

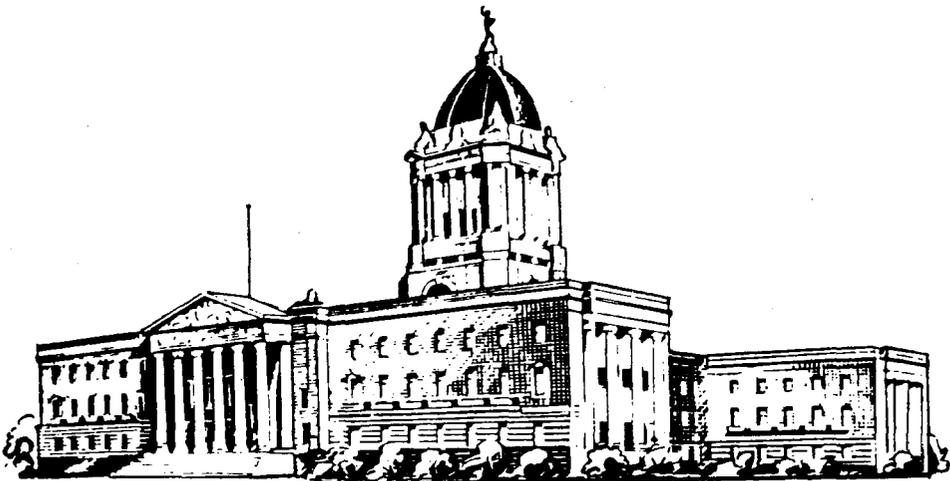


Legislative Assembly of Manitoba

**STANDING COMMITTEE
ON
MUNICIPAL AFFAIRS**

Chairman

**Mr. Arnold Brown
Constituency of Rhineland**



Tuesday, July 18, 1978 10:00 a.m.

Hearing Of The Standing Committee
On
Municipal Affairs
Tuesday, July 18, 1978

Time: 10:00 a.m.

MR. CHAIRMAN: Mr. Arnold Brown

MR. CHAIRMAN: We have a quorum. We are here to hear presentations on Bill 52, An Act to amend The City of Winnipeg Act; Bill 54, An Act to amend The Municipal Assessment Act and The City of Winnipeg Act; and Bill 56, An Act to amend The Planning Act.

Now, we have indication that His Worship, Mayor Steen; Mr. Lennox; St. Boniface Committee Lucien Loiselle; Mr. Jim Ernst; Mr. M. Prince and Mr. George Ulyatt of Monk Goodwin and Company would like to make presentations. Are any of these gentlemen here?

MR. D.C. LENNOX: Mr. Chairman, my name is D.C. Lennox, City Solicitor for the City of Winnipeg.

Bill 52, as you are aware, of course, cuts through many facets of the City of Winnipeg Act and I think it would be preferable if I could assist your committee by answering any questions that you may have, rather than making a submission, because, as I say, the Act does not refer to one specific section but many sections of the Act.

As far as Bill 54, it is self-explanatory and the same thing; I would be willing to answer any questions to assist your committee in deliberations.

MR. CHAIRMAN: Are there any of the committee members that have any questions to ask of Mr. Lennox on any of these bills? The Member for Roblin.

MR. J. WALLY MCKENZIE: Mr. Chairman, have you received a copy of . . . ?

MR. LENNOX: I understand, as the Chairman has pointed out, that His Worship, the Mayor, will be here.

MR. CHAIRMAN: If all the members would speak into the mikes, please; it's rather difficult to hear in this room and you will have to speak right into your mikes and speak quite loudly. The Member for St. Boniface.

MR. LAURENT L. DESJARDINS: Mr. Chairman . . . or maybe even Mr. Tallin could explain what we are trying to do with this. Actually, last year there was a change in the boundaries of the Community Committees and the intention of the then government was to — and we're dealing with the St. Boniface-St. Vital Committees — it was expanding the Community Committee and to leave the same requirement for the office as it had been for St. Boniface, but apparently in the change of words it complicated things and it wasn't that clear. So this is what I am intending to do at this time.

Now, I want to say that this does not change anything in the notices that would have to be sent, because there is another section that covers that and that would be only in the old St. Boniface and that does not change anything in the bilingual signs. That also would only be in old St. Boniface. And the battle that they have had between St. Boniface and St. Vital as to the location of the Committee, I think this would prevent that. I have discussed it with some of them on both sides and they feel that this is what they would want, and the group from St. Boniface then would not make any objection for the office to go to St. Vital, providing that those services were there for the people in the area; that would be in that office, though, serving whoever needs it in that community.

MR. CHAIRMAN: Mr. Lennox.

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MR. LENNOX: Mr. Chairman, I have just had an opportunity to read this and it is a question of policy of course and I have no instructions on the matter. I could point out that there is, presently, as I'm sure Mr. Desjardin is aware, the Tache Community or Tache Ward; there is an office in there now which is bilingual, which has an extra clerk

MR. DESJARDINS: . . . with the original intent of the Act and the change last year of at least giving that protection to the St. Boniface and the people around that area there would be bilingual services at that office. It wouldn't change anything else in any other committees and I understand that even the Chamber of Commerce of St. Vital which was fighting to retain the new committees within their boundaries, that they would go along with that.

MR. CHAIRMAN: I wonder, Mr. Lennox, you gave indication that you had not seen the proposed amendment to Bill 52 prior to this morning. Is that correct?

MR. LENNOX: That's correct, Mr. Chairman.

MR. CHAIRMAN: I wonder would you like Mr. Tallin to explain the amendment?

MR. LENNOX: I could just point out that in reading it very quickly it does refer to the entire community. Whereas there is now existing in Tache Ward the facilities as such warranted in Section 80(5) of the City of Winnipeg Act.

MR. DESJARDINS: That section, Mr. Chairman, would not be changed. That is if the office stays in the old St. Boniface, fine, that section referred to will not be applied, but if it moves to St. Vital all it does is maybe have a clerk that could have people pay their bills and that in French, but that's not the service of all the departments.

MR. LENNOX: Other than that, I can't comment. As I say, it's really a question of policy and I have no instructions.

MR. CHAIRMAN: The Member for St. James.

MR. GEORGE MINAKER: I believe Mr. Tallin indicated possibly part of the problem, too, was the fact that the heading in that particular section was ambiguous and I think I am just going to ask Mr. Lennox if it read "communication in French or English in the Community Office of the St. Boniface-St. Vital community." Does that, more or less, cover your concerns — the fact that . . . ?

MR. LENNOX: Mr. Chairman, I have no concerns, as such, in that I am not arguing against this or for it. I say I have just seen it and I have no instructions, but I would point out that there are, in fact, really two offices in the St. Boniface-St. Vital Community; one the main office which is in St. Vital and the other in the historic St. Boniface area. So that there are the two offices and the Section 80(5) sets forth the duties of the office in the historic St. Boniface area. So that that is the existing situation.

MR. CHAIAN: The Member for St. Boniface.

MR. DESJARDINS: Mr. Chairman, again I will try to explain that. Originally, remember that first there was Metro, and St. Boniface lost something there. Then it was the City of Winnipeg Act, amalgamation, and St. Boniface lost more there. But to preserve that, it was the intention and that received the unanimous approval of the House at the time, that the section dealing with the second official language was this: That in City Hall, the main City Hall, there would be somebody that could at least answer questions in French, and maybe the odd sign would be in French. That's in the City Hall. That would not be changed. Then there was the Community of St. Boniface, before the changes of last year. In that there were certain rights and certain requirements in answer to bilingualism in that area.

Now, last year, again St. Boniface lost more, because there were less committees. There were too many members, so that was cut down and St. Boniface and St. Vital were united. The section that's referred to by Mr. Lennox is this: That if at some time or other the main office for the Community Committee was moved to St. Vital, that they would have some office — it could be a clerk; it could be somebody — that in the old Ward of St. Boniface, historical St. Boniface, that somebody then could give the certain service, but just a Clerk, not experts, not people in each department. And that would be done. It was never intended that the office of the new Community Committee located

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in St. Vital would then have no responsibility in this field, because then you might as well wipe out the whole damn thing.

Therefore, so the intent and the words, what we are trying to reinstate here, is that the Committee, which at one time was only St. Boniface Community Committee, then took in St. Boniface, that the same thing applies there. And to prove that this was the intent, there is another clause somewhere that says, for instance, that even before last year's changes, let's say that they reorganize the Fire Department or the Police Department . And the District Office might have been in Transcona or anywhere else but none in St. Boniface, that area of that service, which included St. Boniface, would have to be bilingual also. And that doesn't change. It doesn't mean that in St. Vital, now that St. Boniface and St. Vital are together, that in all that area everything will be said in French and English. There is no change in that. There is another section in that it would only be the old St. Boniface Ward or Community Committee that this would be done. Also that the bilingual signs, that would not change. It would just be the office and the service. It wouldn't cost any more money. If the people of St. Vital don't want to take advantage of it, fine, but apparently they would be pleased to have that. And that, I think, is not a compromise; it was the intention to keep that. But I think what would happen is that the group that have been quite vocal, the St. Boniface group, want it retained there because they see losing more and more all the time. We would go along and accept more readily the office being moved to St. Vital, with this guarantee.

MR. CHAIRMAN: The Member for St. James.

MR. MINAKER: Mr. Chairman, through you to Mr. Lennox, there is an indication, I think, that you said there were two offices in the St. Vital-St. Boniface community at the present time.

MR. LENNOX: That's correct, yes.

MR. MINAKER: Are they both known as Community Offices?

MR. LENNOX: No. The main Community Office is in St. Vital. The other office is established pursuant to Section 80(5) — the office in historic St. Boniface — and carries out the duties as set forth in that subsection.

MR. MINAKER: So the one in St. Vital, is it now known as a Community Office?

MR. LENNOX: Yes. That is the Community Office.

MR. MINAKER: That is the Community Office. Another question, Mr. Lennox I don't know whether you are able to answer or not. In 80, subsection (2) the amendments, offhand can you think of any service that would not be provided in the St. Vital Community Office, where it would necessitate having an employee somewhere else being able to communicate in French? Would they normally handle most of all the services?

MR. LENNOX: Well, as I understand it, and I think, Mr. Chairman, if I may, as you have noticed His Worship the Mayor and Councillor Bockstael are here, perhaps it would be better if they answered some of these questions. I say it is a policy matter, but as I understand it, in St. Vital, the main office, if a request comes over for any reason, they have a telephone arrangement — in French that is — where they transfer it to the other office. That is the office in historic St. Boniface, where there is complete bilingual service.

MR. MINAKER: Mr. Chairman, I believe that all of the tax roll, all the tax assessments, and so on, have all been centralized, have they not?

MR. LENNOX: That's correct, yes.

MR. MINAKER: What happens now if somebody phones in to the St. Boniface office? Are they referred to downtown and is there somebody on staff downtown that's able to communicate with them?

MR. LENNOX: That frequently happens, regardless of what community you are speaking about, Mr. Chairman, in answer to the honourable member. It depends on the nature of the question, because there are some questions that are put that the community offices have not the facilities or the records to answer. So they would have to, of course, refer to, say, the Finance Department in the main City Hall Building, or the Assessment Department, or the Legal Department, or

MR. MINAKER: Mr. Chairman, would you be knowledgeable of whether or not there are employees presently staffed at the main City Hall in these departments that can communicate in French?

MR. LENNOX: I can't give a blanket assurance that all departments have. I certainly am aware that some have, there is no question about that.

MR. MINAKER: That's all the questions I have right now.

MR. CHAIRMAN: Are there any further questions that you would like to ask Mr. Lennox? If there are no further questions, are there any further statements you would like to make, Mr. Lennox?

MR. LENNOX: No, except, as I say, His Worship the Mayor and Councillor Bockstael are now present, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Lennox.

MR. LENNOX: Thank you.

MR. CHAIRMAN: Next we will call on His Worship Mayor Steen.

MAYOR STEEN: Thank you very much, Mr. Chairman. We are here primarily to answer questions on any of the aspects of the bill that's before you that you may want to ask people from the City. But I notice the bill doesn't contain several things that we had requested, and if I could make a short presentation on one aspect, Councillor Bockstael would like to on another aspect, and of course we would answer any questions you would have on any matters of the bills that have not been ably answered by our counsel, Mr. Lennox.

MR. CHAIRMAN: That's very good, Mayor Steen. I would like you to identify the bill that you are speaking to, though. You might be speaking on more than one bill and as you go along maybe you could . . .

MAYOR STEEN: We will confine ourselves to Bill No. 52.

MR. CHAIRMAN: No. 52, very good.

MAYOR STEEN: We would ask that the government consider an amendment to the City of Winnipeg Act with regard to the provision of tax exemption for buildings under the process of renovation.

There are a number of buildings in the City of Winnipeg that are currently undergoing lengthy renovation procedures. I mention several: The Confederation Building, a very large building and located immediately across from City Hall; the Lindsay Building, just off Portage and Main by a block and a half; and of course the number of buildings that are owned by the T. Eaton Company and their complete renovation in what used to be the old Mail Order and Catalogue Building. These renovation procedures are going to take at least six months and, in many cases, a lot longer than this.

The City Council has unanimously passed a recommendation asking that they would be removed from building assessments during the period of renovation and be treated as if they were vacant property under construction of a new building because, in essence, the renovation procedure is the same as the construction period in that it is impossible to occupy or make any use of the building during the period of renovation, just as it is during the period of new construction.

We would ask that the Legislature permit the City of Winnipeg to handle individual applications on their merits for such a set of circumstances, should they arise in the future, as they have on four occasions now. We want to do this because we want to encourage as many people as possible to renovate structurally sound buildings, especially in the downtown core, in an attempt to re-establish the life in the centre of the city, but it's, of course, not restricted to that area of the city. It would be wide open.

Any area of the city would be entitled to such a relief, but on the individual application for our particular project and the city would at that time have to pass a special by-law for that particular application. That's the one recommendation that was not included in the bill that we would ask very much the committee give very serious consideration to including in Bill 52, so that the city could start this year by doing it since many of these projects are starting now, with or without the

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benefit of strikes.

MR. CHAIRMAN: The Member for St. James.

MR. MINAKER: Mr. Chairman, I would like to ask Mayor Steen a question simply for clarification because if the committee should consider the Mayor's request I won't be able to speak on it because I think there will be a conflict of interest being in the renovation business, but for clarification, were you, when you said about the tax exemption, that would be to major renovation work because there is renovation work going on where people occupy the building while the work is being done and business is carried on.

MAYOR STEEN: It would be for renovation work that is going to be six months or more, for buildings that are not occupied at all, because if they're occupied then, of course, they should be paying the properly assessed tax and it would be for each individual application upon its merits because each one would have to be considered and debated in council with a by-law being passed to permit that particular application to succeed, to be exempt.

MR. MINAKER: Thank you very much, Mayor Steen.

MR. CHAIRMAN: Are there any further questions?

MAYOR STEEN: Councillor Bockstael would like to speak to the committee on one other requested city amendment which was not included in Bill 52 and, if you're through with me for the moment, I would turn it over to him. Does anybody have any questions with regard to the amendment that was discussed just as we were coming in the door with regard to the language problem in St. Boniface-St. Vital? Councillor Bockstael who is on the St. Vital-St. Boniface Community Committee would be able to give you more accurate answers as to the exact situation. I can say that I'm positive that the amendment that is proposed has the full blessing of our Council, even though it has not been formally presented to the Council, there would be no difficulty whatsoever and it's unanimous ratification by the entire Council.

MR. CHAIRMAN: Thank you, Mayor Steen. Mr. Bockstael.

MR. BOCKSTAEEL: Mr. Chairman and members. As the Mayor stated I was asked to speak for the city on the item that was deleted in our submission where we requested that the province allow us to proceed with local improvements despite an adverse petition. There are instances in the city where a storm sewer is needed and because it will front on some property that feels that they're okay and they shouldn't be assessed to help out their neighbour, there has to be a body with authority to superimpose the need and there are instances like that where this should be called on. I believe that this is a prerogative of other municipalities and it was part of the former City of Winnipeg regulations but it was taken out upon unification and we have repeatedly asked for this opportunity.

The other one was to defer the assessment on local improvements, there are definite instances, such as Kilkenny Park in Fort Garry, where the city is telling them, "You cannot develop your property at the present time." The local improvements are in and they have the option of connecting to them now or later. It was in that type of a situation that the city wanted the right to defer the assessment by placing a caveat on that property so that anyone who were to purchase it would realize that it was subject to eventual connection through new construction to those services. So those are the two areas which I was asked to address myself to.

The other one which was mentioned is — I am sure that the representative for St. James will recall that I appeared last year before Law Amendments — requesting and it was really a preparation in the event that a council with a majority from other areas were to decide that the offices were to be moved out of St. Boniface, there would be some protection via an information office. We do have this information office in St. Boniface but the battle has been going on since November as to where the Community Committee offices should be and by decision of the local Community Committee the offices were placed, the official communication clerks and community offices are at 604 St. Mary's Road, while in St. Boniface, we have an information officer and the opportunity to transact water bills, tax bills and licenses.

Information is obtained, and as was asked, if you are inquiring about your assessment, if you inquire about it in French, in St. Vital, they refer you to St. Boniface, then St. Boniface will make the phone call down town and obtain the information and transmit it to whoever wants to hear it in French. But in point of fact, three years ago Works and Operations were moved to 604 St. Mary's Road and other technical assistance branches are in St. Vital. If you appear at the St. Vital offices

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the services are not offered bilingually.

We've referred back to the September, 1972, Official Languages. It said in 80-1: "In order that residents of St. Boniface community may communicate in either of the two official languages with city employees concerning the work of their department, these services will be offered during ordinary business hours at the facilities located in St. Boniface. If the service is transferred out of St. Boniface to another community area the requirement for availability of French language shall apply in the other community as well." Well, we have now in fact moved the offices, the official community offices, to St. Vital and 80-1 and 80-2 restrict the use of the French services to what was formerly the four wards in St. Boniface: St. Boniface, Langevin, Winakwa and Norwood. Yet the services for the entire district are dispensed from 604 St. Mary's Road and what we're asking now is, make it apply so that it is practical from the central office as well. We're not hung up, you know, it's a minor thing as far as whether the signs are bilingual and whether the advertisement in the south end of St. Vital is bilingual. That's not what we're asking for; we're asking that the services be made available.

Now there are other instances where water works moved down town. They're neither in St. Vital, neither in St. Boniface. They have moved down town and that requirement exists. We have a Mr. Bob Simard as an assistant director of Water Works and he has a direct line to which people can call and speak French.

So the connotation, if a service is moved out we find that in point of fact, District 5 police station, it was fine when we had Frank Mueller as our chief or superintendent, he spoke French. But we've had a multiplicity of changes, McCaskill and other names that I don't recall right now have replaced and you find that you cannot have any French services at the St. Boniface Police Station. If you call the Winnipeg Police Department, at the Head Office, and you happen to hit the sergeant on duty and you ask a question in French, he says, "I'm sorry, I don't understand. You'll have to speak English." So that services are removed periodically or in a sequence of events services are moved from St. Boniface-St. Vital into the downtown area and I think the requirement is still there by virtue of the clause that when a service is moved that used to be dispensed in St. Boniface bilingually, should be made available in the central offices. So those are the two points that we're trying to bring out this morning.

I have just run off a few copies of the former text and the current text. I suppose if you people want more, you have the facility to run more of them off. I'm ready to answer any questions.

MR. CHAIRMAN: Are there any questions that you would like to ask Mr. Bockstael? The Member for Fort Rouge.

MR. AXWORTHY: Mr. Chairman, there are a couple of questions but first I would like to pick up on the comments made by Councillor Bockstael in reference to the availability of services. You mention the police services are not available all the time for French-speaking citizens in this city.

MR. BOCKSTAE: Well, if I may refer back before unification, there were something like 52 or 54 policemen in St. Boniface, with a chief and an acting superintendent who were bilingual, and then of the 52 or 54 policemen at least one-third could speak French. But by virtue of transfers, changing from the detective department or being promoted to a traffic branch and sent to another location, we now find that our police force in St. Boniface has very few bilingual constables or people on staff. Yet, during the day, with stenographic help and people on duty, they do, during the business hours, provide a bilingual service. If you come at 8 o'clock in the evening and it happens to be someone on duty who can't speak French, well you're stuck with it. But I'm saying that there are certain things that are referred to the central dispatch office and if you want to communicate with them, you can't do it in French.

MR. AXWORTHY: Would that be the case in certain other services like fire services and so on, I mean the same pattern would hold true?

MR. BOCKSTAE: Yes, it's quite prevalent in the Fire Department as well. At one time all our captains, lieutenants and fire chief were bilingual and through the seniority and promotion required through labour contracts, we find that a French-speaking captain is now in St. James and another one is in Fort Garry, and when they make a fire inspection, as they do every year, members of the Fire Department come into the homes and want to make an inspection and they cannot ask any of their questions in French and in some cases there have been difficulties experienced when people consent to an inspection and a certain amount of interrogation, they can't have it in their own language.

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MR. AXWORTHY: Mr. Chairman, it strikes me though that that runs contrary to Section 79(1) in both the old and new Act which says that there should be availability of these services in the central offices in both languages. What changes would you see in the Act that would be required to reinforce that problem? The Member for St. Boniface has just brought in amendments dealing with the Community Committee office. Do you see changes being required in the Act to strengthen the requirement under the Act for those services, or is it simply the city itself hasn't been administering it according to the existing Act as it now is in the statute?

MR. BOCKSTAEEL: Well, Mr. Chairman, it's true that what's before you this morning is simply to resolve the differences of the offices. The pro-St. Boniface group have a spokesman here. I believe, that provided the services are extended at the official community office, they will acquiesce and to the information office being all that is available with Parks and Recreation at 219 Provencher Blvd. But there are other items certainly in the Act that need looking into and it's often left to the interpretation.

I might cite an example. People will say, "I've been to the Public Works office on St. Mary's Road and I tried to communicate in French and I had a devil of a time. I speak very little English and I was unable to do it." They did say that the third stenographer at the rear of the office knew some French and she would come to the counter and try to act as an interpreter. This is less than satisfactory. Yet, in the interpretation of the City Clerk, we are responding to the need to have bilingual personnel on hand. Now there's a big difference, I think, or a lot of leeway in that interpretation.

MR. AXWORTHY: So what you're suggesting, Councillor Bockstael, is that really the wording of this Act as it now is on the statute books, doesn't provide a very strict requirement for those services to be available in terms of the professional staff who would be available, that the interpretation as it has been administered has been one that really does it in a perfunctory way.

MR. BOCKSTAEEL: That's right, yes, but at this juncture, Mr. Chairman, if I may, we feel that if we could have the House pass this minimum amendment at a future date when other Sections of the Act and experience has been evolved and concrete records maintained or the situation monitored so that we can come up with constructive suggestions, I believe then the Community of St. Boniface-St. Vital would come forward through Council to make further recommendations that would reinforce this.

MR. AXWORTHY: I see, so, Mr. Chairman, you're suggesting that this problem you've raised is really one more of information and that it is something that should be generated first through the Community Committee and through the City Council and then you would come forward with specific proposals to the Provincial Government or to the Legislature as to the kinds of amendments that may be required? Is that the preferred way to do it?

MR. BOCKSTAEEL: Yes, Mr. Chairman, I think that's the way we would have to proceed with it.

MR. AXWORTHY: Okay. Mr. Chairman, I'd like to ask Councillor Bockstael, on the proposed amendments, have you see the proposed amendments that the . . . ?

MR. BOCKSTAEEL: Yes.

MR. AXWORTHY: You suggest that that would be acceptable as Council representing . . . I expect your ward is largely French speaking? You represent really . . .

MR. BOCKSTAEEL: I didn't get . . .

MR. AXWORTHY: Your ward, the Tache ward, that you represent is largely French speaking, isn't it?

MR. BOCKSTAEEL: Yes.

MR. AXWORTHY: Would that be an acceptable solution to the problem that your own constituents face, that if you maintain the Community Committee office in the St. Vital area but ensure that there is provision for full language services in that office, that would be acceptable to your own constituents?

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MR. BOCKSTAEEL: Spokesmen for different delegations, residents of North St. Boniface and people who have appeared at the Community Committee of St. Boniface said, "You know, you can't have it both ways. Either you give us the central communication office in St. Boniface where definitely the services will be dispensed bilingually or if you choose to leave us with an information office, then give us the bilingual services in the central office." And it has a reflection into the St. Vital area because a good sector of Windsor Park, Southdale, St. Vital and South St. Vital, we have Village Canadien and we have several French parishes and French schools. You're well aware of the St. Emile and St. Eugene Schools and Lavallee School and so on, where French is being promoted so that the need exists really throughout the district and not just in the Tache ward.

MR. AXWORTHY: Good, thank you, Mr. Chairman.

MR. CHAIRMAN: The Member for St. James.

MR. MINAKER: Mr. Chairman, Councillor Bockstael, you've indicated that the prime concern is to have the language services available at the community office only and I wonder if you look at the amendments proposed by Mr. Desjardins and in the Act as it states now, it says, it sort of become ambiguous because it says "at the facilities located in the St. Boniface-St. Vital Community." Now, that could mean all facilities. I was wondering, would you have any objections if it was more clearly put as business hours at the community office. —(Interjection)— What is the proper terminology of the office now?

MR. BOCKSTAEEL: It is called the St. Boniface-St. Vital Community Committee office. That is where we are looking for it . . .

MR. MINAKER: There would be no objections if that was included because right now it is sort of ambiguous to some degree in the Act as it stands.

MR. BOCKSTAEEL: At the present time, this is where it is located. Some day it may be moved to a more central location that benefits both areas, but at the present time the official decision by Council was that the St. Boniface-St. Vital Community Committee offices be located at 604 St. Mary's Road, and it is in that instance that people are looking for the opportunity to have bilingual services.

MR. CHAIRMAN: The Member for St. Boniface.

MR. DESJARDINS: I think that the Member for St. James is suggesting that after the word facilities, of the proposed amendment, you add the words "committee office."

MR. CHAIRMAN: The Member for St. James.

MR. MINAKER: This is after any ordinary business hours, "at the Community Committee office in St. Boniface-St. Vital Community." So then if they move it anywhere, it doesn't matter.

MR. BOCKSTAEEL: That's fine. To me, that is most acceptable.

MR. CHAIRMAN: Are there any further questions? If not, thank you, Mr. Bockstael.

MR. BOCKSTAEEL: Thank you.

MR. CHAIRMAN: Next we have the Pro-St. Boniface Committee, Lucien Loiselle and Armand Bedard. Mr. Loiselle first.

MR. LUCIEN LOISELLE: Mr. Chairman, members of committee. Mr. Bedard will not be here this morning since, when we registered our delegation, we didn't have any idea what was going to be happening at all to the amendments at that time.

First of all, I would like to indicate my appreciation of the fact the City of Winnipeg is supporting the amendment, and also, I do have to say that most of the clarifications made by Councillor Bockstael this morning are to the point and in that sense it would not be necessary for me to elaborate in those areas.

Why a Pro-St. Boniface Committee? For the simple reason that we realized all of a sudden in the month of February of this year that this downhill erosion of the identity of the St. Boniface community was really hitting the bottom of the barrel type situation and we had to react, so that

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the Pro-St. Boniface Committee is constituted of representatives from L'Association Franco-Manitobain and the North St. Boniface Citizen's Committee; the Boniface Chamber of Commerce, and interested individuals in the area, as private citizens.

In the last four months we have basically tested the municipal line by having delegations at the executive policy level and the council level itself, asking them basically to reverse Motion 233 to return the head office to St. Boniface. That has been the basic demand. Although we would like the whole subject to be treated in a much larger perspective in the sense that the loss of services that we have been talking about over the last four months and have come through quite a bit, are directly co-related to the centralization that has been going on all the way back from 1960 with Metro and so forth. Because of centralization, a lot of the services themselves that the former City of St. Boniface had, have been moved out of the city and with that there has also been a lot of movement of personnel, so that in the former City of St. Boniface where your administration was basically bilingual through its personnel, the citizens in St. Boniface at that time could have access very easily to bilingual personnel in all departments. Now, because of centralization and amalgamation and the whole works, well, we have access basically to a few, and as Councillor Bockstael indicated, in some areas, even no access at some times.

But we find the amendments at this time to be a compromise in a certain sense, a first step, a minimum compromise, because the whole situation needs to be reviewed. We gave ourself, as a committee, the objectives right at the beginning to look at this on a very long-term basis. We don't expect to change the current or to reverse a situation that has been going on for 14 or 15 years in a few months. I believe and I hope that the government will consider major changes to the Act on a long-term basis and we will be ready at that time to co-operate with committees, or with the City of Winnipeg and so forth, to be able to monitor and identify more what is really going on, because we have to admit that over the last few years there hasn't been much monitoring, outside of "gut feelings," if you want, from citizens' complaints and things of this sort, dissatisfaction. Now, to put the finger exactly on what is the cause of the complaint, that takes more time to be able to build a case and to increase the dossier on it.

So at the moment, as I indicated at the beginning, I appreciate the support of the City of Winnipeg and of the members of the committee here so that these amendments will be to our satisfaction for the moment. I am ready for questions.

MR. CHAIRMAN: Thank you, Mr. Loiselle. Are there any questions? The Member for Fort Rouge.

MR. AXWORTHY: Mr. Chairman, I just wonder if we could have slight elaboration on the statement made that you see a constant erosion in the community committee of St. Boniface and the historic rights and privileges.

MR. LOISELLE: Right.

MR. AXWORTHY: We heard from Councillor Bockstael that there is a lack of provision of certain services. What other kinds of things that you could directly relate to The City of Winnipeg Act have caused that erosion?

MR. LOISELLE: Mr. Chairman, to Mr. Axworthy through you, as I indicated earlier in the remarks, we haven't pinpointed exactly all the areas of this erosion although we do feel at the moment that there is a direct correlation between the whole centralization that has been going on, and this centralization has been justified through efficiency and better services and things of this sort, but in the meantime the actual effect has been that a few citizens, quite a few citizens, are feeling that they are not getting what they used to have. And you know, it took a decade, it takes quite a bit of time, to finally realize exactly what is going on. Now that we are conscious of this complaint, we can try to identify exactly the cause of it. We have indicated in briefs to the city that probably the city would have to take into consideration hiring policies, training of bilingual personnel, placement of that personnel and so forth, to be able to satisfy the needs as they warrant in the area.

MR. AXWORTHY: Mr. Chairman, I would assume, then, from your statement, that the kinds of concerns that you have in the St. Boniface area are probably not that different in some ways from those in other parts of the city, if it is centralization which is the problem, that there is a general feeling of a loss of autonomy of a loss of local control. Now, you have got a special problem in relation to language in St. Boniface, but do you feel that the overall trend towards centralization of services has eroded the concept of local, grassroots ability to control their own affairs. Is that a fair assessment?

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MR. LOISELLE: Mr. Chairman, if you permit, I would like to elaborate. I appreciate the question because it would tend to put us in the same pot, in the same milieu as all of the other communities in the area and in that sense, we are in the same situation because of the centralization. But when we started our first meetings, and were discussing this point, I do have to point out that our first arguments were based on the fact that St. Boniface is historically the oldest area of the Red River Valley. It was one of the dreams of Lord Selkirk back then and if Lord Selkirk did identify this area, it was because there was a population there. There was a French population; that is where we had the first priests and everything.

So that because of the special character and role played by St. Boniface in Manitoba's history, in western Canada's history and so forth, when you go to eastern Canada, when you talk about a French community or an area that is different, you always think of St. Boniface. It's there. So we would like to bring back the perspective, and this is probably the basis of our whole fight, right from the beginning, in maintaining the office in St. Boniface, is that St. Boniface is an area in the whole City of Winnipeg with special characteristics, a special situation. And it would be to the advantage, not only of St. Boniface but of the City of Winnipeg as a whole, and the Province of Manitoba, to enhance and to play upon these particularities, You know, I refer to the Festival du Voyageur, which brings in how many tourists in the wintertime, and the role that the Voyageurs and everybody has played in the area. And the French population that is there, actually it is a microscopic situation of the whole Canadian situation, and we have it in Manitoba — we don't have to go to Quebec — we've got the situation right here. You know, let's deal with Canadian unity in Winnipeg, let's not talk about Quebec.

MR. AXWORTHY: Thank you, Mr. Chairman.

MR. CHAIRMAN: Any more questions of the witness? I thank you, Mr. Loiselles.

MR. LOISELLE: Thank you very much, Mr. Chairman.

MR. CHAIRMAN: Did you say, Mr. Loiselles, that Mr. Bedard is not present this morning?

MR. LOISELLE: Yes, we discussed this over the phone, and it was decided that my intervention would suffice. **MR. CHAIRMAN:** Very good, thank you. I call Mr. Jim Ernst . . . Mr. M. Prince . . . Mr. Bockstael.

MR. BOCKSTAEEL: Mr. Chairman and members, as an executive committee, the Mayor and Deputy Mayor and the Chairmen of Committees, Jim Ernst has been delegated to speak to the abandonment of the Second Hearing, and he has all the statistics and all the data and the number of references, but the City and the Committee of Environment is faced with an onerous task of having every hearing reheard the second time. They spent yesterday afternoon at the designated hearing committee, they were still there when I left them at 5:30, having commenced at 1:00 o'clock, and it seems a futile exercise to go through all of this over again, because the original applicant has his chance at the Community Committee. It goes through a process and there's a final appeal to Council, because the designated committee was reporting directly to Council. Anyway, the gist of it is that there is ample protection within the Act to protect whoever is making an application, or opposing a rezoning or a variance, and the likes of that. And in the history, if I can recall, of over 400 appeals, only one was ever reversed, and 18 were heard. It seems I believe from the period of 1972 to the end of 1976 or part way into 1977, there were 418 or thereabouts, 410, 18 of them were referred to the Minister, and the Minister reversed one of them, so that all in all, it is just another sounding board. And the peculiarity about it is, whether it's approved or not, it still has to go through a second hearing under the present Act, and the entire Council and the Committee of Environment endorses the recommendation that the city made at Council and adopted by Council that the second hearing be eliminated, the mandatory second hearing. So that was the gist of dealing with Chapter 15 and Chapter 20 that pertained to environment. All of those planning recommendations were necessary.

MR. CHAIRMAN: Mr. Miller, the Member for Seven Oaks.

MR. MILLER: Thank you, Mr. Chairman. To Mr. Bockstael, the system, prior to 1976, was that applicants or those who wished to oppose the application appeared at the Community Committee, and made their views known; the Community Committee would make a determination and send it off to the Environment Committee at the time, now it's called the Designated Committee. What you are saying is that there are so few in which there is any dissention, that they are really cut and dried?

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MR. BOCKSTAEL: Right.

MR. MILLER: And I'm not concerned with those at all. Are you saying that even if there is no counter-view, that in fact everyone is in agreement, that you still have to go through the hearing process itself? Now wouldn't that take just take literally seconds if something came up on the agenda, and there was no one appearing pro or con, then the Designated Committee would make his recommendation, usually to reflect the Community Committee, and then pass it on to Council for rubber stamping, because that's what it is — rubber stamping — you give them first and second readings, then it has to come to the Minister.

Are you not concerned, though, that just as every other municipality and in most jurisdictions the public who may have different views, and who may have not realized that the Community Committee would ever go along with this, what they may consider, a hare-brained idea? Like a 20-story apartment block plunked down in the middle of nowhere, or in a neighbourhood; that there should be some means whereby the citizen has another opportunity to make known his views, not just to the members of the council that happen to represent that area, and who are under great pressure because their wards are involved, and the pressure within the ward, but rather that some group who has a larger view and who politically are not under the gun, because their residents are immediately involved, shouldn't they have some opportunity — not just to make written submissions — but to actually make an appeal direct, to present their case, as in the case of any municipality where the Municipal Board is involved, and which we eliminated from the Act when we removed the Municipal Board from the City of Winnipeg. But, in doing so, we left everything to the council and really to the Community Committee, because the council never hears the submissions. It may get a written submission prepared by a lawyer, but there is no way that the public can approach the Designated Committee or Council to make known its objections or its approvals, one way or the other, if they are fighting for something rather than against something? Aren't you concerned that this is denying the public the very traditional right that they've had over decades?

MR. BOCKSTAEL: Mr. Chairman, really I don't share the concerns that Mr. Miller has about someone objecting to a variance or a zoning being approved at the Community Committee, and in the past of course those who appeared at the Community Committee, if they weren't satisfied with the decision could notify the Clerk's office within 14 days and come in and appeal this decision. But it wasn't mandatory that every decision taken, whether in favour or opposed, would have to be reheard by the Committee of Environment, and we have a case right now where the Designated Hearing Committee has closed the hearing on some rezoning or on a by-law and the suggested mode of operation is that the appellants could petition Council to set up an ad hoc committee to hear their situation.

Now it seems to me that there is enough protection there without subjecting every one of these mandatory appeals appears to be a rerun or a rehash of all the arguments for and against, when they do come, and yet if these people had to go through the steps of formally advising the Clerk that they wished to appeal, many of them would forego it, but they receive a letter telling them that there is a Designated Hearing Appeal Committee where they will be heard, and many of them phone and say, "Must I appear? Because I've given up — **i'm satisfied — the decision was made.**

I made my representation, but now, I receive a registered letter telling me that the designated hearing appeal committee is going to deal with it on such-and-such a date. I have to take the afternoon off from work to go and repeat what I said at the community committee." And it just seems superfluous, and it's putting a tremendous load of work on the council.

MR. CHAIRMAN: The Member for Seven Oaks.

MR. MILLER: Well, Mr. Chairman, I can appreciate where there is really no contentious issue, that people having to be informed, as you indicate, somehow feel that there is an obligation because they get a letter that they've got to go through the same procedure all over again. But knowing as you do of the various current events that occurred over the years, where certain preliminary approvals were given at a community committee, and it took some time for public opinion to become aware of all the ramifications; it took some time for the public opinion to sort of rally and there

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have been occasions in the past where community committee recommendations have been reversed by virtue of the fact that the public had a chance to clarify its position and to make known its views emphatically to the Environment Committee and even to Council, but Environment Committee certainly. So I'm wondering whether in eliminating the appeal provision which existed in the past — that is, to the Minister, through the Minister of the Municipal Board — we haven't gone the whole hog and given Winnipeg powers which no other municipality has, that it's a one-shot affair. You appear at the community committee, you make known your views; if you win or lose, there's no appeal to Court of Queen's Bench — there's no anything. It's a one-shot affair. And, if in the wisdom of the community committee at that moment, because the application may have been highly orchestrated, very, very effective — the community committee went along with it or shot it down, because of a particular issue — and that's it. There is no other means of appeal except, hopefully, to buttonhole a councillor to privately tell him what your views are. Do you not think that perhaps if there is no contentious issue, it need not be heard, and it could be rubber-stamped, but if there's a contentious issue, do you not feel there should be some means whereby the citizen can have another opportunity to make known his or her views? Because it could affect people's property; it could affect their immediate neighbourhood, and could be very important to them. Do you honestly feel that the one opportunity is adequate? It doesn't seem to be elsewhere in Manitoba.

MR. BOCKSTAEI: Mr. Chairman, to the Member for Seven Oaks. I think that the avenues are there. I'd like to cite an example that really illustrates my point. Some months ago, a developer came to apply for a greater density in St. Vital. There were large delegations who opposed it; it went on to the designated zoning and it was brought forward to Council, recommending that it be done. I happened to be the lone dissenting vote of the four councillors in the St. Boniface-St. Vital area. On the floor of Council, I took up the cause and explained all the reasons why I had been in opposition to it, and Council turned it down. I wasn't lobbied by those who were opposed, but it's simply a case — I think it's the role — of a councillor of an area if, after having studied the application and is aware of all the facts, and is sometimes made aware even after the fact of some of the conditions, before him is the floor of Council to appeal to the rest of the membership of Council to turn it down or to amend it. I think that that protection is built in.

Now, Mr. Lennox — I'm sorry; we were each briefed for our respective presentation and Jim Ernst is certainly more versed than I am in this matter, because he's been the Chairman of Environment. He has discussed this at length with our City Solicitor and certain aspects of it. Mr. Lennox suggested there are a couple of statutory points in law that he would like to make you aware of, if it's proper, in the context of answering it.

MR. CHAIRMAN: Before you go, Councillor Bockstael, I have a question from the Honourable Member for Fort Rouge.

MR. AXWORTHY: Well, Mr. Chairman, I just wanted to clarify this, that it appears to me that the concerns raised by Mr. Miller, that if the present proposals in this bill are passed, that there would be no form of appeal. That's not the way I read the bill; it seems to me that there are several steps throughout this. The only thing that we're eliminating is the requirement for an open hearing — a duplication of the hearing. But it seems to me that notices have to go to the designated committee, and I assume a committee can call for representations? There's nothing to prevent someone from coming forward to that committee to speak to the application, is there?

MR. BOCKSTAEI: I'm not too certain of my grounds there, but I know that in the particular instance that I have taken to the Commissioner of Environment this past week, the formal step is that those who are not even satisfied with the designated hearing committee's decision can petition Council to set up an ad hoc committee to hear the matter and recommend to Council at a later date, that this is provided right now.

MR. AXWORTHY: Councillor Bockstael, would it be preferable then that if, in these amendments to the Act, it was clarified that once the community committee has made a decision, and the matter goes to the designated committee, that the designated committee can call for representations on the matter if they deem it required.

MR. BOCKSTAEI: Well, that decision is allowed, I believe, in some section of the Act — that a hearing can be called. I don't know if it's by the designated hearing committee, but Council can

MR. AXWORTHY: Council can call for that hearing, yes. I just say that there are two steps: it goes to designated committee; from there to EPC, and from EPC to Council.

MR. BOCKSTAEL: Right.

MR. AXWORTHY: And I was just wondering if it would be more . . .

MR. BOCKSTAEL: Well, those are all the stop-gaps that are built in, and certainly, no one in the city is conscientiously trying to put something over on the city, and if the measures or if the conditions are elaborated on, and the least a standing committee can do is ask for clarification of the matter and call for a hearing and recommend it. But it's this statutory requirement for a hearing regardless that has increased the workload to an extent that it's untenable. It's maybe not a proper statement to make, but it's said in the corridors of City Hall, that if that remains, please, I wish to be appointed to another committee than Environment or Designated Hearing, because I just can't see this waste of time.

MR. AXWORTHY: So, what you're really suggesting is the idea that committee meetings, if necessary, but not necessarily committee hearings.

MR. BOCKSTAEL: That's right.

MR. AXWORTHY: Okay. Thank you.

MR. BOCKSTAEL: Okay? If I may, Mr. Chairman, the City Solicitor, Mr. Lennox, had been dealing with Jim Ernst, the Chairman of Environment, on a number of these things, and he could probably answer a couple of the questions better than I did, if he could be heard at this time.

MR. CHAIRMAN: Okay.

MR. AXWORTHY: I think so.

MR. BOCKSTAEL: Thank you, Mr. Chairman.

MR. CHAIRMAN: Very good. Mr. Lennox.

MR. LENNOX: Thank you, Mr. Chairman. I would just like to point out, Mr. Chairman, that under the Act and the proposed amendments, Section 615(4) reads that the subject of Section 616, "the Council should consider the recommendations of the Designated Committee, and may accept, reject or modify the recommendation and may pass one or more zoning by-laws," and here the pertinent clause is "forward the proposed zoning change to The Municipal Board for its report and recommendation;" so that Council has that discretion under the proposed amendment, that it may, in its wisdom, forward it to The Municipal Board and (c)"refer the recommendation to a committee for a further meeting or consideration, upon such terms as the Council shall establish." So, if it happens when it hits the floor of Council, obviously there is a very contested issue or the facts seems to be somewhat blurred, or there is a difference of opinion as to the facts, or one of the Councillors makes a presentation that brings out certain facts that aren't in the report, or for whatever reason, Council in that case then can refer it back to a committee for a further hearing or for further consideration.

Also, Mr. Chairman, under the proposed amendments of the bill before you — I'm sorry, not under these amendments, but in 1977 amendments — Council is bound to receive any petition sent to it on a zoning matter. That doesn't mean a delegation, but it means the petition must be read in Council by the Clerk or by a member of Council, and this affords, of course, a further avenue for continued representations without the need of a second public hearing. Under the proposed amendments, as you are aware, the hearing is held before the community in which the land which forms the subject of the application is located. Of course there is a full hearing. The hearing may be adjourned and full opportunity is given to all concerned to state their views. It then goes to the designated committee for consideration and under these proposed amendments Council may in fact designate EPC to hear them. But it's only a recommendation from the Community Committee and then it's fully discussed in the committees and fully discussed in Council. As I say, with this added safeguard, the Council in its deliberations, if it is of the view that there are certain factors that haven't been fully brought out in the first public hearing, may refer it back or refer it to a committee for further consideration. Also, the applicants or the objectors may file a petition in Council which, under these proposed amendments must be read.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Mr. Chairman, really it's not Mr. Lennox I think who can answer this question. I was going to ask Mr. Bockstael because Mr. Lennox, as solicitor and as one of the chief administrators, thinks in terms of administrative ease and frankly I'm not too concerned with his problem or his lack of problem. I'm thinking of the political people, elected people, and the way it's going to work now is that representation is made to Community Committee, the citizens may or may not appreciate the full ramifications of what is being proposed and the Community Committee makes a recommendation. Sometimes those recommendations are influenced by the size of the delegation, by the effectiveness of the delegation. What Mr. Lennox is saying is then that recommendation goes to Community Committee, or rather to the designated committee. The designated committee gets a recommendation from Community Committee. What they also may get is written representation from someone who may disagree with the recommendation and on that basis, they have the option of then holding hearings, referring it to Council who may decide that further hearings should be held, or referenced to the Municipal Board.

But the question really is: Is that sufficient for the public to feel that not only has justice been done, it has been seen to be done, and that the citizen feels, or has the opportunity, a number of opportunities, to make his views or her views known in opposition or in favour of a particular proposal that's been put forward at the Community Committee. As I say, this is giving the City of Winnipeg extreme discretion, far more than any other municipality. My concern is that the system sort of steamrollers things through and since there is no appeal to a Court of Queen's Bench, as there was in some instances many years ago, there is no appeal to the Minister, there is no way that something can be stopped if the Council simply decides to go ahead and accept an approval by Community Committee, or a rejection.

My concern, therefore, is that we are removing one step in the appeal that most people have in matters of this kind and these are things that affect a neighbourhood, and it may affect their livelihood in many cases, so that although I recognize the dilemma the city is in and maybe there's an answer, maybe the answer is that they only have to address themselves to appeals where someone has registered a desire to appeal rather than an automatic sort of appeal on everything. But is Mr. Lennox satisfied that in fact we're not going to hear a year from now, or two years from now, that the rights and the desires of citizens have been simply totally ignored because the Act doesn't provide for an appeal provision?

MR. CHAIRMAN: Mr. Lennox.

MR. LENNOX: Well, Mr. Chairman, in the first place, the Community Committee decision is a recommendation of course . . .

MR. MILLER: Yes.

MR. LENNOX: . . . so that in fact it's not an appeal procedure, it's a recommendation. It seems to me that if you have the designated committee dealing with the matter, dealing with that recommendation, and making their comments and report, and Council dealing with it, and Council having the right and the discretion if they're not at all satisfied with any facet of this application, including the hearing process, to refer it either to the Municipal Board or back to Committee for hearing, or for a further consideration. But surely the citizen, particularly when that objector can file a petition with Council and he will be notified when the Council are dealing with it under these proposed amendments, and if something has transpired subsequent to the first public hearing and he wishes to continue, and of course there's nothing to prevent an objector, or an applicant for that matter, particularly an objector, from speaking to a councillor, and as Councillor Bockstael has said, these matters are fully discussed on the floor of Council and the decision is arrived at in possession of all the facts and if the facts, as I say, are not satisfactory to Council, then they can refer it back for a further hearing.

So that I can't speak of what — the honourable member has asked — what will . . . two or three years from now. I can't really comment on that but I can assure at Council we do our utmost to make absolutely sure that in the public hearing every person is given a full opportunity. The administration are there; they can be questioned; the hearing can be adjourned and in my own opinion and from my own knowledge, nothing is steamrolled through and that is certainly not the intention of Council.

MR. MILLER: Mr. Chairman, the applicant, or the citizen, has the right, as you indicate, to have his full case put forward but that's at the Community Committee. That's the only time that he actually can get up on his feet and address the members of Council.

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MR. LENNOX: That's correct.

MR. MILLER: It's at the next stages though, where he goes to the designated committee, the designated committee simply has the recommendation of the Community Committee.

MR. LENNOX: Right.

MR. MILLER: The citizen does not have an opportunity to, or a right to, get up and explain why he or she is opposed or in favour of a particular issue. The designated committee simply has the recommendation of the Community Committee. But how can a citizen make known his views outside of the ability to sit down and write a brief, which not every citizen can do.

MR. LENNOX: Mr. Chairman, I would point out there is a full transcript of the public hearing before the committee. They have the complete transcript and of course there is nothing to prevent an objector from speaking to a councillor who can bring up in the floor of Council, if he agrees or whatever, any points he wishes, plus the fact that the objector — you are quite right he can't speak — but he can have his petition read in Council, and that may sway the matter so that they would send it back for further information. The only thing missing is that he is not there in person but the full transcript of the public hearing is before the committee.

MR. MILLER: Are you saying, Mr. Lennox, that the committee would be listening to the transcripts of the committee hearing itself?

MR. LENNOX: No, they could if they wanted, Mr. Chairman, but it is there in typed script.

MR. MILLER: That would take as long as having a person make a direct . . .

MR. LENNOX: Well, the full account of the hearing is before them, put it that way.

MR. MILLER: But in practice, isn't the recommendation of the community committee simply made known to the designated committee, and they then pass on the recommendation one way or the other?

MR. LENNOX: Well, it tells who appeared for and against, the names, description of the application, the objections, what the objections were, and the recommendations of the committee and the reasons therefor.

MR. MILLER: But it is only dependent upon the desire or the goodwill of the designated committee to either hear a new representation, if they wish to . . .

MR. LENNOX: I'm sorry, I must correct you there, sir. They couldn't hear any further representations.

MR. MILLER: They couldn't?

MR. LENNOX: Once the public hearing is concluded, that is it. That is not a ruling of the city, that is under the Act.

MR. MILLER: So what you are saying, Mr. Lennox, is there is one public hearing at which people can make representation. Having done that, that is it. They are then dependent upon either somebody, a member of the designated committee, a member of Council, taking up their case on their behalf, either at designated committee or at Council, or perhaps a written brief which somebody will respond to and say, well, this is enough for us to question it, but there is no further opportunity for a citizen to make known his views on why he is for or against something?

MR. LENNOX: That's correct, subject to the comments I have made.

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

MR. LENNOX: Thank you, Sir.

MR. CHAIRMAN: Next we have Mr. George Ulyatt of Monk Goodwin and Company.

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MR. GEORGE ULYATT: Thank you, Mr. Chairman. I appear on behalf of a group of residents from south St. Vital and I would like to speak to Bill 52.

MR. CHAIRMAN: Very good. You are Mr. Ulyatt?

MR. ULYATT: That is correct. Mr. Chairman, I would like to direct the committee's attention to Bill 52, Section 26, which seems an innocuous enough section in amending Section 399 of The City of Winnipeg Act. The reason why I have been acting for a group of citizens from south St. Vitals lies in that in the years, well, in 1976 — I'll give you an example — a client of mine bought a piece of property on Knight's Bridge Drive in St. Vital, that is in the Meadowood district. The normal searches were done, the land title searches, its tax searches, etc., and all showed the property was clear of any charges or encumbrances. My people took possession in December of 1976 and in August of 1977, they received notification from the City of Winnipeg Tax Office that there was a local improvement assessment against that property in the amount of \$1,200.00. I contacted the city tax department and was advised that a by-law passed by the old city of St. Vital in December of 1971 allowed for the deferment of taxes. So in 1971 the assessment for improvements were deferred by the City of St. Vital and what was explained to me was that in the shuffle, By-Law No. 8741 was lost and it did not come to the city tax department's attention until August of 1977. Now, since December 13, 1971, the properties in question have been owned by three, four, or five different owners and the present owners, when they took title, were not aware that there was any assessment against the property.

Now, The Real Property Act, Section 57, states that anyone who takes title to property, takes it subject to any assessment by a local community, city body. What has transpired is that my people have taken title to property; there are now \$1,200 worth of assessments levied against it. They are not alone. We know there are at least five other houses on Knight's Bridge that have been faced with the same problem. What was not possible for any solicitor acting for his clients to ascertain whether there were these assessments or not. Now, my clients contacted their representative on City Council, Mr. Lorne Leech, explained the problem to him, and the local community committee passed a resolution asking that the assessment against the property be forgiven. That was passed on to the appropriate committee and was turned down as the city does not have the power at this time to remit or forgive assessments that have been made.

The amendment of Section 26 to amend Section 399, provides the city to have power to remit the taxes and also provides the protection where the city would be obligated to register any deferment of tax by-laws in the Winnipeg Land Titles Office. What we have seen is a number of citizens, I don't know how many in other parts of the city, that have been faced with horrendous assessment of taxes that there was no possible way of knowing about when they purchased the property.

It is obvious that my clients, in an action against the previous owners, it is questionable whether they would succeed, as the previous owners were not aware of the tax assessment, and it is doubtful whether the owner before that was aware of the deferment of taxes. What my clients are asking and what the citizens of Knight's Bridge are asking is that this amendment go through so as to prevent further citizens in the city being hit with local assessments, and also give them some recourse to the City of Winnipeg to complain of the plight that they now face, when what they consider was an oversight by city officials at that time.

We think that the Section 26 amendment is beneficial to all landowners and will give people the security of when they buy a house or buy a home, not to be worrying that there are going to be huge assessments still to come.

If you have any questions, I would be pleased to answer them.

MR. CHAIRMAN: Are there any questions? If there are no questions, thank you, Mr. Ulyatt.

MR. ULYATT: Thank you very much, Mr. Chairman.

MR. CHAIRMAN: Dorothy Muller (not present); Evelyn Reese (not present). Is there anyone else here who is going to make a presentation?

If not, then we have heard all the presentations. Committee rise.