



Legislative Assembly of Manitoba

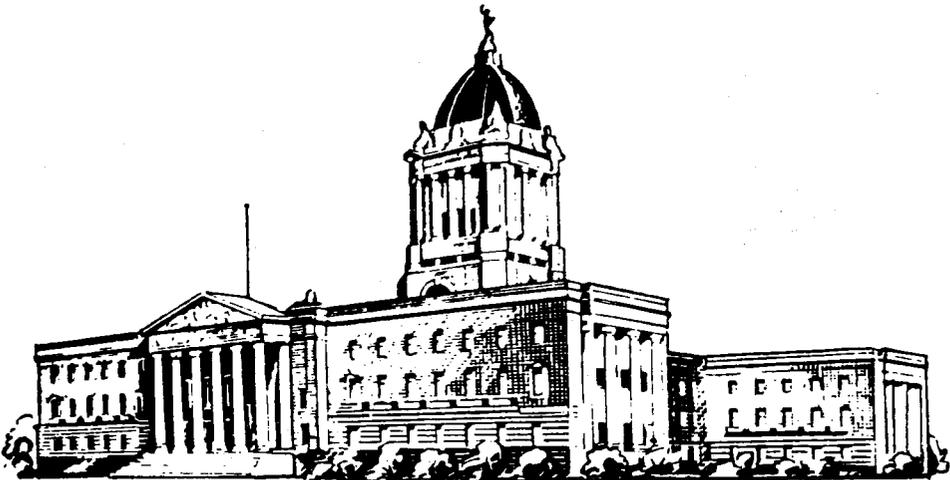
STANDING COMMITTEE

ON

MUNICIPAL AFFAIRS

Chairman

Mr. Arnold Brown
Constituency of Rhineland



Tuesday, June 20, 1978 10:00 a.m.

**Hearing Of The Standing Committee
On
Municipal Affairs
Tuesday, June 20, 1978**

Time: 10:00 a.m.

CHAIRMAN: Mr. Arnold Brown (Rhineland).

Nomination and Election of Mr. Brown as Chairman. (Agreed).

MR. CHAIRMAN: The first order of business is going to be an adoption of a quorum, and I would suggest that there should be a membership of six. Is this agreed. (Agreed)

We have a quorum.

We are meeting today to discuss Bill No. 8, An Act to Amend the Portage la Prairie Charter; Bill No. 12, An Act respecting the City of Brandon and Bill No. 18, An Act to amend the Brandon Charter.

We have some presentations over here that would like to speak: there's a Mrs. MacDougall from the R.M. of Cornwallis, I presume that would be on Bill No. 18; we have Phil Hall from Brandon. Are there any other presentations to be made?

MR. MacDONALD: Mr. Chairman, my name is Elliott MacDonald, and I would like to speak with respect to the bill annexing land to the City of Brandon.

MR. CHAIAN: Thank you. Are there any further presentations?

MR. G.D. BOX: Mr. Chairman and members of the committee. My name is Gil Box, I am the Mayor of Brandon and I wish to make a presentation in support of the bill.

MR. F. WEISGERBER: I am Felix Weisgerber, Reeve of Cornwallis. I would like to speak to Bill 18.

MR. WES SMITH: My name is Wes Smith. I am a spokesman for Larkhill Trailer Court, which is going to be closed down shortly, concerning Bill 18.

MR. ROLAND ELLIOTT: My name is Roland Elliott, of Brandon Mobile Home Owners Association, in support of Bill No. 18.

MR. CHAIRMAN: Any further presentations? Then we should start with the first one on the list, and that is Mrs. MacDougall from the R.M. of Cornwallis. Is Mrs. MacDougall here?

MRS. MacDOUGALL: Mrs. MacDougall from the R.M. of Cornwallis. I decline to speak. Mr. Weisgerber will handle it.

MR. CHAIRMAN: Okay, thank you.

Number two is Mr. Phil Hall of Brandon. Is Mr. Hall present?

MR. PHIL HALL: Mr. Chairman, I have copies of my brief. Would that be all right?

MR. CHAIRMAN: That's fine.

MR. PHIL HALL: Mr. Chairman, Members of the Committee:

My name is Phil Hall, owner-operator of Brentwood Village Mobile Home Park in the City of Brandon.

Brentwood Village is one of the older Mobile Home Parks in the City; it has been there for approximately years, much longer than the boundary that goes down the immediate edge of the property. Brentwood

Municipal Affairs
Tuesday, June 20, 1978

was originally called the Cornwallis Trailer Park. It was granted one expansion by Cornwallis Council.

At present we have over 40 families on our waiting list that would like to rent spaces in the new development. Our existing park is full to capacity and has been for the past two years. Why do we have these 40 when there are apparently 70 lots available in the north end of Brandon and why has Brentwood not had a vacant lot in these two years? The following, I feel, are some of the reasons:

1. Location - close to Brandon Shoppers Mall which has 20 plus stores as well as Woolco, Safeway and Canadian Tire outlets.
2. Brentwood is the only Mobile Home Park in the City with all 200 amp. underground electrical services and fully paved streets.
3. Brentwood is probably the only Mobile Home Park in Brandon where the tenant can sell their home without management's prior approval.
4. Brentwood does not have rules and regulations that place an oppressive atmosphere over the tenants.
5. Brentwood's tenants have access to prepared garden areas at no charge.
6. Black dirt and gravel have been stock piled for landscaping purposes and are delivered to the tenants sites at no charge.
7. Brentwood's management is full-time, and looks after all Park maintenance, that is, sewer and water lines, as well as snow-clearing.

There may be some concern amongst the Committee about setting a precedent that would see many boundary disputes come before the House. I think that you will find this case to be unique and I don't think there are similar circumstances elsewhere in Manitoba.

No. 1. A business on the border of two local governments wishing to expand its facilities.

No. 2, the obvious need in an area of housing that has to be looked at immediately. No government can go against the wishes of the people forever. If I were planning on using this land for a housing development

we would not be here today. The City of Brandon is on record saying they do not need land for this purpose. If I were starting a new mobile home park I would expect a difficult time in convincing people of this location, but for a businessman to go through the agony of the past three years in order to expand his business is unbelievable in a free enterprise society.

People who are calling me for rental spaces are not concerned about invisible boundary lines; they are seeing a Mobile Home Park with no vacancies and an empty field beside it, and a developer anxious to proceed with plans for a Park to suit their needs. A large number of my inquiries are from young married or to-be-married couples seeking to have their own place. Are they to be denied this privilege for the sake of "setting precedents" or because of a disagreement between municipal and city governments? Does this seem fair?

I do not believe there is a problem in allowing this annexation for fear others will follow with further land requests. As mentioned earlier, the City of Brandon only needs this area for mobile home accommodation. This decision should be made on the basis of need and need alone. This need has been acknowledged by the City of Brandon, the R.M. of Cornwallis, the Municipal Board, and by many many mobile home owners, who want a choice of location on which to place their mobile homes. This is the irony; everyone agrees that there is a problem, there is a need, and here I am, the owner-operator of a Mobile Home Park, with land available adjacent to the existing Park for expansion, and the only thing holding this expansion is an invisible line, on one side the City of Brandon, on the other the Rural Municipality of Cornwallis. I don't think I would have had as much difficulty if Brentwood was on the Canadian-American border.

Trying to be as objective as possible from my position on the fence, and that's literally, I suppose the City of Brandon has to shoulder some of the blame for the present situation. However, they have tried on three different occasions to establish mobile home parks within their present boundaries. The locations met with stiff objections from area residents.

In the past ten years developers have not been breaking down the doors of City Hall with requests to develop mobile home parks within the city; the reason - simple - the return of the developer's investment is not as large or as quick as in a housing development. For this reason it would seem more sensible to expand existing parks than to create new ones.

There have been many petitions, delegations, and letters in support of the Brentwood expansion. The only objection I have heard was from Cornwallis Council. Their objections cannot be for from loss of tax revenue. Three years ago I offered to pay 10 years advance taxes which they refused, saying money was not the issue. At - that time the figures was around \$1,700 for these ten years for the whole 83-½ acres. In the past years, I have spent \$5,000 in legal fees alone. The yearly loss of revenue by Cornwallis would be about \$89.00 per year on the 37 acres in question.

In a conversation with Reeve Weisgerber about my situation, he made two proposals for me to consider. Number one, I could buy out or become a partner in a mobile home park which Cornwallis have been desperately trying to establish for the last five years. Cornwallis has as much trouble as the City of Brandon in finding a developer. Number two, that I purchase land from Cornwallis that

Municipal Affairs
Tuesday, June 20, 1978

they presently own in the City of Brandon, move my existing park there, sell my frontage and make a bundle.

Now getting to the Cornwallis resolution and their five conditions for the annexation of 37 acres.

Number one, the total areas, old and proposed to be used for the mobile home park are to be rezoned "Mobile Home Park". The existing park is already zoned "Mobile Home ark", and the city will not let the 37 acres be zoned for anything else. This area is for mobile homes and nothing else.

Number two, the total area thus rezoned will be retained as an area zoned "Mobile Home Park" for a period of at least 10 years. Now if they're referring to the 37 acres only, this is acceptable as it has been designed for and only for mobile homes. If they are including the existing Brentwood Village, then I feel Cornwallis is being unreasonable as this land is not in their jurisdiction. If the City of Brandon requires some assurance or guarantee that this land will remain a Mobile Home Park for a reasonable time, I will only be too willing to oblige. I have no plans to close Brentwood, but everyone knows the area, even Reeve Weisgerber is aware that some day it will become commercial property.

The existing lot sizes average 37 feet by 73 feet and considering the average mobile home is presently 14 feet by 72 feet with 78 footers now on the market, these lots are obsolete right now. When better parks become available in Brandon, the old parks will naturally phase out. This course of events is natural and already is happening within the city. What is not happening, is the replacement of these parks with new and better facilities in sufficient numbers to fill the needs.

Nuer three, all lots in the Mobile Home Park will be offered on an individual rental basis and will not be sold as a mobile home sub8division with individual ownership, nor will they be assigned in block packages to mobile home dealers. This clause provides no problem as I do not believe in block packages and have never intended doing business in this manner.

Number four, the parcel proposed for annexation for Mobile Home Park pur must be developed this year. I have talked with this Mr. Weisgerber on this and he is aware there is a swamp area and a septic field on the 37 acres. I have planned for at least 100 sites to be on stream this year, 50 of which will be available immediately.

Number five, should rezoning for additional mobile home parks elsewhere in the city not be successful as proposed by the City of Brandon Development Plan and following immediately after adoption of that plan, the City of Brandon will guarantee to take steps to establish as a municipal venture a mobile home park of sufficient size to provide for the estimated needs of the city for a 10 year period. I think the city has already taken steps in this direction and while I do not like my tax money being used to start up competition against me, I am also aware that developers have not been forthcoming and the need is so great something has to be done. On this basis, I would not object.

Let's look at what a negative decision would mean. The 37 acres will remain out of production as it has been for over three years, of no benefit to the community at large. The immediate shortage of mobile home sites will not be rectified nor will there be any immediate choice of location for mobile home dwellers. With rent controls in effect and the existing rents being the lowest in town at \$60.00 per month, an economic squeeze has been placed on the existing facilities. Since the spring of 1974 when the rent was \$50.00 per month, property taxes have more than doubled, \$2,850 in 1974 to \$7,375 in 1977, city water is up 45 percent and hydro increases are right up there as well.

A positive decision will mean over 100 sites being placed on the market at a time when they are so urgently needed. The expansion will soften the economic problems that the existing Brentwood now faces. At a conservative estimate of \$3,000 per site for services between \$30 and \$400,000 will be spent within the next year again at a time when unemployment is high. No government assistance of any kind has or is being requested in the form of grants or subsidies.

I have exhausted all avenues available to me and this committee represents the highest court in this manner. I have no recourse from your decision. I would appeal to you to view this situation from the people's point of view, the need to do something positive now in a situation that has been festering in Brandon for the past three years. Thank you, gentlemen.

MR. CHAIRMAN: Thank you, Mr. Hall. There'll be some questions asked of you, I suppose. So if you would remain at the mike, the Minister of Municipal Affairs has indicated that he would like to ask some questions of you.

MR. MERCIER: Mr. Hall, do you own all of the land that is the subject of the annexation bill?

MR. HALL: No, I don't, I have, however, an option agreement dated the 30th day of April, 1975

Municipal Affairs
Tuesday, June 20, 1978

and Clause 5 in that option says, "The vendor hereby covenants and agrees that as and from the 1st day of May, 1975 until the date of exercising the option herein there described, the purchaser shall have the absolute right to the use and enjoyment of all or any part of the option property, more particularly described in Schedule A attached hereto. (a), the vendor further agrees that the purchaser shall have the right to develop all or any part of the option property etc., and that the purchasers shall have the sole and absolute right to the use and enjoyment of those improvements made by the purchasers to the above described property until the date of either the expiry of the option period as herein set forth, or the date of exercise of the option whichever comes first." I can pick up that option this afternoon, there's no limit. It would run for another two years if it is allowed to go the full term of the option period.

MR. MERCIER: You're advising the committee then that you have an enforceable option to purchase all of the property which is the subject of the bill?

MR. HALL: Yes, Sir.

MR. MERCIER: Have you checked the legal description in the bill?

MR. HALL: I have. Apparently there was an error made in the original bill and I believe that there has been an amendment, at least that's my understanding.

MR. MERCIER: I just want to confirm what you said. The zoning of your trailer park within the boundaries of the City of Brandon is zoned "Mobile Home Park"?

MR. HALL: Yes, it is. I checked yesterday at City Hall just for verification and this is what the Real Estate Department says it is.

MR. MERCIER: So all of that property cannot be used for any other purpose without a change in zoning?

MR. HALL: That's correct.

MR. MERCIER: Thank you very much, Mr. Hall.

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

MR. MINAKER: Mr. Hall, you have stated in your presentation under Item 3, all lots in the mobile home park will be offered on an individual rental basis. What would be the length of the lease, or what is the standard length of a lease when this property is rented?

MR. HALL: In Brentwood Village there are no leases as such. We have a 30-day mutual agreement. A tenant will give me 30 days if he wishes to move or be transferred, whatever — in the case of a problem, I would have 30 days for an eviction, as well.

MR. MINAKER: So under Item 3 then, the individual rental basis is on a 30-day notice on all . . .

MR. HALL: That's correct, yes.

MR. CHAIRMAN: The Member for Seven Oaks.

MR. MILLER: Mr. Hall, on Page 3, Item No. 2, you refer to — and it's in quotation marks so I assume that's one of the conditions, or part of the resolution passed by Cornwallis?

MR. HALL: Yes, it is.

MR. MILLER: It says, "The total area thus rezoned will be rented as an area zoned Mobile Home Park for a period of at least ten years." It will be retained as an area for at least ten years, and you are objecting to that, I gather?

MR. HALL: Well, if the City of Brandon request that particular item "for ten years", then I would certainly have to go along with it. They have the jurisdiction, I'm just not convinced that Cornwallis should make this request of me, because the land is already in the City, it is zoned — as I previously

Municipal Affairs
Tuesday, June 20, 1978

mentioned — for Mobile Home Park. I would have an awful time, especially with the conditions that are in Brandon right now, if I decided to sell that property tomorrow, which I guess I could legally do. The rezoning problems that I would have would be unbelievable.

MR. MILLER: Well, that may be but the idea that an annexation of 37 acres tied in to your existing operation, making for a larger mobile home park, would you have any particular objection if, indeed, Brandon went along with the Cornwallis suggestion and the entire area was zoned for mobile home park purposes for a ten year period, if that was a condition imposed by Brandon? You say it's their jurisdiction and not Cornwallis'.

MR. HALL: If Brandon made that request, I would have to go along with it.

MR. MILLER: I see. So you, personally, would have no objection.

MR. HALL: Not if Brandon made the request. I think that ten years is an excessive period of time and you would have to look at the existing mobile home park, the size of the lots, the facilities as far as sewer and water, I'm mainly concerned about. We are the only park, as I mentioned, with paved streets — we're a super-modern park, with obsolete lot sizes. That's the problem.

MR. MILLER: All right, thank you very much.

MR. CHAIRMAN: The Minister of Co-operative Affairs.

MR. MCGILL: Thank you, Mr. Chairman. I wanted to ask Mr. Hall a few questions just along the line that was being pursued by the Member for Seven Oaks. The area really in question, Mr. Hall, is the frontage area along that service road that you have described as becoming somewhat obsolete, and you were prepared, I think, to agree that this land would not be sold for other purposes for a reasonable length of time?

MR. HALL: That's correct..

MR. MCGILL: Which you consider to be how many years?

MR. HALL: I originally wrote a letter to the City of Brandon, at their request, saying that this . . . would I agree to a five year freeze on the property? This I, in fact, did. In further negotiations, Cornwallis came back and asked for a ten year, then it seemed like a trade-off, and I said, "Well, if they want a ten year, I'll go down to a two year," but I would still go with my original five year which I think is a reasonable period of time in this matter. It would buy the City of Brandon enough time to establish more facilities within the boundaries.

MR. MCGILL: I gather then, Mr. Hall, that you feel that if the city is successful in developing new mobile home sites, perhaps more remote from busy traffic arteries like No. 10, that they would be perhaps more desirable than frontage lots on a highway for mobile home sites, and that conceivably the market for sites for mobile homes immediately adjacent to busy highways would fall off, and people would move to quieter areas of new developments. Is that correct?

MR. HALL: I think if there was better mobile home sites within the city, yes, I would lose some tenants off of my frontage property.

MR. MCGILL: So that the area which you would like to acquire now, being more remote from the highway, would be more desirable siting for mobile homes?

MR. HALL: For residential area, by far, it would be.

MR. MCGILL: Is your reason for objecting to ten years, that in ten years perhaps people might not want to live in mobile homes on that present frontage site?

MR. HALL: I think the natural course of events with the . . . every year we are coming out with larger mobile homes — right now in the U.S. they are producing a 16x90 footer — right now at 72 feet we are wall to wall mobile homes on our existing sites. I'm, in a way, ashamed to rent the facilities but there is no alternative. People will take this basically because of its location at the present time in proportion to the area shopping centres, as I mentioned in my brief. I think if there were larger lots back of the frontage, then I think the location would be retained, but the undesirable

aspects would be removed, insofar as traffic and so forth.

MR. MCGILL: Mr. Hall, the Attorney-General asked you certain questions relating to the ownership of the land in question, and the option which you would have on that land. You are satisfied that the option enables you to pursue this matter and to favour the annexation of the property which is owned by another person into the City of Brandon; does the present owner agree with the proposal and is he prepared to support a decision which might change the status of his property?

MR. HALL: He has never said anything against it being brought into the city. I think that — at least my legal counsel tells me that the option agreement is a valid document — I have spent \$20,000 in local improvements on the land in the past three years, as well as I have situated my mobile home — a double wide on this particular piece of property. So my intention is certainly of picking up this particular option. If it had to be done, if the Committee suggested that it had to be done immediately, so be it; in the option I have the right to do it, like I say, this afternoon or whatever, but I understand that the agreement is valid and proper and I am just going with what my attorney tells me on that.

MR. MCGILL: Thank you, Mr. Chairman.

MR. CHAIRMAN: Are there any further questions? Thank you, Mr. Hall.

MR. HALL: Thank you, gentlemen.

MR. CHAIRMAN: Mr. MacDonald.

MR. MacDONALD: Mr. Chairman, and members of the Board, my appearance this morning is of very short notice, my instructions being within the last hour, and secondly, my representation this morning is very limited.

I am appearing on behalf of Mr. Anderson of Vancouver who, I believe, is the registered owner of a portion of the lands or the lands that Mr. Hall was referring to, and the lands that maybe the Attorney-General was inquiring about the enforceability of the option agreement. I understand from Mr. Anderson that on the first reading of the bill the Committee asked that his consent be given and Mr. Anderson wants to record that he is not prepared at this time to consent.

He raises the point that in that option agreement there is some question regarding its enforceability. Now, if I understand the situation correctly, Mr. Hall has an option to purchase all or any portion of certain described lands; the option has to be exercised at some future date and I don't think that date has yet been reached. The point is, however, that the option also provides that in exercising it, he must exercise it with respect to either one parcel, parcel one or parcel two. One of those parcels must be included in the land to be optioned — or to be exercised — and I understand that in the option agreement, parcel one and parcel two are not described. In other words, there is great vagueness about the land that the optionee has the right over and the land that he has the right to purchase, and Mr. Anderson questions, and he raises that question to put before this Committee, the enforceability of that option. He asks that my representation this morning duly record that his consent is not at the present time going to be given to the annexation.

MR. CHAIRMAN: Thank you, Mr. MacDonald. Just a moment, there are some questions that will be asked of you.

The Minister of Municipal Affairs.

MR. MERCIER: Mr. MacDonald, would Mr. Anderson not acknowledge that if the bill were to be passed that the value of the property would probably be increased substantially? Well, I shouldn't say substantially, but be increased.

MR. MacDONALD: Well, Mr. Minister, as I said my instructions were very limited and on very short notice this morning and I don't know what his position would be in that regard.

MR. MERCIER: Would his position be related to increased taxation if the land were annexed and Mr. Hall and he were not able to come to an agreement under the option to purchase?

MR. MacDONALD: I don't know what to say in that regard, Mr. Minister, because my knowledge of the background of the situation is quite limited. Mr. Anderson's only instructions were with respect to his consent which apparently had been requested on the initial reading of the bill and he was not, under the circumstances b% and he raises the point about the agreement — prepared to give

Municipal Affairs
Tuesday, June 20, 1978

that consent.

MR. MERCIER: Is your position then that the bill not be passed without the consent of the registered owner, Mr. Anderson?

MR. MacDONALD: I don't know the basis of the request for the consent; the consent apparently was asked for on the initial reading, on the introduction of the bill. That is my knowledge. And as I say, I'm standing here with very limited background and very limited knowledge of it.

MR. MERCIER: I appreciate that, Mr. MacDonald, but is your position then that the bill should not be passed?

MR. MacDONALD: I would think the bill should not be passed if he doesn't give his consent.

MR. CHAIRMAN: Are there any further questions? The Member for Brandon East.

MR. EVANS: Thank you, Mr. Chairman. I wonder if Mr. MacDonald could — maybe I didn't hear the reasoning because there was some other conversation going on — but could Mr. MacDonald indicate why Mr. Anderson at this point does not wish to give his consent? I might add for the record that the Committee itself, the Legislature itself, did not request a letter indicating Mr. Anderson's position and that although I must say that I indicated to colleagues in the Legislature that my understanding was that Mr. Anderson was in discussion and conversation and in negotiations with Mr. Hall and was agreeable to giving a consent letter and that the consent essentially being that he had no objections to this property being transferred from the jurisdiction of the Rural Municipality of Cornwalli to the jurisdiction of the City of Brandon. It comes as something of a surprise if not a shock to some of us regarding Mr. Anderson's presumed change of position. I wonder therefore if Mr. MacDonald could indicate what is the reasoning for Mr. Anderson not wishing to give his, what you referred to as his consent, at this time.

MR. MacDONALD: Mr. Evans, I'm embarrassed appearing here, not being able to give you the details behind that, and I regret that. I am embarrassed again just by repeating my simple instructions but I understand Mr. Anderson does not want to give his consent to the bill. I repeat again, he questions the enforceability of the option agreement, and that I believe is some of the reason behind his failure to give his consent. I regret that that is not an adequate answer, Mr. Evans.

MR. EVANS: Yes. Mr. Chairman, I am sure Mr. MacDonald realizes the question of consent being given by a person such as Mr. Anderson is — it's useful and interesting and important information — but nevertheless it doesn't have any legal bearing on what the Legislature of Manitoba does.

MR. MacDONALD: I can appreciate that. Was his consent not requested though, Mr. Evans?

MR. EVANS: Not by the Committee, nor by myself as one of the MLAs for the area. It was thought useful for the Committee to have some indication that the present owner, namely Mr. Anderson, was agreeable to seeing that parcel of land that he now owns but optioned to Mr. Hall being transferred from one municipal jurisdiction to another.

As a lawyer, I believe you are, as a legal . . .

MR. MacDONALD: I am, sir.

MR. EVANS: . . . counsel, would you say there is some vagueness in regard to the option in terms of the actual boundaries, the actual land description, but is it your opinion — and maybe this is not a fair question, Mr. Chairman, but I am interested — is it your opinion that this is a legally binding option agreement? Is this a fair, legal option agreement?

MR. MacDONALD: I would have to preface any remarks I say, Mr. Evans, by the fact that I've never seen the option agreement, to be very frank. But I say this in general, that an option agreement, like any agreement, where the description of the land is so vague it cannot be understood or maybe enforced, may have doubts as to its enforceability. I take it Mr. Anderson is saying the land that is optioned, that the rights were given over, had to include if I understand him correctly, certain parcels, parcel one or parcel two, but then the land, the option agreement did not describe parcel one or parcel two. The option was to take an option of all or any portion of certain described lands but it had to include parcel one or parcel two. . . . And that is a very vague answer, I am

MR. EVANS: Yes, okay. Mr. Chairman, then to Mr. MacDonald, it could happen then, given the uncertainty of the exact boundary description, that — let us say hypothetically — Mr. Hall exercises his option on parcel one and for some reason or other, if this particular bill is passed with the specific boundary descriptions included in it, there is a possibility that Mr. Hall may end up — and this is strictly hypothetical — having to purchase let's say parcel one, part of which may be in Cornwallis and part of which may be in the City of Brandon. But does it nullify or negate in any way his legal right to exercise the option? It may be confusing, but he would be purchasing land from Mr. Anderson, part of which may be in one jurisdiction, part of which may be in another, but it's still a legally binding — as I would understand it — it's still a legal document, and if Mr. Hall chooses to exercise his option he may do so — if he himself is not concerned about this — without being overly upset whether part of it is in one jurisdiction and part of it is another.

Is it not the case, Mr. MacDonald, that in some instances people buy property, part of which may be in one municipality and part of which may be in another?

MR. MacDONALD: Yes, I think the invisible line that Mr. Hall talked about, an invisible fence, doesn't have any bearing upon the option agreement. I think the point is that when he goes to exercise that option agreement, and that's some time in the future because it has not been exercised yet, he has to exercise it with respect to parcel one or parcel two, and then parcel one and parcel two are not described, so how does he exercise that option? That may raise a real point. Now, it begs the question, and maybe he's going to exercise it to all of it, I don't know . . .

MR. EVANS: Yes. Well, okay. Thank you. Mr. Chairman, then I would ask Mr. MacDonald, would you describe that as a problem for this Legislative Committee on Municipal Affairs or is that a problem really for Mr. Hall and Mr. Anderson?

MR. MacDONALD: I think it's a problem for Mr. Hall and Mr. Anderson, yes. It's a problem of whether he has the right to exercise the option; whether he has an option at all that may be the point. I don't know how that affects this committee; I would likely agree with you that it may not affect this committee.

MR. EVANS: Thank you.

MR. CHAIRMAN: Are there any further questions? The Member for Swan River.

MR. DOUG GOURLAY: Mr. MacDonald, did I hear you correctly in saying that parcel one and parcel two make up the 37 acres?

MR. MacDONALD: No, I think there is 86 acres, all told, is there? Now again, I am embarrassed by appearing and not having those details, but I think parcel one and parcel two are part of the land being optioned and he can option it all or any part of it, but some part of it has to include parcel one or parcel two. There likely is more land than parcel one and parcel two in the total lands being optioned; I would think so.

MR. CHAIRMAN: Are there any further questions? Thank you, Mr. MacDonald. ayor Box of Brandon.

MR. BOX: Mr. Chairman, members of the committee, my name is Gil Box and I am the Mayor of Brandon. I wish to speak or present a brief in support of Bill No. 18, An Act to Amend The City of Brandon Charter. I believe all committee members have a copy of this brief. The land that is being asked to be annexed is 38.1 acres, being a portion of the southeast corner, Section 101019.

The recommendation contained in the report of the Municipal Board to the Minister of Municipal Affairs dated October 1977, which was last October, was brought about by what appears to us to be an erroneous conclusion of the Board that the city had not done its level best to provide appropriately zoned land within the city's limits to meet the need which exists. The need referred to by the Board is the area required for mobile home living.

Mr. Chairman, members of the Committee, I reiterate that the city has attempted to provide lands zoned for mobile home parks. However, in view of the opposition from adjacent property owners we have been unable to rezone land and the city has been taken to task in the past by the Municipal Board for not paying attention to objectors. The Municipal Board, in this report and recommendation to the Minister, suggests that if there is any justification for the proposed annexation it must arise out of need. Mr. Chairman and members of the committee, this is exactly what Bill 18 is all about,

Municipal Affairs
Tuesday June 20, 1978

the immediate need for additional mobile home park areas in the city. When we say immediate need, we mean exactly that, right now. If we don't have them we have many people who will not have a place to go.

When the city appeared before the Municipal Board in September of last year it was not aware of the fact that the mobile home park known as Larkhill, which provides 24 lots, and is located at the corner of 34th Street and Victoria Avenue, would soon be phased out and a commercial establishment provided. In addition, the city is now aware, quite recently, that Trailer Lodge, located at 18th Street immediately across from the Keystone Centre, will likely be phased out by July 1979 resulting in the loss of a further 28 lots. This intensifies the necessity to provide additional trailer lots now. The city has made a number of attempts to rezone land for trailer parks and has been unsuccessful, the latest of these being in 1973, City of Brandon By-law No. 4446 under Planning Scheme, 1973-G.

The by-law was given second reading after Council heard objections, and following a Municipal Board hearing, the Board by Order No. T-5/73, directed that the objections be allowed and the Planning Scheme not approved. It is to be noted that the Board was not persuaded that a need for new mobile home accommodation beyond available sites in the city had been established. The property is city-owned and located at 26th Street and Maryland Avenue. City Council, in a meeting dated June 12, 1978, quite recently passed a unanimous motion which was presented by the Mayor approving in principle the development of this vacant property as a properly designed mobile home park.

Now, I want to just elaborate for a second on the properly designed mobile home park, and it's not in the brief. We have a number of plans submitted which would compare favourably with a well laid out residential area. We are presently studying this very fine document from the Ontario Housing Authority, and we have other documents, some from Manitoba; it will be a well laid out mobile home park.

We feel that by the time we prepare the proper design and get approval of the necessary Provincial Government departments, it will take about 12 months; in fact we will do well to do it in 12 months. It is anticipated that within the next few weeks a by-law will be given first reading and advertising will be commenced, with the expectation that if objections are received a sympathetic hearing will be accorded by the Municipal Board. This will indicate to the Municipality of Cornwallis in a very real way the expansion of the boundaries to take in the full one-quarter section that has been discussed here recently this morning — to take in the full one-quarter section is not being considered by the city.

Mr. Chairman, repeating, a real need exists for an immediate expansion of facilities for mobile home parks within the City of Brandon. The immediate concern of the trailer owners in the city and those planning to move into the city — we are losing people who own a mobile home and would like to move to Brandon and do not come because there's no place — can be overcome with the limited expansion of the city's boundaries to take in the 38.15 acres.

We are not interested, in general, in expanding our boundaries as such. Our concern, at this moment, is for our people. It is a human need to relocate their homes.

My remarks, Mr. Chairman, are though, necessarily very general, and I am prepared to answer any questions that either yourself or the committee members may have. I also express appreciation to your committee, Sir, for the opportunity of appearing before you in support of passage of Bill No. 18, and this brief is respectfully submitted, G.D. Box, Mayor.

Before I close, I would like to point out that I have a letter — and it is properly attached to your brief — from our City Engineer, advising that it will present no difficulty to provide services to this 38.15 acres that is under discussion. Mr. Chairman, I'm prepared to answer questions.

MR. CHAIRMAN: Thank you, Mayor Box. The Minister of Municipal Affairs.

MR. MERCIER: Mr. Mayor, I wonder if you have any comments to make about the previous representations we've heard on behalf of the registered owner of the property, that he is apparently not prepared to consent or agree to the bill being proceeded without his consent.

MR. BOX: Mr. Minister, I could hardly believe my ears that a witness would appear with such poor backup as the last witness. He had nothing to back up what he said, whereas the previous witness states definitely, and quoted the sections under which he holds an option.

MR. MERCIER: Mr. Mayor, he did indicate that he was acting on behalf of the registered owner, and while he certainly admitted that he had a problem because he had just received his instructions from his client, it appeared that his client's instructions were pretty clear.

Municipal Affairs
Tuesday, June 20, 1978

MR. BOX: But, Mr. Minister, do you not think that if his client — a Mr. Andersson, is that the right name? — was this serious, he wouldn't have been taking legal steps long before this morning? It just doesn't make sense to me, Sir.

MR. MERCIER: I can't answer that question. I think only Mr. Andersson could answer that question, but I just wanted to elicit your opinion of the previous representation we heard.

MR. BOX: I thought it was a very weak representation.

MR. CHAIRMAN: The Member for Selkirk.

MR. HOWARD PAWLEY: Mayor Box, do you recall back in 1971, when the City of Brandon obtained through this Legislature a bill which annexed a large portion of the Municipality of Cornwallis?

MR. BOX: I wasn't on the Council at the time, but I am reasonably well acquainted with the situation.

MR. PAWLEY: You recall the purpose of the annexation at that time was to avoid having to return to the Legislature for piecemeal type of annexation.

MR. BOX: Yes, that is correct.

MR. PAWLEY: Well, we have a situation now where it appears that the city is not able to work within the boundaries of that area which was annexed back in 1971. Surely, within that very large area, it would have been possible for the city to have zoned a portion for trailer park development, would it not ?

MR. BOX: Yes, I agree with you. We made three attempts to zone, and each time were frustrated by the Municipal Board.

MR. PAWLEY: Did the Municipal Board actually turn down the application for rezoning?

MR. BOX: That's my understanding, although my brief only lists one order. But it is my understanding that we were not able to get it either through the Municipal Board — because we had so many objections from other residents — the Municipal Board said to us, "Take note of these objectors and don't come to us unless you have a clear slate." We had hoped to have proper mobile parks, maybe more than one, but we have been frustrated at every turn, until we come today with people who are going to be out on the street. We really don't want another 38 acres from Cornwallis — it's going to cost us money — but we don't see any alternative for these people. We are talking about human beings.

MR. PAWLEY: These three applications to the Municipal Board, have they taken place within the past two or three years?

MR. BOX: Yes, they've taken place since we expanded the boundaries, and we have more property.

MR. PAWLEY: And you say, to the best of your knowledge that they were, in one form or another, rejected by the Municipal Board, preventing you from proceeding with development within your own boundaries?

MR. BOX: Well, at least one was rejected by the Municipal Board and possibly the other two — we just had too many local objections within our own city, that we felt we weren't strong enough to come before the board — I'm just not sure of those because I was not in office at that time, Sir.

MR. PAWLEY: I'm a little concerned about that, because if the board, in two instances, did not reject but may have approved, despite the fact there were some objections. Are you satisfied that every effort, then, was made to proceed within your own boundaries, in a legal way, rather than request the Legislature to add to the boundaries of the City of Brandon by an annexation from Cornwallis?

You see, Sir, if I can just mention this, this is probably the final step to undertake, and I would like you to further elaborate on the information you gave us; that in two instances the city may have

Municipal Affairs
Tuesday, June 20, 1978

simply withdrawn because there were some objections. I'm wondering the nature of those objections, whether it was reasonable for you to have withdrawn short of an actual decision by the Municipal Board, in view of the fact that you have chosen the second route here which is the pretty extreme route, to come to the Legislature even after the Municipal Board, in its wisdom or lack of wisdom, felt that the city was not entitled to the property in question that you're requesting this morning.

MR. BOX: May I confer with my Executive Secretary?

It's my Executive Secretary's opinion that there were Board Orders in all three cases. We don't have them with us; we feel we can supply the numbers.

MR. PAWLEY: Well, thank you, because that certainly helps to clarify if you are now indicating to us that you have been frustrated legally by the Municipal Board in that they have, in fact, rejected your applications. Then that certainly does place a different focus on it, but I would request, Your Worship, if you would, I think for the benefit of the committee, be able to definitively assure us that that has been the case — that they were not simply withdrawals because there was some objection raised by ratepayers within your own boundaries — you would be able to provide us with very distinct assurance, prior to our voting on this matter.

MR. BOX: Yes, quickly.

MR. PAWLEY: Now, I would like also to ask you, in view of the previous submission that the committee has received if you could detail for us what steps — in view of the fact that it is the City of Brandon that is undertaking this initiative in presenting this bill to the Legislature — what steps, if any, did the City of Brandon undertake to attempt to — I'm sorry if I am duplicating somebody else's question, Mr. Chairman — to obtain the consent of Mr. Andersson? I arrived late, so if somebody has asked that question, then I would withdraw it.

MR. BOX: Sir, to my knowledge the City have had no dealings with Mr. Anderson; we have dealt with Mr. Hall, who intends to operate the trailer court. Up to the time Mr. Anderson's name was mentioned this morning I didn't even know who owned the property. But there would be no object to the City dealing with Mr. Anderson.

MR. PAWLEY: But is he not the registered owner in the Land Titles Office?

MR. BOX: Well, the previous witness said so.

MR. PAWLEY: Now, I have to say to you, Your Worship, would it not have been reasonably expectant upon the City of Brandon, in view of the fact it has undertaken this initiative, this very final step of appearing before the Legislature, to have ascertained the registered owners of the property in order to obtain their advice as to their position in regard to this annexation which affects their property, probably the value of their property? Would it not have been reasonable, Your Worship?

MR. BOX: Well, the way you put it, it seems that way all right, but we had the assurance of Mr. Hall that he had his options and they were in good order. We had many discussions with the municipality of Cornwallis and we don't see eye to eye on this, but they never raised this question.

MR. PAWLEY: So based upon the information that the City had received up to that point you felt that there was no objection from the registered owner? Then may I ask you, Your Worship, in view of the information which the Committee members have received this morning, that in fact Mr. Anderson is less than enthusiastic about the petition, do you feel that there is any responsibility now on the part of the City to further pursue this with the registered owner?

MR. BOX: I might as well be honest, as I was with Mr. Mercier, and say if I was sitting in your place I wouldn't accept that testimony.

MR. PAWLEY: I see. But then, it is testimony from the lawyer representing Mr. Anderson, is it not?

MR. BOX: It's not documented.

Municipal Affairs
Tuesday, June 20, 1978

MR. PAWLEY: Do you then feel that in view of your thoughts that the testimony is less than what we should accept? Do you feel then that there is any responsibility on the part of the City to attempt to ascertain, prior to members' voting on this in third reading, because a number of us I believe are at a point of — truly undecided at this point — to ascertain the view of Mr. Anderson?

MR. BOX: No, I don't think it's up to the City to see Mr. Anderson; I think we deal with Mr. Hall and we deal with the Municipality of Cornwallis and we deal with this Board, and I think if Mr. Anderson wanted to get into the picture he should have been in the picture long ago through his attorney and he should have produced the option agreement and pointed out where it was in error, and this has not been done.

MR. PAWLEY: You see, Your Worship, what I'm concerned about, you have indicated that you feel that the previous testimony is less than what we should accept as Committee members. Leading from that then, I am concerned as to where that leads us. Do we dismiss the previous testimony or ought we not to be concerned about the position of the registered owner?

MR. BOX: Would it be presumptuous on my part to suggest that you discuss this further with Mr. Hall who is the optionee?

MR. PAWLEY: As to the position of the registered owner, you mean?

MR. BOX: Yes, sir.

MR. PAWLEY: Okay.

MR. CHAIRMAN: The Member for St. George.

MR. BILLIE URUSKI: Thank you, Mr. Chairman. Your Worship, I wanted to ask several questions with respect to the development plan that the City of Brandon had with respect to rezoning changes and properties that they had contemplated using, utilizing for mobile home park. In that development plan that the City had, how many acres of land were there that were vacant in terms of either being for residential housing or mobile home parks?

MR. BOX: I can't answer the exact number of acres. There were fairly sizable and suitable, in my mind, areas for mobile home parks including the one that we are pushing immediately.

MR. URUSKI: All right. Were there more than one site in that development plan of the City of Brandon? Was there more than one site?

MR. BOX: This Council we have now is almost entirely new from the last one and we are taking a much different approach than the previous Council, and we are actively going after mobile home parks; we may go after a second one.

MR. URUSKI: In your brief you indicated that it would take the City of Brandon approximately 12 months to have, if they were to proceed now, with the land that they've got, it would take you about 12 months before you would receive approval to go ahead with your mobile home park. How long will it take, in normal procedure, the applicants, if this transfer of land, this boundary change, takes place, how long will it take those applicants to get approval? Will they not have to go through the same process as the City would have to go?

MR. BOX: No. I think that Mr. Hall answered that question prior to you arriving.

MR. URUSKI: I was at another Committee; I'm sorry.

MR. BOX: Would you like to have that answer again, Mr. Chairman.

MR. URUSKI: No, that's fine. If it's been answered, that's fine.

MR. URUSKI: How many lots would be provided by this expansion, are you aware?

MR. BOX: Our expansion or Mr. Hall's expansion?

MR. URUSKI: Mr. Hall's expansion.

MR. BOX: 137.

MR. URUSKI: In the properties that the City has, the one that you're proceeding with now, or in the process of proceeding, how many lots would that provide?

MR. BOX: We're looking at 150; it was 170-some odd originally but as trailers are getting bigger we were going to provide larger lots.

MR. URUSKI: So you would have the possibility of providing 150 lots when this is developed?

MR. BOX: This is our target.

MR. URUSKI: Do you have other sites within your development plan that are available as well for mobile home parks?

MR. BOX: Yes, I think we have, but I think on this particular site it has quite a few advantages over the other sites. One is that there could not be nearly as much opposition from surrounding areas. There are some apartment blocks not too far away, but far enough; there is a park right beside it with a playground on it. To the east there is a cemetery; to the south there is agricultural land with one farm, and to the west there is no housing, so we feel we have an area that can be serviced easily, the water and the sewer go down there. It's close to shopping and we do not foresee a lot of local opposition; we foresee some but not a lot, and this is why we chose this one initially.

MR. URUSKI: And because of the need you feel that you will go on one front now and try and proceed with others in time?

MR. BOX: Well, we'll want to try and watch the development of Mr. Hall's lots and there's another one in the north end of town. We will want to watch the development there as well as our own. And incidentally, the City does not want to be in the private enterprise business; as soon as we can get a buyer or get this thing organized, if we can get a buyer, we'll sell it, either partly developed or fully developed, as long as they will undertake to maintain and operate it as a mobile home.

MR. URUSKI: Yes, that's a question I would have had. How would you then guarantee that what is happening now within the City of Brandon by the closing down, or the possible closing down of the additional two remaining mobile home parks, if you transfer the land over to private hands, the city-owned land to private hands, how will you guarantee that what is now happening in the City of Brandon will not then occur and we may be in future years back in the same position that we are here today, where there are two developments and the likelihood of two additional mobile home parks being closed up?

MR. BOX: I think there would be two ways of handling it. One is through our new Town Planning and Development Act, in which it would be designated mobile home park. The other would be if we sold, to have that as a condition of sale. Twenty-five years seems reasonable.

MR. URUSKI: Would you consider an agreement that the land would revert back to the city, should there be an attempt to rezone the site that may be turned over to private hands? Would you consider that kind of an agreement?

MR. BOX: Well, I would think there would be some type of thing in that. I don't pretend to be a lawyer and I'm not really that conversant with law but certainly I know that agreements can be made that will stand up.

MR. URUSKI: In your opinion, as the new Mayor of Brandon, do you feel that all available avenues had been taken by Council previously to attempt to establish more lots, in light of the development plan that they had within the City of Brandon?

MR. BOX: Well, I think they have done a reasonably good job and they have been quite frustrated in the reaction they got in the opposition. I don't think that they will be as aggressive as our new Council will be in providing mobile home lots, because we can see the need and we can see this type of housing, that many people want this kind of housing. I don't, but there are lots of people

Municipal Affairs
Tuesday, June 20, 1978

do, and that we are having more and more pressure put on the city to have this type of site available.

MR. URUSKI: There is no doubt that there is a great need and great demand for lots, and I fail to see some of the opposition that there should be. That's why I asked you the question because if I recall there were some 50 acres, or in that vicinity, available for mobile home sites in your development plan. And I wondered — and you have answered part of it — why the previous Council did not go through and establish several sites for mobile home parks, prior to this time?

MR. BOX: I can't answer for them; I'm sorry.

MR. URUSKI: Thank you.

MR. CHAIRMAN: The Minister of Co-operative Affairs.

MR. MCGILL: Thank you, Mr. Chairman. Mayor Box, I just wanted to pursue the area that Mr. Pawley was questioning you on in respect to the option to purchase that Mr. Hall has.

Did the City of Brandon, when it undertook to support this bill, do some investigation with respect to the option to purchase which Mr. Hall now has? And was there any examination by your legal counsel of the terms of this option to purchase?

MR. BOX: No, we took Mr. Hall's word for it, that he had the option, and we are also talking to Cornwallis at the same time and they at no time indicated that the option wasn't in good standing. We really didn't have any reason to pursue that avenue.

MR. MCGILL: I'm asking this, Mr. Chairman, because it may very well be that the question will come down to a matter of whether or not the option to purchase gives Mr. Hall the authority to proceed with this annexation of the property, and that it may very well be that Mr. Andersson's personal feelings on the matter may not be the determining factor, that it may be a question of law and the option to purchase. So my question really was: Has the city's legal counsel examined this and had an opportunity to determine, as far as they are concerned, that the option to purchase does enable Mr. Hall and the city to pursue and support this bill.

MR. BOX: Not to my knowledge.

MR. CHAIRMAN: The Member for Virden.

MR. MORRIS MCGREGOR: Yes, Mr. Chairman. Mayor Box, Mr. Hall had questioned earlier regarding — I think he said he preferred two or five years but if the city requested ten years that he would indeed agree. Now, where does the city stand? Would they prefer to have the trailer park zoned trailer park for ten or more years? Personally, if I was putting a trailer on there, I think I would be inclined to, you know, want a little longer or the same situation we're in now where you use 5 years down the trail. Now, where is the city's thinking . . . ?

MR. BOX: Sir, I think it may be perfectly clear but some of the testimony is a little conflicting. You see Mr. Hall now owns a strip of property on the highway, on No. 10 Highway, which is a trailer court and what he is asking to annex is another piece of property. Now, I don't think there is any question that if the annexation is granted and he builds a trailer court on there that that particular section of land will be a long-term trailer court — whatever maybe you people feel is right.

The thing that's in question is how long should he be required to hold this present strip, which is really highway commercial. If it was being zoned today and there was nothing on it, it would be zoned highway commercial and obviously it is going to increase in value. How long is it fair that you ask this man to hold this property? Cornwallis says ten years. I think that's a little unreasonable. I think five years would be fair for that particular piece which is commercial property and we are not talking about the land that is being proposed for annexation at this time. Does that answer your question?

MR. MCGREGOR: Yes, I think so, Mr. Chairman.

MR. CHAIRMAN: The Member for Roblin.

MR. J. WALLY MCKENZIE: Mr. Chairman, my questions have been answered. Oh, yes, I have one more. Your Worship, you mentioned in your brief there that the city has made attempts to provide

Municipal Affairs
Tuesday, June 20, 1978

land zoned for mobile home parks and you have been able to rezone it and the Municipal Board have taken you to task, or the city to task, for not paying attention to the objectors. What type of objections are you receiving from the adjacent property owners or have you . . . ?

MR. BOX: Well, Sir, I wasn't in office at those particular dates but I understand that householders, for some reason or other, homeowners, do not like to see mobile parks built up in their areas. And I can't tell you why but I understand this is the situation.

MR. McKENZIE: That was what the Municipal Board was hinting at and more or less criticized the city for not paying attention to these adjacent property owners who were objecting to a trailer park coming into . . .

MR. BOX: That's right, and they were not only talking about mobile home parks; there were other things we came to the Municipal Board for and there were objections and we were turned down. I just forget the detail, but they just felt the city was coming too often without really having its house in order.³

MR. McKENZIE: Thank you, Mr. Chairman.

MR. CHAIRMAN: The Member for Seven Oaks.

MR. MILLER: Thank you, Mr. Chairman, through you to Mayor Box, I am trying to get clarification. You indicated in your brief that of two existing mobile home parks, one was discontinued and the other is about to be discontinued. Does the zoning of mobile home parks include or permit commercial development, or is it two different kinds of zoning?

MR. BOX: Well, apparently in our previous plan, the one that is referred to as Larkhill — and you will be hearing from these folks later — was actually built on C3, commercial 3. Apparently C3 does allow the building of the mobile home parks. I understand the same holds true for the trailer lodge which we spoke of. We now have an indication that he will be closing some time within the next 12 months.

MR. MILLER: I see. So it isn't that the Brandon City Council rezoned the land to permit it but rather the zoning was such that it permitted commercial any time the individual wanted it.

MR. BOX: No, Mr. Miller, the zoning was in order.

MR. MILLER: The zoning was in order.

MR. BOX: Yes.

MR. MILLER: So the city itself had no control on that score. All right, that limits that. You indicate need. On the other hand, the Municipal Board indicated that need was all important. At the same time, you indicate the problems that you have encountered at the Municipal Board. If the Board is arguing that need is *thesine qua non* of a development of this kind, if need is all that important and would be recognized by the Municipal Board, in the light of what has occurred do you feel that the City Council is somewhat timid in going before the Municipal Board and insisting on rezoning within Brandon to meet a need which they themselves indicate is the requirement or is the benchmark by which it has to be judged?

MR. BOX: I just didn't hear you as well as I might have, but I believe you asked me if I felt that the City Council had been somewhat timid in their presentations. Is that what you asked me?

MR. MILLER: Yes. Timid in their approach. You know, it's all right to take people's views into account but if a need exists which is greater than the immediate neighbourhood's . . .

MR. BOX: Well, had I been the Mayor for the last ten years, I think I could have answered you, Sir, but I have only been the Mayor for six months and I can only tell you what my own approach is. I have six new members in Council and they are very aggressive people and I think that this present Mayor and this present Council will not be timid in their approach to anybody.

MR. MILLER: Okay, thank you. In that last question — or I think it was the last — you mentioned a highway strip. Is that part of the existing mobile park?

MR. BOX: Oh yes, this is quite a long piece of property.

MR. MILLER: Now, is that zoned commercial or is that zoned mobile home park?

MR. BOX: It is zoned mobile home park.

MR. MILLER: If it is zoned mobile home park, then the City of Brandon has the control on whether or not it will go commercial.

MR. BOX: Yes.

MR. MILLER: And then I have to ask you, a minute ago you indicated that in your opinion ten years would be too long to withhold it from the commercial market. If the need is there and if you are desirous of annexing land in Cornwallis for mobile home parks, why would you even consider the commercial development of that strip?

MR. BOX: Well, I think I have a good answer for you. I hope that by the time ten years are passed that we will not only get this one we are asking for now, this new one — not the annexation but the new one — and probably have one or two more that we will be able to take care of this, because this particular strip of land, I think, is pretty valuable for mobile homes. And not only that, I don't think it's a good place for mobile homes on a busy highway.

MR. MILLER: Mayor Box, if the land is not a good place for mobile homes, it's adjacent to and contiguous to a mobile home park — the strip itself you are talking about. Correct me if I'm wrong, but what I hear you saying is that in your opinion that strip, which is now a mobile home park or part of a mobile home park, should be commercial, that you feel it is very valuable land and should go commercial and yet you are requesting that additional land be annexed from Cornwallis for the development of a mobile home park so that existing strip of land can go commercial five years hence.

MR. BOX: Yes, five years hence. Not immediately; not immediately.

MR. MILLER: Well, in five years hence. In other words, you are asking for annexation, knowing in your own mind that maybe five years from now the applicant will have acquired an extra 37-½ acres, will be able to expand the mobile home park, and then take a part of the entire area out of it and develop it commercial as a straight speculative project.

MR. BOX: Well, I would think that the 30 acres that the applicant is talking about five years from now, or at least ten years from now, would be a very small part of the total acreage devoted to mobile homes in our area.

MR. MILLER: All right then, what you are saying, if I understand you correctly, is that you are looking for a very short-term solution to a problem and Council — I assume you are reflecting Council's view — would concur that this annexation to take place to meet an immediate need but that five years from now you would — you, if you are still on Council — would agree to rezoning part of that area, which is being used for mobile home park, would be agreeable to rezoning it commercial and deleting the part of the park from mobile home use. Am I correct in that assumption?

MR. BOX: I didn't really say that. You asked me for my opinion and I well may not be the Mayor five years from now.

MR. MILLER: I agree, you may not be.

MR. BOX: And the property in question is zoned for mobile home parks at the moment, my secretary tells me. It could well be that the Council we have five years from now or ten years from now, won't agree to the change.

MR. MILLER: Well, of course you can't speak for what some future Council might do. . ut if Cornwallis is requesting that the combined areas be maintained as a mobile home park for a minimum of ten years, if your Council could somehow legally assure that that would be the case, would you have any objections? Would you have any objections to retaining the entire area for mobile home

Municipal Affairs
Tuesday, June 20, 1978

park purposes for a ten-year period?

3-01 **MR. BOX:** The entire area?

MR. MILLER: The entire, the existing and the additional 38 acres.

MR. BOX: Well I certainly would, I wouldn't want to have to go through all this discussion for the sake of only 38 acres that in 10 years from now would be used for something else. I understand this application is for a long period of time.

MR. MILLER: Mayor Box, I'm talking about the strip, the strip that you . . .

MR. BOX: No, you told me the overall, you said overall.

MR. MILLER: Yes but the strip, I assume, is part of the overall.

MR. BOX: Well, it's part of it, it's not the overall.

MR. MILLER: Okay, it's part of the overall and I'm asking you whether in your opinion the request by Cornwallis that the entire area be maintained as a mobile home park for a 10-year period, would you agree to that condition?

MR. BOX: Well I wouldn't agree with the strip that is presently in use. The part that's to be annexed, I certainly agree that that should be in perpetuity if you say, or for a long period of time. Are you acquainted with what we're talking about, the site, by chance?

MR. MILLER: No, Mayor Box, I don't have knowledge of the details but I do know what we're talking about, as I understand it, is that there is a mobile home park which now exists and along which there's a strip which you feel will be valuable commercial property.

-02 **MR. BOX:** That's right, it's valuable today.

MR. MILLER: Okay, all right. Now, but Cornwallis is asking that if the annexation goes through one of the conditions they're requesting is that if there's a need for a mobile home park and if they're being asked to give up 38 acres, that the entire acreage, the 38 plus whatever the acreage of the existing mobile home park, all of that be maintained as a mobile home park for a minimum of 10 years. I understand that's Cornwallis's request according to the information we have and I'm asking you whether Brandon Council would object to meeting that Cornwallis request, that there be no rezoning in three years, five years, or eight years but in fact, that irrespective of the commercial value or the commercial potential of the strip, that if we're talking about the need of a mobile home park and Cornwallis giving up 38 acres, that it be maintained as a mobile home park and no rezoning be entertained or a condition imposed that no rezoning would be applied for for any part of that new total acreage?

MR. BOX: Well a Mayor can only guess, or estimate or get the feeling of what a Council will do. Up to this point you've been asking me what I thought, now you're asking me about what the Council might do. I would think that our present Council would favour the 10 years.

MR. MILLER: What about yourself, Mr. Mayor?

MR. BOX: I think it's unfair.

MR. MILLER: You feel it's unfair.

MR. BOX: As a businessman and one person who has dealt in property and been in business for many years I think it's unfair to take a strip of land like this and say you've got to keep it for 10 years as a mobile home. I think 5 years is reasonable.

33 **MR. MILLER:** But you have no objection to asking Cornwallis to give up 38 acres in perpetuity for a mobile home park and allowing a strip of land on the Brandon side to go commercial perhaps five years from now?

MR. BOX: No, I don't feel bad about that. I think that it's a very small piece of land and I'm not

Municipal Affairs
Tuesday, June 20, 1978

interested in expanding the boundaries, we've got lots of land in Brandon. But I am interested in these people who you'll be hearing from shortly who do not have a place to go within two weeks from now.

MR. MILLER: Thank you Mr. Mayor, I think you've answered my questions.

MR. CHAI½MAN: The Member for Selkirk.

MR. PAWLEY: I just wanted to ask Your Worship what is the present status insofar as district planning board? Has there been a district planning board established?

MR. BOX: Not a district planning board, we have our own town landing scheme and it's now under review and we will have a first reading very soon on a new planning board scheme and we are talking with the people from the Province of Manitoba, the planners, on our new scheme. Had I anticipated these questions I would have brought all kinds of maps and colour photographs and everything.

MR. PAWLEY: Have there been discussions involving the City of Brandon and the RMs of Elton, Cornwallis and Oakwood, I believe it is, Glenwood . . .

MR. BOX: Yes.

MR. PAWLEY: . . . involving a district planning board yet?

MR. BOX: Yes, I hope you will ask Reeve Weisgerber the same question when he appears. I think there have been discussions, but I don't think they've been very serious discussions.

MR. PAWLEY: You mean there has been a lack of harmony?

MR. BOX: No, no.

MR. PAWLEY: What do you mean by less than serious discussions then?

MR. BOX: Well, we haven't got down to detail where the City of Brandon scheme is fairly well advanced.

MR. PAWLEY: Have any of the municipalities indicated by way of resolution, approval in principle to the formation of the concept of a district planning board?

MR. BOX: Not to my knowledge, but you'll be able to ask the Reeves those questions they'll . . .

MR. PAWLEY: Speaking for Brandon, I'll speak to the Reeve when he arrives, but Brandon has not passed a resolution endorsing the concept of a district planning board?

MR. BOX: My secretary says, yes, a number of months ago.

MR. PAWLEY: Oh, thank you very much.

MR. CHAIRMAN: The Member for Brandon East.

MR. EVANS: Thank you, Mr. Chairman. I'd like to ask His Worship a number of questions for clarification. I gather from your earlier remarks Mr. Mayor, that it's your opinion that this question of whether Mr. Anderson is or is not consenting to this particular matter that we have before us, is really a matter of a legal dispute between Mr. Anderson and Mr. Hall. That is the question of the option and the degree to which it properly identifies and describes the legal description of the various parcels of land that are in question, that it is not a matter for concern specifically to the City of Brandon as such, or indeed even to the Rural Municipality of Cornwallis, that this is really a matter, Mr. Anderson's position at this time, is really a matter of a question of a legal discussion and agreement between Mr. Hall and Mr. Anderson inasmuch as Anderson had previously signed an option to Mr. Hall.

MR. BOX: Well, Mr. Evans that's my understanding and I didn't even know the man's name up until this morning.

MR. EVANS: Well I don't know the gentleman either, but this is the person in question. I can appreciate the frustration experienced by the City of Brandon having been turned down by the Municipal Board in previous attempts to obtain land zoned for mobile home park purposes. I want to make sure that the record is clear. Did I hear you say that because of objections by members of the community, people in the various districts of the city that may have been affected by a possible mobile home park, and when the matter did go to the Municipal Board, that the Municipal Board on three occasions turned the request down, and this was a board order in effect, three times the board legally in effect, or administratively refused the granting of the location of these new mobile home sites?

MR. BOX: Yes, that's very nearly what I said. The one time as quoted in the brief and my secretary said that there were two other times and that he can supply this in writing, and this gentleman here I believe comes from Selkirk, he asked about this and we said we'd supply it in writing.

MR. EVANS: Yes' in other words what you would supply in writing is the actual board order, the Municipal Board Order .

MR. BOX: Yes, he recalls we have them and we'll supply them in writing.

MR. EVANS: Well that's fine, I just wanted to make it clear that it was a board order that we're talking about. The other question I have is with regard to the proposal to develop a mobile home park at the corner of Maryland and 26th and you did describe the locale and the nature of housing that does or does not exist in the area, but are you really confident that there will not be serious objections to that location and that you may not have a repeat situation with the Municipal Board again saying no to the City of Brandon in locating in this particular location? I believe you did describe that it was somewhat agricultural on one side, apartments on another' it wasn't too built up so maybe there wouldn't be too much objection but there would be some. But are you really confident that people will not object to the point that the Municipal Board will once again be very sensitive and say no to the City of Brandon.

MR. BOX: No, I'm not confident at all. I know that there's going to be some objections and I don't know what the Municipal Board will say to them. Once I thought we'd won a case in front of the Municipal Board and we lost it, and the other time I was sure we'd lost it and we won, so I'm not too sure.

MR. EVANS: Well another question, Mr. Chairman. Earlier this year the City of Brandon and the Rural Municipality of Cornwallis did discuss this matter at some length and there were certain negotiations I believe. As we've been told the R.M. of Cornwallis did stipulate five conditions that they would impose and therefore upon Brandon acknowledging and agreeing to these conditions, that they would not object to this particular . . .

MR. BOX: There's five conditions and I think one of them applies to the city and that is that the city would conscientiously undertake to develop a mobile home park. Now I don't have those five conditions in front of me, do you have them Mr. Evans?

MR. EVANS: Yes, I have.

MR. BOX: That's one of the conditions isn't it?

MR. EVANS: Yes .

MR. BOX: And I think the other four were to do with Mr. Hall and the municipality.

MR. EVANS: Yes, number five I guess it is, "Should rezoning for additional mobile home parks elsewhere in the City not be successful as proposed in the City of Brandon Development Plan. Following immediately after adoption of that plan the City of Brandon will guarantee to take steps to establish, as a municipal venture, a mobile home park of sufficient size to provide for the estimated needs of the city for a 10-year period." So that is condition number five. So you're agreeable to that condition?

MR. BOX: We've discussed this . . .

MR. EVANS: Yes.

MR. BOX: . . . very thoroughly and we're saying we have passed a unanimous motion and the by-law is ready for first reading.

MR. EVANS: Well really my question was why the municipality and the city couldn't come to the agreement on the other four conditions and I guess you're suggesting that perhaps the other conditions don't relate to the city but relate to Mr. Hall as such. I just might go over them. Number one, the total areas, old and proposed, to be used for the mobile home park are to be rezoned Mobile Home Park.

MR. BOX: No problem there.

MR. EVANS: There's no problem there. Number two, the total area thus rezoned will be retained as an area zoned Mobile Home Park for a period of at least 10 years.

MR. BOX: Yes, well that's where we were in disagreement that the new area — we don't care if it's more than 10 years — but, the old area, the strip area . . . And I shouldn't say the Council, they may vote me down. It's just my opinion as a businessman that that's an unfair condition.

MR. EVANS: Okay, I'd like to come back to that one in a minute. Just to go on to the other conditions. Number three, all lots in the mobile home park will be offered on an individual rental basis and will not be sold as a mobile home sub-division with individual ownership, nor will they be assigned in block packages to mobile home dealers. I don't know whether you have any comment on that.

MR. BOX: That's up to the operator.

MR. EVANS: I don't know whether that's a problem or not.

MR. BOX: Maybe you'd like to recall him?

MR. EVANS: **6I beg your pardon.**

MR. BOX: Maybe he should be recalled.

MR. EVANS: Well, I don't know whether the Chairman would agree or not but there may be something in writing here whether that was a problem or not, or perhaps when Cornwallis comes up they might indicate . . .

MR. BOX: Maybe I could ask him . In other words Mr. Hall is willing to sell these lots to individual people. For those that are not acquainted with how lots are handled, mobile home lots are handled, sometimes a whole block of maybe 25 are sold t a dealer who sells mobile homes, and they're tied up so that individuals can't get at them.

MR. EVANS: Right.

MR. BOX: Mr. Hall's saying that he'll sell them to individuals.

MR. EVANS: So number three condition is not problem and then I go to the last one, number four, it's not the last one, but the last one I'm discussing because we talked about number five at the beginning. So number four condition, the parcel proposed for annexation for mobile home park purposes must be developed this year, and I'm sure that is not a problem. That is the objective I believe of Mr. Hall and the city . . .

MR. BOX: Well, if it's not going to be developed this year the city's not interested.

MR. EVANS: That's right, so really then, of the five conditions established by Cornwallis for some agreement to take place without dispute, there's really one and that is number two that seems to be of some question. That is that it be retained for a period of at least 10 years zoned as a mobile home park.

MR. BOX: That's right, and it's only partially, it's only partially.

Municipal Affairs
Tuesday, June 20, 1978

MR. EVANS: Yes. Mr. Chairman, I heard His Worship indicate his view, personal view, that five years was a more reasonable time. I'd like to ask him, however, this question. Would the City of Brandon object if there was some condition imposed, either in the bill — that may not be preferable — or somehow a legal undertaking by the city that this property must be zoned as a mobile home park for at least a 10-year period; a condition that's established and binding somehow legally?

MR. BOX: I understand your question. The answer is no, we won't object. If Mr. Hall doesn't object, we're not going to object.

MR. EVANS: You would not object then? Yes. Well, then, Mr. Chairman, it seems to me that the five conditions for agreement between them in two municipalities could be resolved, and amicably I would hope. I shouldn't really say anything further because I know the R.M. of Cornwallis, the Reeve will be presenting his position to us. But it seems to me that if that is the basis of disagreement it's almost to the point where there isn't really any problem for disagreement or any problem for not, you know, co-operating in this particular venture.

MR. BOX: Well, I never felt we were very far apart in reaching an agreement, but we didn't get it.

MR. EVANS: Thank you very much.

MR. BOX: Thank you.

MR. CHAIRMAN: The Member for St. George.

MR. URUSKI: Just a couple of questions, Mr. Chairman, of clarification. As I understand it the property now that this mobile home park is on is zoned for mobile home parks.

MR. BOX: Well, no it isn't because the park . . . They're asking to annex the extra 38-point-some acres as agriculture.

MR. URUSKI: No. But the site that is now a mobile home park.

MR. BOX: That's in use.

MR. URUSKI: That's in use.

MR. BOX: Yes, sir.

MR. URUSKI: All right. How many mobile home park lots would disappear should this land be rezoned commercial?

MR. BOX: 79 lots.

MR. URUSKI: 79 lots. What type of commercial ventures would you, Mr. Mayor, envisage would go in should this be rezoned as you had suggested, within five years?

MR. BOX: Well, I can only give you a general answer, and you're as well acquainted with the strip development as I am and you know the type of things that would like to get near a highway: implement dealers, builders, car dealerships, truck dealerships, the typical thing. We get ice cream sometimes, but I don't like that very well, it's pretty messy.

MR. URUSKI: Well, that's my very point. If, in fact, we rezone the land to what you are talking about to further commercial developments, what impact will it have on the new park that is going to be there and what kind of permanency are you going to give the residents that are there now, the 79 lots that are there now? You know, I put this question to you: How would you like to buy a home, or set up a home, and knowing today that in five years time you're going to have to pick up that home and move it? What kind of permanency do you give these people by really indicating that you only favour a five-year life limitation on the present lots?

MR. BOX: I really can't answer you. You know, it's kind of a speech, that question. I think that

Municipal Affairs
Tuesday, June 20, 1978

the people that go on the new property have indefinite rights to the . . .

You're asking about the people who have to move off the strip area, and I can't answer for them.

MR. URUSKI: It's zoned mobile home park today.

MR. BOX: Well, maybe it will never get changed.

MR. URUSKI: Would you, as being an aggressive Mayor and you having an aggressive council as you have indicated, be prepared to indicate that the zoning will remain as a mobile home park?

MR. BOX: No, I think that's immaterial because neither myself nor that council could be there in five years.

MR. URUSKI: Thank you.

MR. CHAIRMAN: The Member for Virden.

MR. McGREGOR: Mr. Chairman, the Mayor made an earlier statement of sympathy for the people. I'm sure we all feel very sympathetic to those who are moved out, but I support the Honourable Member for St. George in his approach. But at the same time, are there not vacant lots in the North Hill, the Highland Park, some 50 or 75 vacant lots — probably Mr. Hall's is a more popular one — but we're wanting to annex Cornwallis land; and then up on the North Hill we have unlimited lots — not unlimited — 50 or 75 serviced, ready to go. So I don't really support, Mr. Chairman, the real sympathy on this when there are. I would like to go somewhere; and maybe I can't go there but I have an alternative. So I think the committee should know there are lots within the now boundaries of the City of Brandon.

MR. BOX: Within the year there will be no lots again.

MR. McGREGOR: But you have the land.

MR. BOX: There's two delegations to follow me and they will be dealing with this subject.

MR. McGREGOR: Because I just want it on record that there are vacant lots there.

MR. BOX: Yes. Well, whatever I say would be duplicated, Mr. McGregor. So I'd just as soon let the people that own homes answer that particular aspect of it.

MR. McGREGOR: But we would like to know both sides of the question as we go along also, Mr. Chairman. How many lots are there then at this — say naming only one, the Highland Park on the North Hill — are there 50 to 75 vacant lots there, serviced?

MR. BOX: I understand so. Yes.

MR. McGREGOR: Thank you, Mr. Chairman.

MR. BOX: I understand that.

MR. CHAIRMAN: Are there any further questions? The Member for Swan River.

MR. GOURLAY: Mayor Box, about the proposed mobile home park on . . . as a mobile home subdivision?

MR. BOX: Yes.

MR. GOURLAY: Pardon?

MR. BOX: Yes. It will be laid out very similar to a subdivision for private homes, paved and so on.

MR. GOURLAY: What type of lots would they be?

MR. BOX: I don't know. We had a plan when we came before. It showed 170-some-odd lots and the narrowest ones were 40-foot and there were different sizes, a variety of sizes and shapes. The new plan will be less lots because trailers are bigger and the lots in turn will be larger.

MR. CHAIRMAN: The Member for St. Matthews.

MR. DOMINO: . . . too much time. But I'm just curious about this development within the city itself, within the old boundaries of the city, because it seems that this problem is caused by the fact that the City of Brandon has not been forward enough looking, and that you haven't thought ahead to solve your problems in this matter.

MR. BOX: I completely disagree, Mr. Chairman, that's a most unfair statement after the evidence we've presented.

MR. DOMINO: Well, I haven't been here for all the evidence. But from what I've heard, that's my opinion at least at this point.

You say you're going to attempt to provide 170 lots in this new . . .

MR. BOX: 150.

MR. DOMINO: 150 lots now? At the present rate of expansion of mobile homes, would you think this would be, what?— one, two, three years of supply?

MR. BOX: About three years.

MR. DOMINO: Do you have further plans in the works?

MR. BOX: We hope so. We have two other areas and we hope that we can get the Municipal Board to agree.

MR. DOMINO: Do you think the council or the people of Brandon have changed their attitude at all towards planning for mobile homes because of this crisis? I know that's an opinion.

MR. BOX: I think that a person who owns a home that's close to where a mobile trailer park or a mobile park is going to be established would probably oppose it.

MR. DOMINO: Yes, thank you.

MR. CHAIRMAN: Any further questions? Thank you, Mr. Mayor.

MR. BOX: Thank you.

MR. CHAIRMAN: Reeve Weisgerber.

MR. FELIX WEISGERBER: Mr. Chairman, Honourable Minister, members of the Committee. We're in a rather peculiar situation today, Mr. Chairman, and those of you who had me appear before, back in Bill 107, will know that I can get very long-winded. But however, today I'm not going to be long-winded because we are in a situation where our former Reeve, who had 29 years service to the municipal cause, is today being honoured in Reston, some long distance from here, and the Honourable Minister is supposed to be there and of course we have to be there. How would the new Reeve look not appearing honouring his former Reeve? So, therefore, I shall with your indulgence hurry along a bit and not read the appendices and so on, and leave them with you to consider at another time, hopefully to have them considered.\$

However, I would like to read the brief — and by this time I trust it is being distributed.

Mr. Chairman: The Council of the Rural Municipality of Cornwallis would like to thank you and the members of this Coittee for this opportunity to speak to you in regard to Bill No. 18, which proposes to annex a portion of the R.M. of Cornwallis to the City of Brandon.

The position of the Council members is that they oppose the passage of this bill. The matter of the land in question is one which has been discussed since shortly after the passage of Bill 107, an Act respecting the City of Brandon and certain neighbouring municipalities, which was passed in 1971. (And although I am the newly elected Reeve, Mr. Chairman, I was here to address a number of the dear gentlemen at that time and we were quite adamant about our stand.) The previous owner

Municipal Affairs
Tuesday, June 20, 1978

of the property did on several occasions request that he be allowed to expand his mobile home park into the rural municipality. This request was denied in each case as cited in the reply sent to him and attached hereto as Appendix "A". The present owner also made similar requests on several occasions, each of which was refused.

In March of 1977 at the request of the owners involved, Mr. Uruski, the Minister of Municipal Affairs, was asked to amend the Cornwallis Planning Scheme to provide for zoning to permit expansion of the mobile home park. A copy of the report of the Commission of Enquiry is enclosed as Appendix "B" and concludes:

"1. On a physical examination of the property in question, it would appear logical for an expansion to the present mobile home park. However, it appears foolish to state this obvious fact, a city's boundary has to be somewhere and in this case it runs right behind the presently installed mobile homes in Brentwood Village and along an undeveloped public lane. Because of the 1971 Brandon expansion there are, consequently, two municipal jurisdictions involved in the property either owned or under option agreement by the applicant.

"2. Since this inquiry was established under the provisions of Section 33(1) of The Planning Act, 1964, any matters concerning legal procedures respecting the case in point did not come within its jurisdiction. More precisely, this inquiry had neither the purpose nor the competence to judge on legal matters relating to alleged irregularities of procedures.

"3. The fact that considerable money has been expended on the subject property by the applicant should not influence the decision on the zoning. If this were so, it would simply abrogate council's jurisdiction over planning matters as anyone could then come to a council after the fact to request and demand a planning change.

"4. There would appear to be a distinct shortage of mobile home lots available in the Brandon area, but surely this is a responsibility of the City of Brandon and not the Rural Municipality of Cornwallis which wishes to remain rural in nature. Although, as previously mentioned, the city did not make representation to the inquiry, it would appear that there would be adequate land available within the present boundaries of Brandon to meet the mobile home needs. It would be a matter for the city council to recognize this in the preparation of its development plan.

"5. Since both councils were represented on a liaison committee established to discuss mutual municipal problems and issues and since this committee has expressed the following view in respect to this mobile home development as shown in the committee's minutes of June 11, 1975, it would be unwise to disturb this policy. The quote is, 'Some discussion took place on boundary extension aspects of the Brentwood request and it was mutually agreed by those present that nothing was to be gained by small piecemeal annexations such as was being proposed by Mr. Hall.8

"6. The Rural Municipality of Cornwallis has adopted a planning scheme and had zoned the area in question as agricultural in accordance with this scheme. The Council of the municipality had, in its letter to the applicant of January 7, 1976, made known its decision that it was not prepared to act on the appellants' application to amend the planning scheme by rezoning this property. Since planning matters come clearly within the jurisdiction of the local council, any decision to disturb this jurisdiction cannot be taken lightly."

Recommendation. "It is respectfully recommended that the Minister not order the local authority to adopt the scheme proposed by the owners of the lands affected."

On July 19, 1977, the City of Brandon requested an extension of the boundaries of the city by annexation of part of the southeast quarter of Section 10, Township 10, Range 19, Appendix "C", attached hereto is a copy of the Municipal Board report and the recommendations which reads as follows:

"The Board is considering the evidence adduced and submissions made is of the opinion that from a strictly planning point of view the proposed annexation should not be approved and so reco of ends. It is the view that the case of Cornwallis is well founded. Furthermore, the Board cannot help but conclude that Brandon has not done its level best to provide land, appropriately zoned, within the city limits to meet the very real need which exists.

"If there be any jurisdiction at all for the proposed annexation, it must arise out of need and not a need alone by reason of there being no appropriately zoned land at the present time within the confines of the City of Brandon which would offer a greater choice of accommodation for mobile home owners. To allow the proposed annexation, in the Board's view, would give rise to a similar chain of events which occurred and prompted the 1971 legislation."

In December, 1977, the Rural Municipality of Cornwallis made a submission to the Honourable J. Mercier, Minister of Municipal Affairs, which is attached hereto as Appendix D and which supported the recommendations of the Municipal Board.

On February 2nd, the Honourable Minister advised Cornwallis of the decision of Cabinet not to alter the boundaries of the City of Brandon, Appendix E, and cited the Board recommendation as one of the reasons for the decision stating: the Board was of the opinion that it was within the capability of the City of Brandon to provide such accommodation if deemed necessary."

Municipal Affairs
Tuesday, June 20, 1978

On March 17th, the Honourable Minister then wrote to Reeve Weisgerber suggesting that perhaps the two Councils should discuss and resolve the need for mobile home accommodation for the Brandon area residents, which is Appendix F.

Several meetings were held during which much discussion as to the problem of rezoning, the need of mobile home owners, the city requiring time to prepare and by the City representatives own suggestion, the possibility of the City establishing as a municipal venture a mobile home park within the present city boundaries. Following these meetings, the rural Council on a split vote passed the resolution as quoted in Exhibit G.

The resolution was drafted bearing in mind the professed need of sites for mobile homes, some assurance of a ten-year guarantee that these sites would still all be available, and concern that the City take positive action to assure future provisions of sites.

The Council of the City of Brandon replied to the resolution on April 11th, Appendix H, requesting that the assurances provided for in the resolution be removed.

The Council of the Municipality of Cornwallis had a meeting on April 13th, unanimously rejected such a request, as expressed in the following letter of April 14th, addressed to Alderman F. Anderson, Chairman of the City of Brandon Liaison Committee.

Mr. Chairman, I'd just like to go back to what I read that the original resolution with conditions was by a split vote, most difficult for a Reeve. However, on reviewing the City's stand, unanimously the City Council rejected their request. And here is our reply:

"Your letter of April 11th requesting the Municipality of Cornwallis remove conditions 1 and 5 and modify condition 2 from a period of ten years to two years was considered by Council on April 13th."

Mr. Chairman, I would just like to stop here and point out that the five years, we have a copy of that letter. That letter to the City indicated to my Council when they considered the original resolution that Mr. Hall had some sincerity and was really concerned to a degree with the mobile home dweller. And that prompted the decision, to that point. Had that not been available, the decision would not have been a split vote. It would have been against almost unanimous. However, we had that letter. Now it comes back and states two years, because said Mr. Hall felt he had the bird in hand and why go for the five years, the two years is much better.

"By unanimous agreement, the position of Council is that all five conditions must stand. The position of Council was, and is, that to eliminate or modify condition 1 or 2 would in the near future, two years, have provided for a relocation of a mobile home court, not an expansion. If, in fact, the major concern in this issue is for the mobile home dweller, as indicated in this Council, then the longer period is mandatory.

"Clause 5 must also remain in that, in discussion with yourself and Mayor Box at one of our Council meetings it was suggested by you gentlemen that if the municipality would but agree to buy the city one year and wished to do planning to provide alternate sites, it would be of great benefit.

"It was further suggested by you and the Mayor that if rezoning of sites failed and private citizens failed to develop mobile home courts, then the City would have to undertake to develop one as a municipal enterprise. In this regard, the ten years is in keeping with the time period of condition two and, with the suggested phase of the City of Brandon Development Plan."

A copy of the letter is filed as Exhibit I and copies were sent April 14th to representatives of the Brandon Mobile Homeowners Association. A reply was received, as Appendix J, from Mr. C. Duncan, President of that association, in which he says:

"Dear Sir: We acknowledge receipt of your letter and enclosures of April 14th, 1978. We feel that the conditions outlined in your resolution of March 20th, 1978, have the interests of mobile homeowners in mind. We are aware of the differences between yourselves and Mr. Phil Hall, together with the City of Brandon. We are still hopeful that the situation can be resolved to everyone's satisfaction."

It is worthy of noting that he acknowledges that the conditions set forth by the Cornwallis Council and rejected by the City Council did in fact have the interests of mobile homeowners in mind.

Mr. Chairman, the Council of the Municipality of Cornwallis opposed this bill and the annexation it proposes. The Council was prepared to agree on a split vote that annexation by negotiation and agreement so long as it provided a guarantee of provision of all of the sites for a ten-year period and for a guarantee that the City of Brandon would in fact ensure that an adequate number of sites be provided elsewhere in the cities, either by private or public development. The City refused and instead has requested this Private Members' Bill be presented and that this government take the responsibility for providing mobile home sites with no long-term or future strings attached.

We contend that the responsibility lies with the Council of the City of Brandon, not with this government, and certainly not with the R.M. of Cornwallis.

We respectfully request that this bill be defeated and the Council of the City of Brandon and its planners be directed to ensure that an adequate number of over 16,800 additional residential

Municipal Affairs
Tuesday, June 20, 1978

units proposed in the city development plan be slated for mobile home sites. Unless this is done, the door would always be open for further requests to solve the problems created by future shortages of such sites, should the popularity of this type of housing continue to increase.

Respectfully submitted, Mr. Chairman and honourable members.

I have some other statements I wish to make in that regard, in answers to and in clarification to some other statements and information that was given to this committee by previous speakers.

Mr. Chairman, Mr. Hall expounded on the nice garden spaces that he has, and so on. Where will these garden plots go when the expansion takes place? I suggest they will disappear because the property that is beyond the boundaries is being farmed by a lessee of the registered owner.

If Mr. Hall is genuinely interested in the welfare of the mobile home dweller . . . And I can assure you, Mr. Chairman, that Cornwallis is; this has cost us a lot of money and throughout it we have maintained that the mobile home dweller is the only consideration. If it wasn't, then we wouldn't have bothered going to the trouble. We would have opposed it totally and stood there, and that's all, because annexation is a distasteful situation.

Bill 107 is still hurting and I suppose, to a certain extent, that's how I became Reeve, because that hurt is very deep and with skin such as I have it doesn't dig me too deep and I fight a little harder.

Now, taxes are not an issue. What are we talking about? \$235.00. Let's not talk about the taxes.

If old parks are becoming obsolete, Mr. Chairman, why does Hall not accept the offer to start a new one, which is an offer we did make, as he stated, property within the City of Brandon, where a new type of park could be established. The \$5,000 he spent to this date in fighting this, to obtain it, could have been better spent. We also in proposing this to the City were told that the engineering aspect, the cost of services to that area, would be prohibitive. I submit to you, Mr. Chairman, what's going to be cheaper tomorrow? And that land lies there; we own some of it. That's very nice. We don't own all of it, and we think it's suitable and there is very little objection to a mobile home park in that area. But they are going to have to develop that land some day or they are just going to let it lie and come to the R.M. of Cornwallis and look for more land, and say, "That's too costly to develop." I submit that it's cheaper to develop today than it is going to be next year or five years down the road.

The statement was made that we were offered ten years taxes in advance. We have no such record on file in our municipality. I will pursue that further on returning.

We understand that the option expires in five years from 1 May, 1975. I have more to say on that, with regard to a Mr. Ron Andersson, as I get down the line.

We have rumours — and they are only rumours, I submit — that there is already a buyer and maybe even an option already on that highway frontage that is presently occupied by mobile homes. We are getting phone calls in this respect. So are aldermen and the City Solicitor. We submit, Mr. Chairman, that that is probably a fact, unable to be proven at this point.

Ten years, Mr. Chairman, is not an excessive period of time to say that they must take action and really do something when you study past history of the City of Brandon. However, I will submit the present mayor and the present Council, although we have not met with them all, but we are meeting constantly or regularly I should say with the Liaison Committee from that city and surrounding municipalities. I must say there is a new attitude and that Liaison Committee has had meaningful discussion with us. And I look forward to some great changes. However, that doesn't solve the situation now.

We hear that mobile homes are becoming longer and wider, and so on, and I believe this. I am directly as a private businessman concerned with mobile homes. I do quite a lot of work with them and they are getting larger and longer. And we are going to have to have larger lots. I think this has to be planned for now. If we are going to just take this 37 acres and rush into it for the sake of just getting it, I think we are going to make a mistake. The mobile home dweller is going to be penalized in the end. He is going to end up sitting on small lots anyway.

A thing that comes to light here, Mr. Chairman, is . . . And I wish I had the document but there are Ministers — one of your good members is not present just now but I hear that he has been in discussion on this matter. In fact, the remark was attributed to him and it is this: The City of Brandon to this date is utilizing 150 acres per 1,000 population — gobbling up 150 acres per 1,000 population. Toronto, in turn, uses 10 acres per 1,000.

Well, we won't be long down the road and we will be here before you trying to fight annexation as we did in 1971. As I said before, that's still a hurt.

I think the City is going to have to be encouraged and if government has to do it then maybe that's where it should come from because not only the mayor and the aldermen can be faulted for this. The citizenry, for some reason or other and in some cases justified, they are deathly opposed

to mobile home dwellers. You mention a mobile home dweller or a mobile home to the average citizen and they just rise up to here. I disagree with that. They are human the same as everyone else and I do think, Mr. Chairman, that it is the up and coming way, or probably has been for some time, for a young couple to get into a home, to get into a dwelling at a much less cost than what these ponderosas are costing and they haven't got that big a mortgage hanging over their head, and they'll never live through it, their children won't pay for it. And I think this is a way that they can get into a home. So, we support it, we support the mobile home dweller because it's a way of life now, and that's what has guided us in passing that resolution.

Now, the Larkhill residents, and I would assume that there are a number of them here, have our sympathy, but, however, this is a way of life isn't it? You just get settled somewhere and somebody cracks the whip and you're gone. However, of the 22 I believe, mobile home dwellers, 7, Mr. Chairman, have signed leases with Highland Park or White Swan. I was offered copies of those leases to bring with me, however, I didn't think that we should go to that extent, that the word of the owner could be accepted, but he offered copies of those leases.

The point is made that the Larkhill dwellers don't want to go to the north hill. Two reasons, the main being that it's taking them out of an area that they are used to living in, and they're socially attached to it, their work is in that area generally.

Well, Mr. Chairman, there are hardships in life somewhere along the line, I'm sure we've all experienced them. I suggest why not move into Highland Park, a little farther to work, maybe a slight disruption in school and as the park develops in the south and His Worship has informed you that they propose to do this, and we look forward to that, and we commend them for that action, which has taken place since the negotiations originally pertaining to the resolution, and they can move, it's not that difficult to move a mobile home, we do it all the time. However, it will be some disruption. But, Mr. Chairman, they'll only be disrupted again if they establish in this proposed extended park, there's going to be some movement again very shortly, I can assure you.

Mr. Chairman, the passage of this bill, won't solve it, it won't zone it, it still has to be rezoned. It's agricultural now. That area will have to be rezoned for mobile home parks. What about the opposition there? And we are informed that there could be opposition, in fact, we have one opposition on record now that you heard some discussion on. I have further information to update that objection.

I feel, and this has come to light since we arrived here, Mr. Chairman, the councillors who are present with me here feel that if the city, in fact, goes ahead with what they're doing now, in planning a mobile home park, knowing the mechanics of it and the ramifications of rezoning and so on, I think that that court could be on line before the proposed court of Mr. Phil Hall, extension with Mr. Phil Hall, because we foresee legal problems in the land transaction.

His Worship, the Mayor, also went on record as saying that he didn't feel that the Brentwood area was really a good area to have mobile home parks, and we agree.

We are wondering why the city seems to always want to relegate these people to the fringes, to the outer edge. We disagree with that. If that's to be done the R.M. will do that, and we have a park in a state of development agreement now, and we have assurance that that park will be on line the first of October with 50 lots. If it's going to be developed, the mobile home park developed, away from the city, or out on the fringes, let the R.M. do it, and go quite a distance from the city, otherwise, integrate them into the city. They are just as decent a citizen as anyone else.

Now, Mr. Chairman, I'd like to deal with Mr. Phil Hall, and some of the statements that this gentleman has made. He has been a considerable thorn in the side of the R.M. for some time, and we did have some difficulty with the former owner of that portion who is now still the registered owner of the parcel in question. However, Mr. Hall, has far outdone him. Insofar as we are concerned, Mr. Hall has led the city up a garden path. I think they almost realize that now; in fact, some aldermen do. I'm sorry to have to say this, but he is not completely sincere in his facts at times, and he's a digger, he's a speculator, and he's a digger. Mr. Chairman, he'll go to great lengths. I respect him for that part. He's a real goer, but it leaves a bad situation, and at this point it has left the city and the R.M. of Cornwallis in a stage that is distasteful.

Originally he suggests, in fact, he says in writing, five years, he would hold that frontage for five years, and all negotiations were done on that basis. However, once the resolution is in the hand of the city, Mr. Hall says, "I got the bird in hand, now let's downgrade that to two years." In fact, I think I know why he has to downgrade it to two years. Funds. Nobody is going to give him that kind of money if he has to hold that frontage.

Surely he had some studies done on the financial aspect of this in the first place. If he didn't, how foolhardy. Then why lead the city and the R.M. of Cornwallis, and now this government, around this procedure when, in fact, he didn't do his homework himself in the first place.

The ten-year clause, Mr. Chairman, we see nothing wrong with it. We have, in our possession, a development plan designed by the City of Brandon and its illustrious planners, and it's still to be finally approved, but it says, it's a ten-year development plan. What's the matter with this becoming

Municipal Affairs
Tuesday, June 20, 1978

part of it? What's ten years nowadays. It's not long.

Now, the situation of Mr. Hall and his tactics leave a lot to be desired. This dear gentlemen, Mr. Chairman, took it upon himself to move four mobile homes onto the property in question, without authority, and hook them up, service them, and the municipality was forced to take court action, and that is still outstanding, Mr. Chairman. We are awaiting the outcome of this bill.

I think that was very presumptuous on his part. He just didn't ask permission, he didn't wait for any authority, he moved them on and connected them. I don't think that was very good and then for him to come to us afterwards and say, "I want to have the city annex it."

I think another thing that is coming through here, Mr. Chairman, is that we have the city saying that this is a problem of Cornwallis and Mr. Phil Hall. We have no dealings with Mr. Phil Hall. The annexation is by the city. The city wants jurisdiction over that land, and from then on they deal with Phil Hall. Once the land is zoned, it is in their jurisdiction. What hold would we have on Mr. Phil Hall in any sense? None. It's totally the city's responsibility after that point, and they must deal with Mr. Phil Hall.

So, we don't agree with this — well, this clause is between the municipality and Mr. Hall and so on, and these conditions are presented to the city. And if they can't comply with them — we would even have encouraged or sat down to some more discussion, but their letter to us, just said, "strike this, strike that, and amend that one" — not, could we come down and talk to you, and maybe come to a better agreement.

It was also stated to us that the word "guarantee" in the one condition, the solicitor said no city government can go along with guaranteeing something. They are not going to be here X number of years. Well, maybe a softer wording would have been there. We wanted some assurance, we wanted some concrete evidence that this city is genuinely interested in the mobile home dweller, and not Mr. Phil Hall.

Now, Mr. Chairman, getting to Mr. Andersson, and you had representation here today, and I have more to add to that.

Mr. Ron Andersson and myself spoke yesterday morning at 8:00 o'clock Brandon time, which was 7:00 o'clock in Burnaby, B.C. The gentlemen was very disturbed, and although I did not get all the questions answered that I asked him, I did get the distinct understanding that he was very displeased with what was going on. He said, "Why didn't the municipality or the city ask me." He said, "I asked you to have that zoned at one time, for a mobile home park, and you turned me down. If you are going to make it into a mobile home park, what's the matter with me having it? Why can't I develop it? I'd come back at a jump." I informed him that we were told that he had issued an option. He said, "That's a very loose document, and if you get a lawyer to read it, you'd probably find out that it's not what it is said to be."

I think that is coming to light here too in that the parcels are not defined. There is no legal description of the parcels. I do not however, have a document in hand that I can say that that is fact, but that seems to come out. In speaking to our Council solicitor, he also made mention that there is something just not right about this situation and it would certainly throw a new light on it, if it were to be revealed.

Mr. Andersson then, also, at an earlier date, made an appearance in our municipal office. I was not present. He spoke to our staff, and he expressed the same thoughts. He wondered what was going on here, why wasn't he informed. In fact, he was in town hoping to appear before a rumoured committee hearing of this legislature, however, it did not materialize, and he went back to his home in B.C., some of them were illegal.

Mr. Chairman, that's our presentation. Our council and myself thank you very much for hearing us out. As I said it's unfortunate that we have to be on our way to Reston.

There is one other thing I would like to mention. Before you is a photostatic copy of a article that appeared in The Brandon Sun, June 17th by Sun correspondent one Garth Stouffer. I think he sums the situation up wonderfully. I submit to you that we do oppose this bill and I respectfully request that you not pass it. I do also say, I think there is meaningful discussion with the City of Brandon now. We've had some very nice discussions lately, in fact a very important agreement was reached at a liaison meeting only just recently. I'm not at liberty to make all the fact known, however, I think it's a milestone and our Honourable Minister will be informed when it's considered appropriate and I think it's the direction we should go. However, we don't think the mobile home dweller is being served as is stated here. We think that this is a speculator that is hurrying into something and not really genuinely concerned about the mobile home dweller, nor is the mobile home dweller going to be served by this. I thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you Reeve Weisgerber. We are getting close to the closing hour of 12:30 p.m. and I would like to seek the advice of the committee on how we're going to proceed. We recognize that we have delegations here from the City of Brandon who have come in a great distance to appear before us today, so the Chair is going to abide by the decision of this committee. The

Municipal Affairs
Tuesday, June 20, 1978

Member for Brandon East.

MR. EVANS: Mr. Chairman, I'd like to suggest, in view of the fact that the delegations here have come a long way and at some expense and of course of their time on this very important matter, that we continue to sit until we hear all the representation. I don't know how long they will be, hopefully they won't be too long, but I would like to move or recommend that we continue to sit until we hear all representations today. Just two more I understand.

MR. CHAIRMAN: It has been suggested that we sit until all the presentations have been heard. Is this in agreement with the board? (Agreed.) We will then continue with questions, the Minister of Municipal Affairs.

MR. MERCIER: Your Worship, I'm advised that while we've heard this morning that the existing mobile home park within the City of Brandon is zoned for mobile home park purposes, that the City of Brandon has approved a development plan which, when approved by the Provincial Land Use Committee of the provincial government, will amend the zoning to make it highway-commercial and that is now before the Inter-Departmental Planning Board. If the Provincial Land Use Committee were to order a change in the development plan which would change retain it as mobile home park, would that satisfy the condition that your council has suggested in its resolution about a guarantee of zoning for mobile home park purposes?

MR. BOX: Yes, Sir, that would solve that and in fact that's not the city's zoning, they inherited that zoning when they took it over in annexation. That's Cornwallis and with them it's only policy that it's mobile home park now anyway.

MR. CHAIRMAN: The Member for St. James.

MR. MINAKER: Reeve Weisgerber, I wonder on the land in question that's before us at the present time, who provides the police and fire protection for that area, is it the Municipality of Cornwallis?

MR. WEISGERBER: Yes Sir.

MR. MINAKER: And is the school division boundary coterminous with the boundary of Brandon as well?

MR. WEISGERBER: No, no the school division has other boundaries.

MR. MINAKER: So that that section of land presently is under a school division that includes the Municipality of Cornwallis, but not the City of Brandon.

MR. WEISGERBER: That portion, yes, belongs to the same school division as the portions of Brandon. I do believe, Sir, it's division 40.

MR. MINAKER: The other question with regard to the trailer park that the Rural Municipality of Cornwallis is presently involved in, that area as well police and fire protection comes from the Rural Municipality of Cornwallis?

MR. WEISGERBER: Yes, Sir.

MR. MINAKER: And the schooling division falls within that boundary?

MR. WEISGERBER: That's right, sir.

MR. MINAKER: And I'm not familiar with the area, is the water supplied from a well source or a river or . . . ?

MR. WEISGERBER: In the park that is being developed within the R.M? It's ground water and the engineering studies have ensured adequate supply and that portion has been approved by the environmental people.

MR. MINAKER: I see, thank you very much.

MR. CHAIAN: The Member for Selkirk.

MR. PAWLEY: Reeve Weisgerber, I wanted to ask you the same questions I pursued with His Worship, the Mayor of Brandon and that is in connection with the Rural Municipality of Cornwallis and its attitude towards district planning. Has the Council endorsed the concept of a district planning board?

MR. WEISGERBER: The Council as such has not, however, in discussions I would say that a large number of the present Council would vote in favour if the thing was put to them in that sense.

MR. PAWLEY: You would concur then that many of these problems would be resolved if there was a suitable district planning board with a conceptual plan relating to land use involving Cornwallis, Elton, Glenwood, Oakwood and the city.

MR. WEISGERBER: Yes, sir, basically there are certain routes that that would have to go in our opinion, but that in essence would solve many of the problems.

MR. PAWLEY: And you're assuring this committee that in your view the Municipal Council in Cornwallis is not opposed to working toward a conceptual plan and district planning board involving the City of Brandon within that formation?

MR. WEISGERBER: That's correct. We're already moving in that direction, not sometimes as fast as I would like to see it but then things have to be approached in a cautious manner.

MR. PAWLEY: Now one area that disturbed me in your address, you made reference to density as though the fact that there were 150 acres per 1,000 population in Brandon compared to 10 acres per 1,000 in Toronto, that in some way or other this was a distasteful or unfortunate situation. I'd like to submit to you that probably if we took the City of New York, we'd be looking at ¼ acre for 1,000 population. Surely you're not suggesting that the people should be cramped together tightly on small acreages?

MR. WEISGERBER: No, but there is an awful gap between 10 and 150, somewhere there could be a better distribution of the acreage to population.

MR. PAWLEY: But you would agree that insofar as Toronto and Brandon is concerned that the advantage surely rests with Brandon as far as the use of planning and facilities, etc. for the residents of Brandon compared to the very nature of a centre like Toronto?

MR. WEISGERBER: We advocate planning and of course we proved that by adopting a sensible and workable plan, sometimes difficult to implement in the rural areas, but however, we went through that because Bill 107 really dictated that we do that or we'd suffer the same consequences and it's ironic that we're here today so soon after Bill 107 regardless of the fact that the R.M. did do meaningful planning as approved by all government departments, and we're slicing off another piece.

MR. PAWLEY: And that took place subsequent to Bill 107, that planning, is that correct?

MR. WEISGERBER: Yes sir.

MR. PAWLEY: You acknowledge that prior to 1971 there was very little by way of constructive planning that had taken place involving Cornwallis?

MR. WEISGERBER: Cornwallis had been in discussion for some time and as a matter of fact, I was Chairman of the planning at one period of time, considerable before that and were going towards planning. But in the rural it's difficult to move that along at any great speed, however, as a result of that bill, we did move along and as I said, distastefully, because rural people just don't like planning.

MR. PAWLEY: In submitting this Brandon Sun editorial by Mr. Stouffer to us, you're endorsing the article I assume?

MR. WEISGERBER: By and large, yes, sir.

MR. PAWLEY: I assume that you would not, like Mr. Stouffer attribute voting of different meers to any motive outside of their desire to ensure that the best is done for the residents in Cornwallis and Brandon, that you would not attribute motives in the way that Mr. Stouffer did?

MR. WEISGERBER: That's probably the portion that I would not associate myself with, however, the point I think he makes throughout is the mobile home dweller has to be considered and good planning is the only way he's ever going to be considered, and zoning likewise. There's no sense in going through a charade and then two or three citizens can shoot that all down and money has been lost, and nothing gained and the mobile home dweller is still sitting outside.

MR. CHAIAN: The Meer for Brandon East.

MR. EVANS: Thank you, Mr. Chairman, I had a number of questions, but in view of the time constraints I'd just like to really ask one serious major question that goes back to the five conditions that were set out in the resolution. Admittedly on split vote but nevertheless passed by the R.M. of Cornwallis Council and submitted by document here dated March 20, 1978. It seems to me the real problem or the real disagreement boils down to Item No. 2 and that is that the area be zoned as a mobile home park for a period of at least 10 years, that seems to be the real crux of the matter. I can say unequivocally that the committee, the Legislature shares your concern and everyone's concern about the need for mobile home accomodation. That is our purpose, that is our concern. We're not concerned with legal disputes between individuals and so, so I ask you this Reeve Weisgerber, if there were a condition set down somehow by the committee, by the Legislature, I don't know what legal means might be used but that nevertheless was legally binding, to therefore guarantee that this area would be zoned as a mobile home park for at least 10 years, and the other conditons being set down having been accepted, I assume, by the City, then would the municipality be opposed to the passage of this particular bill?

MR. WEISGERBER: No, we in fact did give him the land under those conditions and if this committee and Legislature sees fit to do it under hopefully those conditions or somewhat similar so that there is conditions applied to the city, God bless us sir, let it go.

MR. CHAIRMAN: Are there any further questions? Thank you Reeve Weisgerber. Next we have Wes Smith.

MR. WES SMITH: First of all, Mr. Chairman, I'd like to pass copies in my brief to each of the members and I also have some 381 petition names I brought with me from people other than mobile owners in Brandon, various people, mostly homeowners and renters, etc.

Mr. Chairman, and members of the committee. I stand before you today as a spokesman, a family man and a mobile owner from the City of Brandon. In exactly 11 days, Larkhill Mobile Home where we live will be closed to give way to the construction of the new Brandon Mini-Mall at 34th and Victoria Avenue in Brandon. As a result, the families of Larkhill will be forced to vacate the land on which they live. This puts every mobile homeowner in a crucial situation concerning where to move to. We were given less than three months' notice to move out and were originally led to believe that we had two years to relocate our homes, and I have some documentary evidence to that effect. Problems have arisen from the situation and we have in fact no suitable place to go. Although there is an out of the way location on Brandon's north hill not all of us meet the rigid requirements or choose to live by the strict rules laid down by the owner of that mobile park, some of which incur much extra expense and seem to infringe on human rights. I have at my disposal material to back up my statements which could be used for further discussion if necessary.

As Canadians we have a constitutional right to have freedom of choice and where and how we choose to live. As mobile owners we do not have as much variety of location as regular homeowners but we would like to have an alternative place to live if there was one. We choose to live in mobile homes because they are well-built, economical, relatively maintenance free, and permit a nice alternative to owning a regular home or living in a suite. Mobile homes are in and here to stay. They are a very popular choice with young couples, families with children and retired people alike.

I am also here today to convey a special urgency to the Committee concerning the people of Larkhill Mobile Home Park. We are at wit's end at this point in time and don't know where to turn. We are faced with losing our homes because of the desperate situation that we are in. All we can do is pray for help and we are appealing to you to do all in your power to help us in this crisis. Brandon is a fastly growing city with a great shortage of mobile sites placed close enough to the downtown area of Brandon. If this shortage problem isn't dealt with immediately the situation is

Municipal Affairs
Tuesday, June 20, 1978

going to steadily get worse as there is another mobile home park, Trailer Lodge by name, scheduled to be phased out in July of next year. So as you see the problem is not only present but future as well.

We, the residents of Larkhill Mobile Home Park strongly support Bill No. 18, the proposed expansion of Brentwood Village for many reasons. Brentwood Village lends an advantageous location to its residents and most of the Larkhill residents work in the downtown area of Brandon. Schooling for the children is literally in walking distance compared to have to take a bus if we were forced to live on Brandon's north hill. We would be close to family activities, shopping, and away from air pollution. Economically it makes much more sense as well. The new development of Brentwood Village would lend an almost ideal situation for mobile home living. It has trees. The mobile lots are large. It has a proposed play area for children and a recreation area for adults. It is also away from commercial frontage and traffic. All in all it would be what a mobile park in a community should be and it is a place where young families and retired couples could live in harmony.

The new Brentwood Village would attract people of many talents to Brandon and would provide an alternative place for them to live thus creating more business for merchants and mobile home dealers alike. The new Brentwood Village would be as good as you would find anywhere in Canada, if not better. In our opinion we think the proposed development is a worthwhile undertaking for Brandon and would be a great asset in Brandon's importance as the Wheat City.

In closing I am leaving with you one last thought to keep in mind. Please judge this case on its individual merit and not on the fear of setting a precedent in our province. Thank you, Mr. Chairman, and Committee' and if you have any questions. . .

MR. CHAIRMAN: The Member for Seven Oaks.

MR. MILLER: Mr. Chairman, through you, just one question. I wonder if the delegate could indicate how he feels about the suggestion that within two years a strip along the highway might be rezoned to commercial and deleted from the trailer park area.

MR. SMITH: Well, mainly as a mobile owner, I don't like to see that type of thing but I can see the point from the businessmen's point of view of having his hands tied. Our situation is a desperate situation right now but we're caught in between the two problems.

MR. MILLER: Yes, I quite appreciate the position you people are in, and you're appealing on almost compassionate grounds because you have a problem and you're suddenly faced with a crisis. But recognizing the human need, the needs of people, do you feel that the development of a commercial strip — in other words taking some of the land which is now used for trailer park purposes out of the trailer park — do you personally feel that that would be to the best interests of the trailer park residents and the future residents if the annexation is permitted?

MR. SMITH: If it meant that it had to be moved to provide a place for commercial, this is the situation we're in now on 34th and Victoria. It just happened more or less overnight.

MR. MILLER: So in other words . . .

MR. SMITH: They're providing this place for them to go. They're taken into the situation and not like us just left high and dry.

MR. MILLER: Yes, in other words what you're saying is that you're faced with a crisis situation because someone who owned the land chooses now to develop commercially and you're forced out, and so the question I ask is two years from now if a strip is developed along the highway for commercial then somebody else will be forced out two years down the line.

MR. SMITH: Well, personally I'm not interested in being located on frontage land anymore like you're suggesting. I'm in the process of having to move somewhere and the more permanent the better.

MR. CHAIRMAN: The Minister of Co-operative Affairs.

MR. MCGILL: Mr. Chairman. Mr. Smith, I think I understand your brief and most of the points you make and the sense of urgency that you're conveying here to the Committee. There was one comment that caught my eye. You said that if you were able to move to Brentwood or that area you would be close to shopping and away from air pollution. What did you mean?

Municipal Affairs
Tuesday, June 20, 1978

MR. SMITH: Well, if you want me to be specific it isn't on the east end of Brandon; it's on the south-west corner, and there is no industry of any kind, that the Highland Park on the north hill is more or less downhill from a proposed — well, it's supposed to be going to be moved, but it's the rendering plant and at times the wind can change and it'll drift across there. This is a known fact.

MR. McGill: I see. I gather then that you're not comparing your present Larkhill site with Brentwood, but with other possible sites in another area of town. I see.

MR. SMITH: Brentwood is much like where we are now.

MR. CHAIRMAN: The Member for Brandon East.

MR. EVANS: Thank you, Mr. Chairman. Very briefly also, could you give us an indication of how many would be displaced at this particular time because of the closure of the Larkhill Trailer Court? I understand, of course, some could go into the other sites — north hill or what have you, but what number approximately would be displaced that couldn't go into the north hill or wherever?

MR. SMITH: Well, it's originally 24 families who are there, something like five to seven have apparently found accommodation elsewhere but the remainder are still sitting there waiting for the decision on this bill because it's our number one choice.

MR. EVANS: Yes, thank you. Mr. Chairman, one other question. Is there any possibility of obtaining an extension from the owner of the property on which you are now living. I understand that the present owner wants to proceed with the development but is there any possibility of him deferring that development for a period of time?

MR. SMITH: I talked to his lawyer a couple of times on that and I've waited for word and nothing — nothing is coming back. They're in there right now drilling test holes for piles, I imagine, so there's no consideration for us..

MR. EVANS: Mr. Chairman, have you consulted with your own lawyer? Has your organization retained a lawyer and looked into the legalities of possibly obtaining a deferral for a period of time?

MR. SMITH: Not as of yet. It's been more or less sprung on us and our immediate action didn't happen right away. We sort of sat back hoping things would happen immediately for us, you know, and they didn't. We missed the time factor involved.

MR. EVANS: So regardless of what happens to the bill there's going to be some dislocation and there will be some difficulty unless the present owner — I believe it's Jacobson and Greiner — of the Larkhill Trailer Court, unless he's prepared to somehow, for compassionate reasons, give you a breathing space as it were, another month or two while other developments occur.

MR. SMITH: Well, I believe it was on the news that he had approached Mr. McGill about such a possibility if the bill does go through. This sounded like some kind of an ultimatum, I think, but there's no one man could guarantee that because this whole Committee depends on that.

MR. EVANS: Yes. Fine. Thank you.

MR. CHAIRMAN: The Member for St. Matthews.

MR. DOMINO: I was wondering, Mr. Chairman, the land on which the Larkhill Trailer Park now sits, has been sitting for the last little while, has that land been recently rezoned by the City of Brandon?

MR. SMITH: I believe it was rezoned commercial all along. I believe so.

MR. DOMINO: It was zoned commercial originally so a trailer park can sit on commercial land? It wasn't zoned as a trailer park?

MR. SMITH: Right.

MR. DOMINO: Okay, that's all I wanted to ask.

MR. CHAIRMAN: The Member for Roblin.

MR. McKENZIE: (Inaudible)

MR. SMITH: I have with me the original letter we got from the owner of Piccadilly Trailer and Marine, a Mr. Frank Maine in Brandon. I'll read you it. There's a Piccadilly Trailer Sales at the north side of the lot and Larkhill Mobile Home Park is at the south side of the lot. It says and it's dated September 28, 1977 — "This letter is to let you know that the property that is occupied by Piccadilly Trailer and Marine Sales and also the property occupied by Larkhill Mobile Home Park has been sold to Mr. V. B. Jacobson. Piccadilly Trailer and Marine Sales have leased the property that they occupied for two years and it is my understanding that the trailer park will be operated the same as previous except that" — this is Mr. Main's son — "Gary Main in Lot 8 (he's moved out since) is manager of the park and the rent is to be paid to him at Lot 8 beginning January 1st." Now to me that sounded, and to other people, sounded like we had much longer than we're supposed to have, but nothing legally. I've lived there for eight years hence and I had no reason to doubt.

MR. CHAIRMAN: Any further questions? The Member for Selkirk.

MR. PAWLEY: Yes, I wouldn't want the opportunity to pass by without having the gentleman give us some idea as to the reference which he has made to strict rules of the Larkhill infringe on north hill.

MR. SMITH: No, it's called Highland Park.

MR. PAWLEY: Oh, Highland Park — infringe upon human rights. I wouldn't wonder if we could have some elaboration on that.

MR. SMITH: Well, first of all, I have an application from Highland Park There's a couple of sticky little questions in here, that's as far as I'm concerned, they can make people shy away from living in such a place.

Like, there is in question seven here, it's length of time in present job. Which, as far as I'm concerned, is irrelevant. And it states a salary, which the owner of that park — that is, as far as I'm concerned, is none of his business what your salary would be.

On the next page, it says, "It is further agreed, that in addition to the tenant named above, only the following persons may occupy the rented premises." And that gives a total of up to five people, preferably a man and his wife, and three children possibly, and underneath it says, "Together with any natural increase," which should refer to child birth in the tenant's family, "but in any event not exceeding a total of", and it leaves a blank space for the owner to put a limitation on how many people a man is supposed to have, and if he's got too many to start with, possibly he could be refused for that reason alone.

MR. PAWLEY: Well, Mr. Chairman, I thank the gentleman for elaborating, and I think in view of the fact that we do have the Attorney-General present, that last point, certainly not the earlier two points, but I believe the last point would be worth of investigation, since the Attorney-General is responsible also for the Human Rights Commission.

MR. SMITH: I have two other letters if you're interested.

My next door neighbour was a Mr. Ray Templeton, no relation by the way. On May 26th, he was refused entrance to Highland Park because his mobile home was too old, and Mr. Templeton told him to haul his mobile home up to see if it was acceptable. I suppose it's on a condition basis. His mobile home was six years old and would not pass his requirements, and also he said he wouldn't be given a choice of lot in that particular park. Both he and his wife signed that — they are not here today.

Also there is a fellow present right now, another neighbour of mine, Mr. Norm Mills. On June 15th, his wife approached Mr. Templeton, asking about lot rental, and apparently the stipulation was that they can't park trucks over three-quarter tons in the park, and Mr. Mills needs his truck for his job, he's on like 24-hour call with Manco Dairies in Brandon, and this is more or less. . . He was refused because of the reason of his truck, which would infringe on his livelihood. He was not given an option to park it anywhere else.

MR. CHAIRMAN: Are there any further questions? Thank you, Mr. Smith.

MR. SMITH: Thank you, Mr. Chairman, and committee members.

MR. CHAIRMAN: We have one more person to hear from, Mr. Elliott.

MR. ELLIOTT: I would hope, gentlemen, that I am not as short winded as Mr. Weisgerber, that was just a little while ago.

First off, in my speech I was presumptuous in assuming that I would be speaking to you this morning, and not this afternoon.

Good afternoon, Mr. Chairman, and members of the committee. I am speaking on behalf of the Brandon Mobile Home Owners Association. The Association is only a little over a year old, and we now have approximately 120 members from all courts in the city. Those are mobile homes, not just husband and wife.

It was formed in order to present grievances and to offer solutions for those grievances and in general to improve the standard of living for mobile home residents. We supported the expansion of Brentwood Village back at the Municipal Board Hearing in September 1977. At that time we had a petition of some 300 names. All names on that petition were mobile home owners.

The problem we are faced with today is the closing of one court in the city and its loss of 24 lot spaces. Although there are lots available in one court in the city, due to the location and/or some of the rules of that court, not all residents of the closed court can move there. Thus they have no place to set their mobile homes. The main point is freedom of choice. The fact is that if you want to rent an apartment, you have a choice of any part of the city. If you want to buy a house, you have a choice from any part of the city. If you want to own a mobile home, you go there — no choice.

We have no doubt that the responsibility for the lack of lots lies with the City of Brandon. Maybe even more so on the people who already own homes and reject having a mobile home court close to them. Most view these courts as dumpy, unattractive places. It is little wonder most courts in Brandon are old, cramped, and located in undesirable areas.

One of the goals of the Association is to promote and support the development of well planned mobile home communities in the City of Brandon. Having seen the proposed plans for the expansion of Brentwood Village, we back it fully. It is not a makeshift operation designed to get the most number of mobiles in a given area and to last only until some other and more lucrative venture comes along. Rather it is well laid out with quiet bays and crescents, large lots, large green areas for children to play in, and good buffer zones with trees already in place. This, along with proposed paved streets, driveways, and tennis courts within a year, should set a high standard for mobile home courts in Brandon and western Manitoba. The fact that the court owner has many years experience in this business, and lives in a mobile home himself, further enhances the project.

Mobile home living is a housing alternative to either renting or buying. In Brandon, as in any city today, it is a long way between renting and buying, and getting farther. Mobile homes fit in between the two. They, along with well planned courts, offer a beautiful option to a growing number of people who can not afford a house but who do not want to rent. It gives price of ownership. It also gives young families a nice place for their children to grow up in. Brentwood expansion will not only fill this need now but also in the future.

The Association in the very near future wants to get together with the City of Brandon and discuss the development plan of the city in regard to mobile home courts. By living in mobiles, we feel we have some very positive views and ideas to offer. The Association will press the city for adequate mobile home lots now and in the future within city boundaries.

This brings us back to our existing problem, the people without a place to put their homes. The expansion of Brentwood would look after the need now, plus the need next year when another existing court will be closed down and those people will also have to find new locations. It would give Brandon the time to examine its development plan and make adjustments to assure that this situation does not occur again.

The need for more and better lots has been acknowledged by the Municipal Board, the City of Brandon, the Municipality of Cornwallis, mobile home owners, and many other people. Is it now time to correct this need?

It has been said that two wrongs do not make a right. The City of Brandon and its citizens committed the first wrong. We would hope that the second does not happen here.

Thank you.

MR. CHAIRMAN: Are there any questions? The Member for Brandon East.

Municipal Affairs
Tuesday, June 20, 1978

MR. EVANS: Well, Mr. Chairman, just one question, and that is related to a question asked of the previous delegation, and that is, what is the attitude of Mr. Elliott to the suggestion that that strip along the highway, may be at some time. . . there was some suggestion that it would be rezoned early for commercial and therefore in effect taking the existing mobile home spaces out of existence and, as the Cornwallis delegation indicated, really not expanding mobile home accommodation, but really adjusting it, or relocating it.

Do you have any comment on that?

MR. ELLIOTT: I think that goes back to my basic comment of the present courts being located in undesirable areas in the City of Brandon. We do not, as an Association, consider the present situation at Brentwood Village a desirable location and as, I might add, a resident of Brentwood Village and my mobile is small compared to most today. It's a 14 x 64. I am two feet off the street at the back and I'm four feet off the street at the front. The situation is changing in that that court may become obsolete within five years time, not necessarily that it would be desirable to have it changed, but it would either have to be completely redeveloped or just put into a different application of property.

We would be against redeveloping it because it is not a desirable location due to its frontage on Highway No. 10.

MR. EVANS: Mr. Chairman, I thank Mr. Elliott for his comments, but there is a point that by simply agreeing to this annexation for an additional amount of land to permit the extension of Brentwood Village and at the same time looking at the prospects of an early commercial development along that No. 10 Highway, does lend credence to the argument that all we're doing is permitting a relocation rather than an expansion of mobile home accommodation in the city.

So, I personally would hope that if the existing Brentwood Village spaces are not large enough, or for whatever reason it's not acceptable as it might be, that the possibility of redevelopment would be explored rather than actually taking it out of existence and turning it into commercial, although I understand your comments about it being along the highway and so on, but there is a very critical point here.

MR. ELLIOTT: I think that the Association would take the position that we would not like the lots removed until there were sufficient lots elsewhere within the city to accommodate those people in that context.

MR. EVANS: Very good. Thank you very much.

MR. CHAIRMAN: The Member for Virden.

MR. MCGREGOR: Yes, Mr. Chairman, as this morning where it's being disclosed that certain parts of certain rules, or if indeed this bill was passed, would all the people in Larkhill Trailer Park, would Mr. Hall accept all of those? As I understand, there must be something that they don't want to move into the White Swan or as someone said a tow truck cannot go to park in the Highland Park — these are things we don't know — and will all the trailers from Larkhill be allowed to go to Mr. Hall's Park if indeed the expansion was cleared here?

MR. ELLIOTT: If I just may comment before I get to your question. We are known as mobile homes and mobile home courts. The Supreme Court of Canada did hand down a decision in the past year that said that we are not trailers. I would just like to make that comment.

MR. MCGREGOR: I'm sorry, yes.

MR. ELLIOTT: Going on to it, in discussions with Mr. Hall, we have the understanding that there would be no problem putting in the mobiles that are already in Larkhill into the new proposed court there. We foresee no problems.

MR. MCGREGOR: Then through you, Mr. Chairman. If this does not go through, there is some of those mobile homes in Larkhill Park that will not be allowed in White Swan and for various reasons will not be allowed in Highland Park, would that be a correct assumption?

MR. ELLIOTT: That's right, they would have to go outside the city in order to find location, or they would have to sell their mobile and find some other place to live.

MR. MCGREGOR: Based on the fact that the owner may have a tow truck, or based on the fact

Municipal Affairs
Tuesday, June 20, 1978

that the trailer is too narrow, too wide, too old, many reasons. There's no one set of rules for mobile home parks, every owner has his own set of rules?

MR. ELLIOTT: That's right. It's up to the individual owner and we do not, you know, in certain terms, say that he is not right, because it is his private enterprise, and he may so judge. But we are concerned with the citizens of Larkhill, and other people who may come by that are not able to accommodate the rules that have been set up by that court owner, and there are a number of individuals who right now are not living in mobile homes but would like to. And some of them have expressed a concern to us about certain rules that that person has laid down. We feel it comes back to the freedom of choice, you know. Thank you, Mr. Chairman.

MR. CHAIRMAN: Are there any further questions? The Member for Roblin.

MR. MCKENZIE: Mr. Elliott, are you or your association entering into a discussion with the Mayor and the Council on this new development plan . . .

MR. ELLIOTT: No, we haven't. It has just come up since June 12th, I believe. So consequently we haven't been able to talk to them. We are proposing to get talking to them very soon. I am the head of the Committee that would deal with that regard and I hope to get in discussion with them either this week or sometime next week.

MR. CHAIRMAN: Are there any further questions? Thank you.

MR. ELLIOTT: May I just . . . It's sort of a ticklish situation but I have spoken on behalf of the Mobile Home Owners Association. As a private citizen I would like to make a couple of comments now.

I am a mobile home owner. I have been for a number of years both here in Brandon and in Calgary where we had a number of problems up there as well.

First off, I think we are looking at a situation which is dealing with, not just simply a boundary expansion, we are talking about people who do not have a place to go, or necessarily a way of life, I think is what I'm trying to term it. I must just expound a little bit.

I have a book, "Mobile Home as a Housing Alternative," which was researched by the Community Planning Association of Canada, Manitoba Division. In it they state, that the fact that only 20 percent of all Canadians can presently afford to purchase conventional single family housing and that this percentage will decrease in the future, is of concern to every province and every municipality.

"The mobile home has long suffered adverse attitudes due to the transient trailer parks of yesteryear, and this contributes to the attitudes still maintained by many elected officials.

"The Community Planning Association of Canada, Manitoba Division, is of the opinion that the time has come for all sectors of the Manitoba community, government, industry, financial institutions, developers and the general public, to re-evaluate not only the mobile home as a housing alternative, but to review existing policies, regulations, taxations and assessment and the availability of serviced land."

As I said, I question whether we are talking about people. So far this morning I have heard comments about speculators, and I would take personal exception to that although I have no financial connection with Mr. Hall I am a very personal friend of his, and I think those are very serious allegations that Cornwallis has made. As to him being a speculator, I would suggest that . . . Sure he is a speculator to a degree. Aren't we all speculators in living in a free society? I would like to ask Cornwallis or I should suggest to Cornwallis. . . They seemed to be very firm this morning in stating that the frontage is already sold and will be used for commercial within two years. .

Getting back to the 10-year agreement. I believe it was Cornwallis who originally asked that Phil Hall write a letter of intent that he would not do anything with the frontage for five years. I believe Mr. Hall so complied and it was then forwarded to the Municipality of Cornwallis. Why then did Cornwallis come back and decide that it should be 10 years instead of five years? You know, they brought up the comment about Mr. Hall suggesting two years and I think the reverse could be said, why did Cornwallis go from their original request of five years and go up to 10 years? Thank you.

MR. CHAIRMAN: Thank you, Mr. Elliott. The Minister of Municipal Affairs has expressed a desire to recall Mayor Box with the understanding that he could answer only one or two questions and not make a statement. Does this meet with the approval of the Committee? (Agreed) Mayor Box, would you come forward? The Minister of Municipal Affairs.

MR. MERCIER: Your Worship, it was indicated earlier that the existing mobile home park of Mr.

Municipal Affairs
Tuesday, June 20, 1978

Hall's was zoned "Mobile Home Park" but I understand now that the City of Brandon has approved a development plan which changes the zoning to "Highway Commercial".

MR. BOX: That's not our understanding. My executive secretary is here, and he says no.

MR. MERCIER: Perhaps he could explain that situation.

MR. BOX: Would you like to speak to him?

EXECUTIVE SECRETARY: Mr. Chairman, no it doesn't change the zoning. I think that the development plan shows an intent of "Highway Commercial" but it doesn't change the zoning. The development plan, it is my understanding that it doesn't change the zoning. It shows an intent down the road.

MR. MERCIER: Then it could be changed to "Highway Commercial" in the future?

EXECUTIVE SECRETARY: Yes, under the development plan it's my recollection, and I don't have the plan with me, but it's my recollection that the development plan shows it as "Highway Commercial". What happens then is that further down the line, after the plan has been adopted, the development plan, the zoning comes in. Then if the zoning is approved, then by by-law it is changed.

MR. MERCIER: Okay.

MR. CHAIRMAN: Order please. Before the gentleman leaves, could we have his name and occupation, please, for the record?

MR. LLOYD THOMPSON: Yes. Mr. Lloyd Thompson, Executive Secretary for the City of Brandon.

MR. MERCIER: To follow that through then, Mayor Box, what would the position be of the City of Brandon — if you can answer that — if there were a change in the development plan ordered by the Provincial Land Use Committee, which I believe gives final approval to development plans to change that proposed "Highway Commercial" to allow it to remain as "Mobile Home Park"?

MR. BOX: Mr. Minister, I don't think I'm prepared to answer that. My answer would be guesswork. We're just in the initial stages of the plan. We have to deal with the people from the Provincial Government on planning. It's a long way down the road.

MR. MERCIER: Thank you, Sir. That's fine.

MR. BOX: Thank you.

MR. CHAIRMAN: Are there any further questions? Thank you. Committee rise.