We submit it is better to have an Act properly worded in the best interest of all before it is enacted, than to put it through and have to correct and clarify after. It is easier to amend before approval than to approve and then try to amend.

In the short time we have had we have identified several areas that we think will affect us, and I would like to give you some of our thoughts on these.

For instance in 12(1) where you talk about establishing special planning areas, the words "educational facilities" here apparently refers to provincial educational facilities as special planning areas must have regional or provincial significance. We would suggest words "post-secondary educational institutions" would clarify that clause.

The establishment of both special planning areas and districts is the next part that interests us, that is 12(6) and 14(3). Both of these clauses allow for involvement and input prior to establishing a special planning area and a district in two ways. One, you must consult with councils of affected municipalities; and two, they must hold a public hearing to consider

June 16, 1975

(MRS. HEMPHILL cont'd) submissions. School boards could, of course, make a submission at the public hearing. However, we would like to make a case for having school boards consulted with councils. These districts or special planning areas will not likely be coterminous with school division boundaries. You may have two or three different divisions in a district. We feel it would be important to communicate the implications of these districts and special areas on educational matters since the development plan both includes educational facilities and other services that could affect school divisions, such as transportation and recreation. It would be useful for us to communicate our long-range plans and priorities of the school divisions in the area since they will vary from division to division. We feel we could give and receive useful information at this stage.

The next part that we are interested in is the development plans under districts, 27(4) 7(d). Educational facilities under the contents of development plans means local schools. And there has been no provision for the involvement of school boards either by allowing or requiring them to give information about their needs and long-range plans, or to react to the final plans in terms of its impact on educational matters. Our suggestion here would be to have consultation with school boards at the initial stage of preparing a development plan, and another opportunity to react to the final plans prior to their receiving approval. We would also like to have a built-in appeal mechanism here, and perhaps it could either be the municipal planning board or the sub-committee of Cabinet. Mr. Pawley, does that committee have a name? The one with the ministers - the large group of ministers.

MR. PAWLEY: Provincial Land Use Committee.

MRS. HEMPHILL: Okay. Those are two suggestions and I suggest that it's the last one, the Provincial Land Use Committee, that the Minister of Education be one of the ministers on that committee.

When we are asking for involvement it is to both protect and fulfill the responsibilities and authorities that school boards presently have. We are the elected representatives for the public school system. We are responsible for all planning in our division in educational matters, including facilities. School divisions presently establish their own educational philosophies, goals and priorities. And on the basis of these, and the communities' wishes, they plan schools. These vary from division to division. We want to make very sure that this right, which is the basis of local autonomy in education, is protected. We presently have to, and will continue to have to conform to zoning regulations and availability of service. We are prepared to consult, co-operate, jointly plan and develop and co-ordinate our facilities with all other planning in a community. But we must retain the right to determine the educational needs for that community.

We look forward to improving the understanding between the various levels of elected representatives, and to improve the working relationship between these groups for the benefit of the people we all represent. Thank you.

MR. CHAIRMAN: Are there any questions. Honourable Mr. Pawley.

MR. PAWLEY: I wonder if Mrs. Hemphill would give me her ear for a moment while I read to her a proposed amendment and see if it would satisfy her request for consultation.

In the preparation of a development plan, the board of a district, or the council of a municipality, as the case may be, shall (a) seek the advice and assistance of a qualified planning officer or consultant employed or appointed by the board or the council; (b) consult with any public authority concerned - and of course public authority is defined to include school board; and, (c) hold such public meetings, and publish such information as a board or council deems necessary for the purpose of obtaining the participation and co-operation of the inhabitants of a district or a municipality, as the case may be, in determining the solutions of problems or matters affecting the development of the area.

MRS. HEMPHILL: And the words "public authority" mean that we would then be consulted, Mr. Pawley, or would that discretionary that they could decide . . .

MR. PAWLEY: The words are, "as the case may be shall consult with any public authority concerned." Public authority means . . .

MRS. HEMPHILL: We are identified as . . . we're in the definition of public authority.

MR. PAWLEY: Right.

MRS. HEMPHILL: If that means that they "shall consult with us" that would suit our purpose there, what we're looking for there.

MR. CHAIRMAN: Are there any further questions? Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, I'd just be interested in knowing to what degree this kind of close integration in planning now occurs in municipalities and school boards in the placement and location of school facilities.

MRS. HEMPHILL: Why are you shaking your head? I think it's not occurring as much as it should be, but I think it's something that we're struggling with, and that we have been for the last year and a half or two trying to establish master joint-use agreements, and then other joint-use agreements at the specific, you know, at individual divisions. I think the fact that we're continuing to struggle with it and to try and accomplish some methods of co-operating and jointly developing, means that we at least are aware that we should be co-operating and that this should be done, and that it will benefit the people. You might be interested to know that we are just on the verge of approving finally after two years the master joint-use agreement which should allow these to proceed at the division level on a little better basis.

MR. AXWORTHY: Just taking a slightly different tack. When Mr. Pawley read out the amendment the one area didn't include, and I would just like your comments on it - in your comments you asked for some form of appeal for school boards, presumably if there was a dispute between the school board and the district board, planning board. Had you not seen in the Act any recourse of appeal within it under the present provisions for that kind of situation?

MRS. HEMPHILL: We weren't absolutely clear. I think our major concern was about development, with the development plans, and it wasn't clear to us that there was an appeal stage, and if there is and it's in the Act then that will be fine, but we wanted to make sure there is. Once again we said that we're not clearly or fully aware of all the implications of this Act, we've had a very short amount of time to study it.

MR. AXWORTHY: Mrs. Hemphill, again going back to a consistent line of questioning. Have you received a number of representations from school boards concerning the Act?

MRS. HEMPHILL: Well, I think I mentioned that school boards have only seen, and trustees have only seen this Act for, I think, it was within the last two and a half weeks, and we set up two regional meetings and had 145 trustees from across the province. I think we've done a great deal in the short amount of time we have had, but it hasn't been, you know . . . For instance some school divisions, school boards have not had an opportunity to meet and really hammer out their board's position on the bill. They had to satisfy themselves by sending representation to the meetings and give them the option of . . .

MR. AXWORTHY: Mr. Chairman, to Mrs. Hemphill, is it a customary practice in municipalities to employ or use the services of a professional planner, land-use planner in developing plans for schools so that the kind of criteria that are enumerated in this Act, land-use criteria, transportation, and so on, are taken into account in the planning of master plans in schools?

MRS. HEMPHILL: Not presently, no.

MR. AXWORTHY: Would the provisions setting out forms of assistance or technical assistance, where would that come from under this Act? Again presumably you're dealing with . . .

MRS. HEMPHILL: I don't think we're included. I think the clause that says that they can provide technical assistance, or assistance to, spells out the groups that they will apply it to, and municipalities are included but school divisions are not.

MR. AXWORTHY: Do you think that that kind of expert advice or opinion would be provided if you were to engage in the kind of consultation, or merging of plans, that were set forward in this amendment, or would the school boards themselves be able to provide it, or how would it come about? How would you equalize your position so that you would be able to cope with the kinds of technical propositions that we put forward under these development plans? How would school boards go about getting the advice?

MRS. HEMPHILL: I'm not really sure. I think that probably in the initial development plan stages, we would come to them already having prepared our needs and long-range plans for whatever period in time in the future, five years perhaps, and that it would simply at that time revolve around communication between our needs and the ways that the development plan was proceeding.

MR. AXWORTHY: Is there any assistance presently being offered, say, through the Department of Education for this kind of long-range planning and development of needs and this sort of thing?

MRS. HEMPHILL: No.

June 16, 1975

MR. AXWORTHY: Okay. Thank you.

MR. CHAIRMAN: Are there any further questions?

MR. PAWLEY: I am just rising further from Dr. Axworthy's question about appeal, just so that there's no misunderstanding. You are aware, Mrs. Hemphill, that there is a Right of Appeal to the Municipal Board from the hearings that are referred to earlier in connection with development plans?

MRS. HEMPHILL: No, I wasn't, and if that is an appeal that school boards could use, I think that would be satisfactory for us.

MR. PAWLEY: Yes, it would be.

MR. AXWORTHY: Mr. Chairman, I wonder if I might ask the Minister a question in relation to these statements, and determine whether there was any consideration given in the drafting of this particular amendment, which does change some things substantially that weren't there before, in terms of providing some form of assistance to those authorities with whom the consultation would take place, or even the public groups that you mentioned would also be included at an earlier stage. In other words, was any consideration given to giving them some form of assistance so that they might be able to detail their plans in a more professional way in the incorporation of this?

MR. PAWLEY: Well, Mr. Chairman, that would be quite a departure, an area that would have to be looked at very closely, would be providing assistance to - could be to a wide range of citizen groups. I think it's an area that we would have to look at very very closely from our end. It would be quite a departure from the existing policy, which would be to provide the planning assistance from our department to municipalities as they are the planning authority. It's an area where I'm not - I wouldn't say that I would want to lock the door, but it certainly would be quite a departure from the present system.

MRS. HEMPHILL: I might just say, Mr. Pawley, that we don't consider ourselves an ordinary citizens' group.

MR. PAWLEY: I know that.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Mr. Chairman, to Mrs. Hemphill on the subject of Appeal, you're aware too probably that Section 47 of the Act says: "The decision or order of the Municipal Board or the board of a district under subsection" - which is amended to read 46, I think - is final and binding on all persons and is not subject to any appeal." In other words, an appointed board has a final and binding decision.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Mr. Chairman, if I could just interrupt. That reference is to a zoning change only.

MRS. HEMPHILL: I think our input has been directly related to the establishment of special planning areas - districts and the development plans under districts have been the areas that we have identified as being of concern to school boards.

MR. CHAIRMAN: Does that answer your question, sir? On behalf of the group I'd like to thank you, Mrs. Hemphill, for being with us this evening.

MRS. HEMPHILL: Thank you.

MR. CHAIRMAN: I'd like to now call on Mr. J. H. McDonald.

MR. McDONALD: Thank you, Mr. Chairman. I have no prepared brief, so I would ask if you could bear with me just for the moment. I represent three clients really who I am at the present time acting on behalf of, who have plans of subdivision in the works, and my concern is really on their behalf - and perhaps as I listened to the proceedings this evening, I wondered if the concern of my clients wouldn't be shared by a number of other people. My concern is with the transitional provisions of the Act or the lack of the same. As I read it, I think any applications that are now under way, either through the City of Winnipeg, under the City of Winnipeg Act or the Municipal Act. . .

MR. PAWLEY: Excuse me. Could I just interrupt for a moment because it might be more fruitful for you, Mr. McDonald. We are proposing an amendment and I would like to read that amendment to you, and then you could speak to the transitional amendment and your discussion would be more fruitful. Under Transitional 96: Notwithstanding the repeal of the Planning Act, being Chapter P80 of the Revised Statutes of Manitoba in this Act referred to as the repealed Act, where prior to the coming into force of this Act, in this Act called the new Act, any matter, application, proceeding or hearing which commenced under the provisions of

(MR. PAWLEY cont'd) the repealed Act, that matter, application, proceeding may be continued and completed in accordance with the provisions of the repealed Act and regulations made thereunder as if the new Act had not been enacted, so would proceed to completion under the old Act.

MR. McDONALD: Oh, that would take care of anything then excluding the 93(a), (b) and (c). Is that correct, Mr. Chairman?

MR. PAWLEY: Yes, that's right. This can apply to the City or to Northern Manitoba.

MR. McDONALD: Well, my concern would be - as a matter of fact I'm aware of one plan of subdivision in provincial park lands which is on the way and has been for a number of years. I'm also aware of a number that are under way under the City of Winnipeg Act in the additional zone. I believe Councillor Galanchuk has referred to that problem. Is there any reason that those would be excluded from this amended Section 96?

MR. PAWLEY: There is also a proposed amendment 93 under (a) "the City of Winnipeg and the additional zone," so the additional zone would be excluded under 93(a).

MR. McDONALD: It would be excluded from the application of this Bill 44, is that correct?

MR. PAWLEY: Yes, Mr. Chairman . . . until such time as the Lieutenant-Governor-in-Council brought it into force, because there is a provision that . . . yes, unless the Lieutenant-Governor-in-Council by order declares that this Act or any part thereof applies so it could be brought into force, but certainly as the Act would be passed by the Legislature, would exclude the additional zone in the same way as it excludes the City of Winnipeg and Northern Manitoba and provincial park lands.

MR. McDONALD: Well I'm aware that the Act once it is passed by the Legislature must be proclaimed, and I think you've already indicated that there may be a delay in proclaiming it. Isn't this the same thing that you are now proposing to defer proclaiming it as far as the additional zone is concerned? I don't quite follow the timing on the thing.

MR. PAWLEY: No. The additional zone would not come into being here unless there was a district which would be formed some time in the future, which probably would be a couple of years hence. But to begin with, this Act would not be applying to the additional zone - the additional zone would continue as is the case now by a committee of the City of Winnipeg, so that would be continued until such time as there was the occurrence of a district under this legislation.

MR. McDONALD: Well do you mean then that the Act would not apply to the additional zone until it was amended? Is that correct? If Section 93 says "The City of Winnipeg and the additional zone" then unless - oh, unless the Lieutenant-Governor by order declares this Act applies. I see, that would take precedence over it.

MR. PAWLEY: This being a very very legal area, maybe . . .

MR. BALKARAN: Mr. Chairman, the Act as presently worded - or the bill as presently worded - would bring in the additional zone under two circumstances. One, is if the Lieutenant-Governor-in-Council says that the additional zone comes within the ambit of this bill or the Act. If the Lieutenant-Governor-in-Council does not do that then it will depend on the formation of a district. If a planning district is formed which takes in a part of an additional zone, then that part then becomes subject to the provisions of the Act.

So you have two routes under which the additional zone or part of the additional zone could be brought under the umbrella of this legislation.

MR. McDONALD: Either one of which amounts to the proclamation of the Lieutenant-Governor-in-Council, does it not? Or could?

MR. BALKARAN: No. One is entirely dependent on the formation of a planning district either under the recommendation of the municipalities or on the recommendation of the Minister.

MR. McDONALD: On the recommendation of the Minister.

MR. BALKARAN: Right.

MR. McDONALD: Right. I'm just wondering, is there any objection to strengthening the Section 96 as amended to make clear that any applications in any of these areas would be allowed to be proceeded with under the existing law, so that everybody knows the ground rules and doesn't have the possible proclamation of a new district hang over their heads?

MR. BALKARAN: I may be wrong, Mr. Chairman, but I think the purport of the amendment read by the Minister a while ago is to facilitate that very thing you're talking about. In

June 16, 1975

(MR. BALKARAN cont'd) other words, if you have already proceeded with the plan, under the provisions of the existing Act, you would be allowed to complete in accordance with the provisions of that Act as if the new Act had not been passed.

MR. McDONALD: That would appear to make sense, Mr. Chairman. The Act referred to here however does not refer to the City of Winnipeg Act, and perhaps if the City of Winnipeg Act was added to the reference to the Planning Act, that might do it. But if that is the intent, I think we're talking of mechanics. I know that it has been a long evening and I would accept the word of the committee that this is the intent of it, and would say that it would make sense to me. This would relieve this backlog which, in my view, did happen when The City of Winnipeg Act came in without transitional provisions. There was a delay which did create hardship and some kind of shortage, which may or may not have had an effect on the price of land. But I think if this transitional amendment to 96 did that, was passed, then that would help. Thank you, Mr. Chairman.

MR. CHAIRMAN: There being no further questioning, thank you, Mr. McDonald. I will now call on Councillor Don Perry, President of the Manitoba Urban Association. Mr. Perry.

MR. PERRY: Thank you, Mr. Chairman. It has been a long evening, almost as long as some of our council meetings. I believe I made available a few copies of our very short brief, I don't know what happened to them.

I'd like to just go back to last fall when our association first became involved with the proposed new Planning Act. This was at the initial stages of discussion for topics for our area meetings which we hold throughout the province, and at that time we decided on having the meetings on the Planning Act. Since that time, starting in early January - or I should indicate, at that time we did invite the Union of Manitoba Municipalities to take part with us; they declined our offer. Our intention was that we should discuss it together, attend the same meetings and hopefully prepare a joint brief for presentation, rather than, hopefully overcoming any objections that we would have together, rather than working against one another. Unfortunately that never took place. As I said, we started our meetings in January and we had five meetings where the Planning Act was discussed all throughout southern Manitoba, the area affected. I can only say, Mr. Chairman, that at all these meetings it was emphasized that the time element was important. It was indicated to us that if we had any input to make, we were requested to forward it on to the department as soon as we could and they would consider it when they were drafting the legislation which, as our information was, was not completed at that time. I can only say that the response of our area meetings - I think to all those that attended them - was very positive. We felt that the Act was good, it was needed - there are problem areas within the province - and we welcomed the new Act. I can say also that our representation - I think we had a total of some 200 municipal people attend our total of six area meetings this session and we received not one comment requesting changes. The question and answer session and the presentation as made by the department people at our area meetings was very well received. The question and answer period, I think, was also very well received, and the impression that I got personally from all the meetings was that the Act was good and they could think of nothing specifically to object to.

We then went on to our mid season conference at Gimli, where we had some discussion. Some of the members of this committee were at that conference, they know that a motion was made that the matter be laid over. I can only say, Mr. Chairman, that it was defeated and the matter was referred to our executive - and I can also say, Mr. Chairman, that it seemed to me that the majority of our members who did support this layover, or request to lay over, were people that did not avail themselves of our area meetings. We did convene an executive committee meeting last week and we had representation from across the province. We had better than 50 percent of our executive members out, they represented as far away as Boissevain, Thompson and Neepawa - well, there was some 14 members of our executive in attendance. At that meeting we went into some detail on the Planning Act. There was general agreement that such legislation was long overdue and we would not wish to impede its implementation. We did express some concerns, however, and we adopted the attitude, quite frankly, that we should look at it in a very positive vein; and that if we were going to object, that we should have specific items to object to, not to be general in fearing something that we could not find in the legislation. On that basis, it was agreed by our association that the Act should proceed, and we would hope that you would consider our recommendations for amendments.

(MR. PERRY cont'd)

The first of these is that under Section 14(1). It presently reads: "An application to establish a planning district may be initiated by (a) the Minister" and we request this section be changed right there, and we request a change to read as follows: "The Minister shall after five years." What we are saying here, members of the committee, is that once the Planning Act starts coming into effect across the province, we think that it will be confusing if there are areas of the province generally that have the Act and there are other areas for one reason or another do not have a proper district plan. Therefore, we believe that there should be a reasonable time limit placed upon municipalities agreeing on forming some type of a planning district and proceeding with a proper district plan. We would recommend that at the end of a five-year period, that the authority vested to the Minister under the Act, that he use his authority in establishing planning districts after a five-year period.

We further recommend that Part 3 Section 19(1), the Act reads: "The board of a planning district shall be comprised of a person employed by the government and designated by the Minister, where a substantial part of the land in the district is Crown land" - and I believe that part has been amended, we didn't object to that - "and (b) At least one councillor from each municipality included in the district as may be determined by the Lieutenant-Governor-in-Council." We request that the same be amended, that representation be on a per capita or an equalized assessment basis. The reason for that is, we feel that if the budgets are going to be drawn up by the planning group, obviously the centre with the highest assessment is going to have to pay the largest share of their budgets. And also, in most cases, the population would also be reflected. We would leave this to your committee to study in more depth, but we feel that there should be some type of representation based on the fact of who is going to pay the greatest share of the budgets. We realize that all the area councils are going to form this board and we feel that it is very important that those that pay the greatest share should have some of the greatest say.

Furthermore, that Part III of Section 24(2)(e) be amended to include that the district planning board consult with the councils involved before finalizing their annual budget. In other words, I think it spells out in the Act that they will present their budget. This could be - the way we read it, was after they have drawn up their budget and more or less finalized it, they will present it to the municipalities and I believe the Minister. What we are saying is, that before they finalize their budget they should have discussion with the municipalities that are concerned so that the municipalities at that stage of the game can have an input into the budget process.

It was further suggested that a clause be included in the regulations to the effect that the Municipal Affairs Committee review the Act prior to convening of the next Legislative Assembly to consider amendments to the Act, and that hearings be held throughout the province to this end. Now obviously there was concern shown, and we have read about concern, and we were anticipating concern about people wanting to lay this Act over. Quite frankly, we don't support that position. The question was raised at Gimli about amendments, and we were assured that amendments could be made at future sessions of the Legislature. It's quite true that there are very few bills that are in existence now that have not been amended. We have no fear of requesting amendments - I think our association's batting average requesting various changes in legislation has been fairly good, so we do not fear that process. By this recommendation, what we are doing is suggesting that you pass the Act because there are areas of the province that are in dire need of it now, and that as it is implemented and as problems occur - I don't care if you sit here for the next five years, you will not resolve all the problems in one bill - but we believe that you should pass the bill, we'll get it working. Obviously there are a few areas of the province that need it immediately, other areas it will take a longer time for them to come in or the need for them to come in will take a longer time. So therefore we are recommending that you have Municipal Affairs review the Act and bring in proposed recommendations for amendments. That is our brief.

MR. CHAIRMAN (Mr. Derewianchuk): Mr. Johnston, Sturgeon Creek.

MR. J. FRANK JOHNSTON: Thank you, Mr. Chairman. I just am going to read Page 10 of the Minister's summary regarding meetings. He said, "The concepts embodied in the proposed legislation were discussed at six meetings of the Manitoba Association of Urban Municipalities held during the months of January and February." Mr. Perry, you kept mentioning the Act. You didn't actually have the Act until about three weeks ago - you just had the concepts.

June 16, 1975

MR. PERRY: That's correct. We discussed the concept of the Act. We did not have the Act until - in fact I believe I received it a day or two days before our Gimli conference.

MR. F. JOHNSTON: Thank you.

MR. PERRY: But I should clarify that. What we looked for and what our executive looked for when we did get the Act was areas where it differed from what we were discussing at our area meetings. As you are probably aware, we had some in-depth discussion of this at our five area meetings. Our sixth area meeting was in Thompson and they did not deal with the Planning Act. We looked to find areas where it conflicted with what we had been led to believe was going to be in the Act and, quite frankly, we could not identify any obvious errors or omissions of what we had been told would take place.

MR. F. JOHNSTON: Thank you.

MR. CHAIRMAN: Honourable Mr. Pawley.

MR. PAWLEY: First, I want to thank Mr. Perry for his brief. The one area I wanted to explore, because it's a difficult one, is the proposal of re-representation on a per capita or equalized assessment basis. I can think for instance of a city in the Province of 30,000 - 35,000 population with four or five municipalities of 1,000 population each, total about 5,000 population. If it was on a per capita basis, then we would have a situation where the city would outnumber the municipalities surrounding it, six to one. Do you see a modification to a straight per capita formula?

MR. PERRY: Yes, we did. We had some discussion on this, and one of the areas that was pointed out - representatives from Russell at our executive meeting pointed out that the difference between the R. M. of Russell and the Town of Russell, was that their equalized assessment was approximately the same. I just forgot the exact dollar figure. So therefore it made very little difference to them. We ourselves could not basically agree on which would be the best formula, so as I suggested we would - I believe there is provision for the Lieutenant-Governor-in-Council to make appointments, to vary the appointments, and we would suggest that there be some flexibility in it but that there should be some basic guidelines to recognize a per capita input - and also population, which you could have some areas who were very poor with a large number of people, and I think that they should be recognized also.

MR. PAWLEY: I want to just express appreciation for the suggestion, and I think it's a responsible one, that there be hearings. I gather the Urban Association then would be more than anxious to co-operate with presenting possible amendments, if there was time allowed to do so between this session and next session, to a committee that would be re-examining the legislation.

MR. PERRY: Oh, obviously, we have up until this time - in fact, if we were to receive requests for amendments from our members tomorrow, you would have them on your desk as soon as possible. We would be most anxious to participate in that. We feel that there are going to be trouble areas in any legislation that you can't foresee at this time and that this is in fact with The City of Winnipeg Act, it's in all Acts. I would say the British North America Act it started with, and some Acts we can change and some Acts we can't, we're having trouble with the British North America Act, but not with the rest.

MR. PAWLEY: Thank you.

MR. CHAIRMAN: Mr. Banman.

MR. BANMAN: Thank you, Mr. Chairman. I think the whole key of the workability of the Act is contained in the one particular item that we mentioned that the Minister was talking about - and, namely, I brought that matter up in the House when I was speaking on the bill - and that's the membership on the board. If we go to an assessment or a population per capita representation on this board, I can just speak from experience what will happen in my area. I've got three rural municipalities there that have an assessment less than the Town of Steinbach, and I would suggest to you that if Steinbach could out-vote the other municipalities there wouldn't be too much co-operation in that whole thing. So as you mentioned, I think I would like to see that there was some formula worked out that was equitable to everybody. I think the straight per capita or assessment formula would definitely be out because it just wouldn't be workable.

MR. PERRY: No, I think we recognize that. I don't think that we're suggesting that - say for instance, the additional zone, and Winnipeg were to form a planning group, that Winnipeg's assessment obviously would be the greatest. I don't think that Winnipeg should necessarily have, say, 51 percent voting power on the board. But I say that if you're going to

(MR. PERRY cont'd) have four municipalities in a district rather than having one representative from each municipality, including the one without a very large assessment who is going to pay the greatest share, that possibly you may arrive at - they would have two or maybe even three representatives. But I would have to agree that I think it would be a backward step if we gave any one municipality the majority vote. I think it would defeat the whole purpose of the planning districts.

MR. BANMAN: I agree with you there. It will have to be a workable plan where the people that do form the district planning association will have to have a certain amount of co-operation between all the members. I would agree with you on that point.

MR. CHAIRMAN: There being no further questions, I'd like to thank you, Councillor Perry, for your presentation.

I'd like to now call upon Reeve Gordon Scott to take the stand.

MR. SCOTT: Thank you, Mr. Chairman, and members of the Committee. I don't know if I'm last or not, or whether you're waiting for the worst for the last or the best for the last, I don't know.

I haven't got a brief, and I don't apologize, I expected to be out at Beausejour tonight, because Beausejour is having a meeting with neighbouring municipalities on this particular item - and I've been away for two weeks, so I haven't had time to do much homework either. But this meeting did come to my notice, and not knowing how long it's going to be sitting the suggestion was that, brief or no brief, I should get in a little bit of a lick. I might also say I'm not speaking with any resolution from my council, I'm speaking for myself, although council has had informal talks about it and I think perhaps my views are not unknown to them and probably in favour. But as I say, they were trying to organize a meeting in the area and the Beausejour meeting came up, so at this particular moment we have one member out there and the others are out of town, are not available. So on that particular basis you can discount it or accept it as otherwise.

But as I say, we haven't been through the Act completely, but in principle we think it's long overdue. You heard a number of speakers tonight indicating that we're probably a little hasty in pushing it through, that you've had something hanging around - oh, since 1916 I think, and whether there's that much urgency in letting another few months ride along. But I say agreeing in principle, it's long overdue, that we should have something better than we've had for the last 60 years almost, I would think that East St. Paul perhaps has taken a lead in this in that, as far as I know, I don't know of any other municipality of our category... We put in a town planning scheme back in - well, we started studying I think, 1954, 1955, and it's been in force since 1956. Looking back, I guess it's not a planning scheme, it's more or less a zoning setup, but we had situations developing that long ago that we felt we had to have some controls and so we went to work on it and now we have in the mill and ready for public hearings a district plan. Winnipeg gave us priority on that, and we did have an informative meeting with our people and we have passed along comments based on that informative meeting. I'm sure it won't please everybody, but we expect a public meeting will be held on that shortly, and along with it will be a zoning by-law to match it, carry on.

But looking at the Act, there's something there that does concern me, that I think is Section 81 - that said if you bring in a zoning change, for example, and injure people, they have some recourse to you to be reimbursed - and we could have a situation whereby areas now are zoned R-1 and R-A, and are they being injured? And who's going to pay it if they are injured? You also got the situation where these areas are zoned for R-1 and R-A now and they projected on the district plan to be a freeze area. A device is being used which in fact this will say that area will have to wait, and later on that area will be reclassified, rezoned again, and then will come in for dedication, and all you're doing is putting dedication on something they had already. That concerns me, what protection there might be there.

Another thing that concerns me is my old bugaboo in assessment. If you're going to put in a freeze in a certain area - and I quite agree that the whole municipality can't develop at once, and I'm a strong supporter of that; there has to be certain priorities and planning, otherwise you get all sorts of sprawl and spaghetti, and you name it - expensive school costs in picking up people, and expensive snow clearing and expensive garbage and expensive all sorts of stuff, road maintenance and so forth. But if you're going to put in it, as I say, you've got to wait, even though you're zoned R-1 and R-A today. That was a bad policy back there. We've got the worst of it twenty years now, so we're going to change that on you. The assessment

June 16, 1975

(MR. SCOTT cont'd) has to reflect that changed use or a use that's not available or something, and if you're not going to have that sort of recognition on the assessment on the taxes, well then the ball game and that particular feature is over. Now maybe assessment is something beyond this particular bill, I don't know. But it's a problem we've had out there for a long time because your assessment does not recognize any particular land use, although I think the Act covers that part - but an assessment out there is based on residential use and everyone has the same formula.

I just pass that along. Another section comes along which concerns me somewhat - and that is, if you go into a district and the thought is that the additional zone will be absorbed into four areas, what you're combining is the additional zone and what we used to call the "outer ring" municipalities. The suggestion came in the paper that East St. Paul would be put in with Springfield and St. Clements and Beausejour and East St. Paul, which would be a little bit of a wart on a big square somewhere. Obviously we're not going to be allowed to go to bed by ourselves. You certainly are not going to make it attractive - you're going to make it worth our while to shack up with somebody, because whoever we shack up with is going to be on a minority basis and want not much improvement than we've got right now. The one we have right now isn't working that bad, frankly. If we go into this other situation for example, and have the expertise, the administration to go along with it, we're not going to be allowed to run that particular show. And as I say, as far as East St. Paul is concerned, we have that expertise and administration right now. There can be some changes in it, perhaps. But if you take the additional zone - there's seven of us, there used to be nine - but of that seven, there are two of us completely within the additional zone. We haven't had the problem of being partly in and partly out, where you controlled on this side of the street, not the other side, and it did make problems. We don't have that problem. We have been completely in all this time and we have a very, you might say, intimate relationship with Winnipeg, and when I read about the . . . , I wonder how that's going to get on further on, because they've certainly made some envious eyes or other passes that we kind of frown on --(Interjection)-- a bit, yes. But the fact is, right now you're going to have two centres of influence. You've got the additional zone in a kind of a sandwich. You've got them hooked in with Winnipeg, in which there are problems arising there. And then you're going to say, "Okay, your bigger problems are on the outer ring part, we'll put you out there," and hook in with them probably.

Well, as far as - I'm talking East St. Paul - is concerned, we have so darned many involvements with Winnipeg today. We have a joint school board; we have a joint health board; we have a joint library; we have a kind of an informal understanding backup with police and fire. The rivers and streams all involved with Winnipeg in our municipality, and now we're looking into Winnipeg services' sewer and water on our boundary streets, for example. And it will go on, no matter what kind of district you put us in later on. All it means is the planning and zoning, where we'll probably be going into a less sophisticated group for awhile in any event to do it - will be say, Beausejour, and everybody that builds, they want a permit for sewer or septic field, they want a permit for plumbing, electrical, building inspection, all go to Beausejour. So that's going to be very awkward for our sort of thing. So perhaps - and the Act is very vague in here, and Ken Galanchuk asked you particularly if one municipality or so wanted to stay with this particular area, would they be permitted to stay? Would we have a choice? Because as I say, basically the crunch is not beyond our borders. We have a common boundary with Springfield. The Wenzel area which is the south part, or the extreme east, is in a holding district which won't conflict with Springfield. The northeast, as they have a five-acre area, we made ours mesh at a five-acre area. That won't conflict. St. Clements on our northern boundary is a holding area. That won't conflict. So our district plan is, not when the crunch comes, with the Winnipeg area, and it's going to be our sort of deal. As I say, Winnipeg, like it or not, I think they're trying to be fair, and since we've had some representation on there, it has been working reasonably well. It could probably improve. This is strictly my own little thought. In Winnipeg for example, you have your community committees. You have Fort Garry, say, and that particular community committee deals with their zoning and planning and so forth. They'll make the decision. And if it's not acceptable, they appeal to the municipal board. Probably that could be changed, that the additional zone municipalities be put on the same basis. They deal with a particular Act and if they don't like it they appeal to the Environment Committee as a whole. Now we go to the Environment Committee, period, then it was a variation, period, once again. That's the end of it, not even an appeal beyond that.

(MR. SCOTT cont'd) But I like the idea of a broader base, whether it's with Winnipeg or the other area, because on a smaller community I find that there are local pressures, local friendships that you don't notice when you have 10,000, 12,000, 15,000 people voting for you. You've got a few hundred you might say, and it's a much closer relationship, and I see decisions made perhaps that should not be made, strictly on the basis of local pressures and friendships where, if you have a broader scale, it's looked on its merits more.

Those briefly, Mr. Chairman and gentlemen, are things that I have in mind at the moment, and perhaps when we talk with our council a little bit more, we'll come back. Now, how long is this committee going to sit? How much breathing time do we have?

MR. CHAIRMAN: Well, Mr. Scott, of course the members of the committee have put in a pretty long day. Are you finished with your part of your presentation right now?

MR. SCOTT: Yes.

MR. CHAIRMAN: Are there any . . . ?

MR. PAWLEY: Yes. I just wanted to mention to Mr. Scott, in order to make sure that he is aware, that the Section 88(1) that he referred to being injuriously affected, is in the present Planning Act, in the old Planning Act. This is not a new - these are not new sections - but they're part of the existing Planning Act, and under 88(14) rezoning is specifically excluded from . . .

MR. SCOTT: What number is that please?

MR. PAWLEY: . . . claims for injurious affections. 88, subsection(14).

MR. SCOTT: Well, what does 88(1) say? If you have a zoning by-law and it injures you - and now you say it doesn't injure you, or it doesn't cover it. And also maybe - it's got a three-months' hooker in there too, unless you do your action within three months - and how many people know the darn thing's there half the time.

MR. PAWLEY: I would like to also just mention to Reeve Scott that West and East St. Paul being now entirely within the additional zone - the entire municipality of West St. Paul, the entire municipality of East St. Paul being within the additional zone - that I would not see anything in this legislation that would require West and East St. Paul to become part of the district unless they voluntarily wish to become part of the district. Or it was felt that, you know, because of the very circumstances that they ought to be part of the district, then it would have to be a policy decision at that time.

But the section referred to earlier, is a municipality part in the additional zone and part out of the additional zone. That could not be sustained, it would have to be all part of the district. But East and West St. Paul being all within the additional zone would be on a different level.

MR. SCOTT: I see.

MR. PAWLEY: Policy decision would have to be arrived at, which would be based I would think on the wishes of the two municipalities as to whether or not they're in the . . .

MR. SCOTT: And perhaps Winnipeg, whether they want this sort of bag or not.

MR. PAWLEY: Pardon?

MR. SCOTT: And perhaps Winnipeg might have a few views on that too. They may say, well, five have gone, why mess around with two of them.

MR. PAWLEY: Well they might. That would be something that would have to be dealt with at that time.

MR. CHAIRMAN: There being no further questions, I'd like to thank you, Mr. Scott.

MR. SCOTT: I think there's a question here, Mr. Chairman.

MR. CHAIRMAN: Oh, you have one? Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, I didn't want to have Mr. Scott leave until we had some clarification on the problems between 88(1) and 88(14). I assume that that will be taken care of by some amendments, will they not?

MR. PAWLEY: I think we're going to have to take a look at those two sections. There appears to be a conflict. The sections are transposed totally as they are from the old Act to the new Act, and I think we're going to have to take a look at those two sections. --(Interjection)-- Yes, they're both in the old Act. So I think we're going to have to take a good look at them, because there appears to be a conflict - or examine them again to ascertain . . .

I'm rather surprised that we have gone for - was it ten years, I guess, with those sections - without that conflict having been - oh, 1916 - this has been in here since 1916, I'm told.

MR. AXWORTHY: I guess we're not the slowest ones. The wheels of democracy grind very slow. (laughter) --(Interjections)-- That's right, yes. Mr. Chairman . . .

June 16, 1975

MR. PAWLEY: I think it was a Conservative Government in power, was it not, in 1916?

MR. AXWORTHY: No. Wasn't that Norquay, or somebody? Just following on that, Mr. Chairman . . .

MR. CHAIRMAN: Order. Order please. Order. Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, I also wanted to, while we're looking at more antiquated versions of it, there is this 88(8), where the execution of public works under a development plan increases the value of property, the council may recover from the owner an amount not exceeding one-half of the increase in respect.

The Minister will recall we brought this to the attention in the early debate, that again it would seem, and I would like . . .

MR. SCOTT: I heard of that one, and I figured it was in hand, I didn't know.

MR. AXWORTHY: You know, that again that would provide the kind of case that presumably if the value of a property abutting public works was to increase by \$50,000, unless the farmer could hustle up \$25,000 pretty quick, he'd have to sell his land in order to pay off the . . . because it has to happen within 12 months, does it not?

MR. PAWLEY: Well, Mr. Chairman, of course this is only exercised at the discretion of the local authority, the municipality itself . . .

MR. AXWORTHY: It's a pretty hefty power to have in an Act though, to be operated by discretion. I know, I'm fully aware that it's been around a long time. I'm just saying that, because our municipalities are being so starved for funds, that pretty soon they're going to have to resort to techniques like this just to pay their bills and I'm sure they'll start scanning these old Acts to find ways of putting money in their coffers . . . --(Interjection)-- Well, no, Mr. Chairman, very seriously, I think without going much further you can see the kind of implication that section has.

MR. PAWLEY: Mr. Chairman, I would think this would be an appropriate place for debate when we receive . . .

MR. AXWORTHY: No. I just wondered if Mr. Scott was . . .

MR. SCOTT: I did think of it and I wondered how many more capital gains' sections we're going to have, frankly, but . . . Now you got the capital gains tax, although we don't get much crack at it . . .

MR. CHAIRMAN: Does that conclude your questions, Mr. Axworthy?

MR. AXWORTHY: Yes it does, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Scott, for your presentation.

MR. SCOTT: Thank you, gentlemen.

MR. CHAIRMAN: We still have one more speaker. Mr. Dave Walker.

MR. WALKER: I'm suffering the fate of most university teachers - only my points may be more academic than yours will be, because I think most of what I wanted to say tonight has already been said by different speakers, so I'll just go over it very quickly.

First of all, I'd like to say that I think the general intention of the bill is good. It gives the municipalities a chance to choose their own fate this way, and encourages them and commits them to find their own interests, which I think is a good point. It's an effort for the Provincial Government to start out anyway, in a low key approach, to whether planning has either been unsuccessful or has been non-existent. And I think, starting from that basis, that I have very mixed emotions about the way the bill goes from there. And I would generally back the government's decision to go ahead with it. I teach urban politics, and the general history of provincial-municipal negotiations in Canada has been that there's never been a satisfactory time to change municipal government; that you can have meetings after meetings, but nobody's completely satisfied that this is the right time to go ahead. And as the Minister has indicated, I think we have lots of time to go back and do amendments in the fall.

Having said that, I think that my greatest reservation is one that's been discussed very briefly when the school trustee representative was here, and that's under the general aura of what we might call citizen participation - and that is, if there's one aspect of what the bill lacks in, that is taking into account the fact that rural citizens also are interested in local government. What this bill does and what makes it so important in Manitoba government is the fact that it is a dramatic change from the past, and what the provincial government is intending to do, I think, is to make planning a more essential way of life in the way that people go about in their municipal business and their general business. And because of that, I think that involves trying to get citizens to change their attitude towards government, and that is to accept

(MR. WALKER cont'd) the fact that government has a role in their life. From this perspective, I think we also have to change the way we approach planning, and that is to make sure that we have enough opportunities for citizens to participate and not just simply to react to development plans put out by government. And sort of to get more specific, I think in Part I, Section 5 of the Act, that if you included citizen groups under those who you might be able to give assistance to, either financial or planning assistance, that this may in fact help others to get involved in the planning process in an earlier stage.

Secondly, there's no real institutionalization of citizen participation within The Planning Act, although in Section 23 subsection (c) you do mention the fact that one of the general intentions of the district planning bodies is to encourage citizen participation. There is no way like a citizens' advisory group, say, between municipalities; there is no way that that is in fact proceeded with or mentioned anywhere in the Act, and that might be something you might want to look at in terms of an amendment.

As a third emphasis in participation, I think you do put citizens in a position where they'd simply be reacting to plans developed by public officials, and that is they are not really involved in a stage of finding out what the goals of community are, they're more involved with just reacting to pamphlets or books put out by the planners. I think that's something that can usually be avoided.

Fourthly, and it's such a small point - I'm not just sure it's just the reading of the bill or not, but in Section 12, subsection (c) and article (d), you mentioned that a document, a planned document should be made available to citizens. Well my experience for planning has been, that unless you go out of your way to circulate the planning documents, people don't really understand the implication that these documents have; and to say that the documents should not only be readily accessible, but also circulated, is just a small change in the Act which could help out quite a bit in this area.

Going on to another point - and this perhaps comes more academic at this point, and I'll just go over it quickly - I don't think it's ever been shown in municipal government in Canada, and it's not an immediate concern yet because the bill isn't working - that it's never really been shown that you can have one organization - I don't want to call it a level of government, I think that seems to be a controversial phrase - one organization which has the ability to plan, and the other one which is carrying out the service function only. That is, you're setting up a situation where one organization is defining what another organization can do, and what is found in most cases is that the smaller municipalities are left with the more mundane tasks of carrying out service operations like actually laying the sewer pipe or actually placing an area or building a playground; that council work becomes less important in people's lives and they generally pay less attention to it, so you have the problem there where people can get into a fight over the areas of jurisdiction. This is not a short term problem but something you should think about in the long range.

Thirdly, is that if you set up a system of representation - and I know judging by your conversation here tonight, you're not all clear exactly how that's going to go - but that citizens in rural areas especially, and this has been the experience again in other areas in Canada, generally do not find the indirect system of representation to be a good one. That is, where you have a planning body consisting of members from Council, chosen in this case by the Provincial Government or approved by the Provincial Government, there's nothing to say that that in fact will reflect what the municipality or what their community wants. And I realize that opens up the whole question of how you go about representing an area, but I think you'll find that if you look at what other people's experience have been, the indirect system has been perhaps the least attractive and the least viable.

Fourthly, and a very minor point, is that when you talk about the chairman, the chairman of the planning district has not been specified as to what his role is - and the experience once again in other jurisdictions is that one area where they ran into a lot of trouble and people never perceived it as being a problem, is that there's a difficulty between the chief executive officer, in this case the chairman, and the chief administrative officer, in this case a secretary or secretary-treasurer, as to what their functions are and whether it can just be spelled out later on in general terms or whether it should be laid out in the Act - you should take that into consideration immediately because that is a very controversial position other people have gotten into.

And I think another point that I wanted to make and one that's been talked about here, and

June 16, 1975

(MR. WALKER cont'd) that is planning in the additional zone. Some research that I have done on land ownership and development corporations leads me to suggest that unless the Provincial Government is going to come in very strongly in the transition area, that you might find the additional zone being seriously compromised in the next two or three years by the sort of proposals that these companies are proceeding with and beginning to get ready to submit to the local governments. That is, land ownership is changing; large development corporations are moving into the additional zone, they'll want to do something with their land, and the best time will be before the new planning districts come into power. I suggest that the Provincial Government may want to take that into account.

I think that that generally summarizes the sort of comments I wanted to make, Mr. Chairman.

MR. CHAIRMAN: Are there any questions? Mr. McGill.

MR. MCGILL: Mr. Chairman, to Mr. Walker. You were encouraging or recommending a more direct citizen participation in the structuring of these district planning councils. Do you take from the proposals contained in this bill that there is perhaps a sort of danger of a domination by a professional planner in the District Planning Board as it's now constituted or proposed to be constituted?

MR. WALKER: Well planning is very controversial that way and the planners often villainize. I don't know whether I would say that - he's been given a very important position in this legislation obviously, but there's also provision for the politicians to also be very prominent and it's very difficult to say at this time as to who will in fact be the most prominent person. I would say that anything we can do to strengthen the participation and the political aspects would be to the betterment of the bill.

MR. MCGILL: In one regional planning board that has been used and is operating at the moment, it's structured by having one elected member of council and then one citizen appointed by the reeve and councillors of the municipality, and I think there are four municipalities participating, so that would be the way in which that membership is established. How would you feel about that kind of structure?

MR. WALKER: I'm not just sure whether - and I don't know rural Manitoba well enough to really say this definitively - I'm not just sure whether it's better not to have elections for the people who are represented on the development or the District Planning Group rather than just a citizen appointed by council. Do I assume he's appointed by the local council?

MR. MCGILL: Yes.

MR. WALKER: Well the wider you can get the participation the better off you are, because it is going to be a very essential organization within five years. So if there can be elections - I understand people's arguments against elections, but if there can be, I think it would be better off.

MR. MCGILL: You're suggesting then that each member of the District Planning Council be elected by the people for that purpose?

MR. WALKER: Yes, that's right.

MR. CHAIRMAN: Are there any further questions? The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Just for clarification on that. Elected for that purpose rather than being an elected representative from the council.

MR. WALKER: Yes. I know it's a very controversial point to make, but you find - or they have found in other areas that the line of responsibility becomes less clear to people when it's indirectly appointed, whereas if it's directly appointed, that becomes a man's primary concern is the fact that it's the planning he's getting involved with. He's more inclined for instance to report back to people if he's directly elected for that purpose.

MR. PAWLEY: Now the only - I guess the criticism that we would hear to that is that we would then be forming another form of government, level of government?

MR. WALKER: It's going to be very hard to avoid that criticism for the next few years anyway I would think. The question is, what sort of organization can best serve the purpose, I think.

MR. CHAIRMAN: On behalf of the committee I would like to thank you, Mr. Walker, for expressing your concerns about Bill 44. The hour being near 12:00, I think we can entertain a motion for adjournment. Committee rise? Does anyone else wish to . . . ?

MR. PAWLEY: Mr. Chairman, just so that we have clarification, because I think that

(MR. PAWLEY cont'd) there's one or two of us that probably had plans tomorrow morning, there's been no rescheduling of the Municipal Affairs Committee, has there, as of tonight?

MR. CHAIRMAN: No, there hasn't, not to my knowledge.

MR. PAWLEY: But it would not meet tomorrow morning, would it?

MR. CHAIRMAN: No. Law Amendments at 2:30. Is it the wish of the committee to . . . ?

Mr. Johnston.

MR. G. JOHNSTON: I am quite concerned about two bills that are coming before this committee, although I'm not a member of the committee, and I don't like the idea very much of having to be in two places at once at that particular time.

MR. CHAIRMAN: Right. So could this be set aside then? We'll set this question aside and let it be decided by the House Leader. Mr. Johannson.

MR. JOHANNSON: I move that we proceed clause by clause through the bills.

MR. PAWLEY: When?

MR. JOHANNSON: Now.

MR. G. JOHNSTON: Mr. Chairman, I believe you asked to entertain a motion to adjourn, and the Member for Fort Rouge signified the intention. Now if the Member for St. Matthews wishes to proceed, I think you have to dispose of the motion first.

MR. CHAIRMAN: You've heard the motion . . .

MR. CLERK: Which motion are you talking about?

MR. CHAIRMAN: Committee rise.

MR. JOHANNSON: Just a moment. Mr. Chairman, who is a member of the committee? I would like to determine that first.

A counted vote was taken, the result being as follows.

MR. CLERK: For, 5; Against, 6.

MR. CHAIRMAN: I declare the motion carried. Mr. McGill.

MR. MCGILL: The Minister has already indicated that there are some amendments as a result of this meeting that he proposes to consider.

MR. PAWLEY: Was it your intention that we deal with the Planning Act?

MR. JOHANNSON: Mr. Chairman, there are a number of bills before the committee and some of them can be disposed of quite quickly, I would think.

MR. PAWLEY: Oh, so your suggestion was not that we go ahead with the Planning Act?

MR. JOHANNSON: We can certainly make a start, that's what my suggestion was. I would suggest that we start with the less controversial bills.

MR. CHAIRMAN: The Honourable Mr. Doern.

MR. DOERN: Mr. Chairman, could I ask a question? Is there any way of us determining when we could meet again tomorrow? Is there any way we can ascertain that, as to whether this committee could meet at the same time as Law Amendments, for example, at 2:30. Can we determine that or not at this point?

MR. MILLER: Mr. Chairman, if we have one bill, two bills, we might be able to meet at the same time as Law Amendments are meeting, but if we have eight bills, it makes it very difficult. That's why I feel that perhaps we should get rid of most of the bills here and be left with one, then I'm sure some accommodation could be made tomorrow to deal with the one bill.

MR. PAWLEY: Well could we deal with every bill but 44? 44 - and 50, I would imagine would be a fairly contentious bill too, wouldn't it? Is 44 the only bill that would take a long time to deal with?

MR. MILLER: Let's start and find out.

MR. DEREWIANCHUK: Let's start with Bill 27.

MR. CHAIRMAN: All right. We'll proceed into the consideration of Bill 27, an Act to amend the Municipal Act. How shall we proceed?

MR. JOHANNSON: Page by page.

MR. CHAIRMAN: Page by page, it is agreed. (Pages 1, 2, 3, 4, 5, 6, 7 and 8 were read and passed.)

Page 9 - there's an amendment for Page 9. Mr. Johannson.

MR. JOHANNSON: Yes, Mr. Chairman. I'll move, seconded by the Member - do we need a seconder on these?

MR. CHAIRMAN: No.

MR. JOHANNSON: Okay. I'll move that the proposed clause 721(1)(a) of the Municipal

(MR. JOHANSSON cont'd) Act as set out in Section 21 of Bill 27 be amended by adding thereto immediately after the word "registered" in the second line thereof, the words "or certified".

MR. CHAIRMAN: Page 9 as amended - passed; Page 10 - passed; Preamble - passed; Title - passed. Bill be reported.

Bill 33, an Act to Repeal an Act respecting the Town of Portage la Prairie. Page 1 - passed. Preamble - passed. Title - passed. Bill be reported. Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, before the train continues, the Member for Portage had made a specific request - this is a bill that directly affects his constituency, and he had made a request that they be allowed to be present when the bill was being considered. And I would think some courtesy, if not much, should be allowed in terms of individual bills that affect members in their own constituency.

MR. CHAIRMAN: Mr. Johnston of Portage is not here.

MR. MCKELLAR: Well, should it be set aside?

MR. PAWLEY: He's not a member of the committee.

MR. JOHANSSON: I don't think that is a point of order. The member is not a member of the committee. But as a Member of the Legislature he had every right to sit in on the proceedings. He did sit in on the proceedings up till 12:00 o'clock, he chose then to walk out.

MR. PAWLEY: He's the sponsor of the bill.

MR. MCKELLAR: You can sponsor a bill and still be against it.

MR. PAWLEY: Pardon?

MR. MCKELLAR: You can sponsor a bill and still be against it.

MR. AXWORTHY: It doesn't matter - after all, that's the way they play games here.

MR. CHAIRMAN: Bill 33 - passed. Bill 36 - An Act to vest Title to Certain Land in the City of Portage la Prairie. Page 1 - passed; Page 2 - passed; Preamble - passed; Title - passed. Bill be reported.

We have agreed to set aside Bill 44, 45, 49 - we had a presentation on Bill 45. Now, there may be . . .

MR. MILLER: There's no problem.

MR. CHAIRMAN: All right. (Agreed). 45 - Page 1 - we have an amendment for Page 1.

MR. MILLER: I would move that the proposed Section 9(1) of the Convention Centre Corporation Act set out in Section 1 of Bill 45 be amended by adding thereto at the end thereof the following subsections: Grant in lieu of taxes 9.1(4) the corporation shall in each year pay to the City of Winnipeg, a grant in lieu of taxes calculated by the City Assessor as an amount equal to the amount assessable in that year against occupiers of that Convention Centre and the land described in clause 1(b) in accordance with subsection 155(1) and 158(11) of the City of Winnipeg Act.

Exemption of occupiers from the Municipal Act 9.1(5) where in any year the corporation pays a grant in lieu of taxes under subsection 4, the occupiers of the Convention Centre and the land described in Clause 1(b) are exempt in that year from the payment of any tax assessed or levied against them under subsection 155(1) and 158(11) of the City of Winnipeg Act.

MR. CHAIRMAN: Page 1 as amended - passed; Page 2 - passed; Preamble - passed; Title - passed. Bill be reported.

Shall we deal with 49? Bill 49, Page 1 - passed; Schedule A - passed; Preamble - passed; Title - passed. Bill be reported.

50, what about 50? Fine. Page by page. Page 1 - passed; Page 2 - Mr. Miller.

MR. MILLER: Mr. Chairman, the amendments on . . . I can't move . . .

MR. DOERN: I move that Bill 50 be amended by striking out Section 6 thereof and re-numbering Sections 7 to 21 accordingly.

MR. CHAIRMAN: Page 2 as amended - any discussion? Go ahead.

MR. JOHANSSON: Just a moment, Mr. Chairman. The proper procedure is that you pass the amendment, first amending the page.

MR. CHAIRMAN: And the discussion?

MR. BANMAN: Keep on trucking.

MR. DOERN: Move the amendment.

MR. CHAIRMAN: Section 6 as amended - passed; Page 2 as amended - passed. Page 3 - passed; Page 4 - passed; Preamble - passed; Title - passed. Bill be reported.

51 - is there an amendment on 51?

MR. PAWLEY: Oh yes, now - excuse me. Mr. Chairman, I just recall I gave my word to the Honourable Member for Pembina that we would not deal with this section by section in his absence. He has an amendment, I know.

MR. CHAIRMAN: Is it agreed to set aside then Bill 51 and 44? (Agreed). Committee rise. (Agreed).

MR. PAWLEY: Mr. Chairman, before we adjourn, before we depart here, there's no chance that we would be meeting in the morning I gather, because some of us have these district meetings to go to.