

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS**

Thursday, 14 May, 1981

Time — 8:00 p.m.

CHAIRMAN — Mr. Arnold Brown (Rhineland):

MR. CHAIRMAN: I'll call this meeting to order. We have some representations to be heard tonight. Mr. George Marshall is a trustee and he cannot attend until 10:00 o'clock. Mr. Frank Steele of the City of Winnipeg Law Department is here I believe, and Councillor Jim Ernst cannot be here till 9:00 o'clock. We have Mona Brown of McKenzie, Mooney and Brown, Carman, coming in a little later on.

So I would like to at this time call on Mr. Frank Steele of the City of Winnipeg.

MR. FRANK STEELE: Thank you, Mr. Chairman. I have a submission which is not a submission. Really I have nothing to say other than the fact that because the bill is coming up we thought we should have some representation here. We thought the Mayor would be here but he unfortunately has been called to another engagement. We thought the Deputy Mayor would be here. She is unable to attend. Councillor Jim Ernst is supposed to be here but cannot arrive until 9:00. I'm not going to filibuster until then. As a matter of fact the reason I believe that Councillor Ernst wants to speak is not with respect to anything which is in the bill but rather I think he has some comments to make about some matters which are not covered in the bill. That's something which is political and I won't touch on at all.

I had only one comment to make with respect to Section 28 of Bill 42 and that is the section which deals with the publication and notices in newspapers. The request for an amendment to deal with advertising came about because of the demise of the Winnipeg Tribune. The problem isn't acute today because of course with the appearance of the Winnipeg Sun there are now two newspapers having a general circulation in the city. The concern arose for the period of time when there was only one newspaper. The only difficulty I can see with this section is that it does not relate to the possible situation where there might only be one newspaper but that I guess now is academic.

So with those remarks I really have nothing to say with respect to any other section in the bill.

MR. CHAIRMAN: Thank you, Mr. Steele. Would you remain at the mike for some questions? Mr. Miller.

MR. SAUL A. MILLER (Seven Oaks): Mr. Chairman, through you with regard to this clause, it's Section 609 of the Act, the one about the publication of a map. Now there's a proposed change in the illustration that's going to be required or be allowed. Is the city satisfied that the change that you're planning here will still give the public an awareness of what's going on or will it be more difficult for the average citizen to determine the exact nature or the location of the rezoning that's being advertised?

MR. STEELE: Section?

MR. MILLER: It's Section 609 of the existing Act; it's 23 and 24 of this Act.

MR. STEELE: No, I think we're satisfied that this will facilitate advertising and in effect it will mean that they ought not to be as confusing when you end up with lengthy descriptions. If the map can clearly identify the location of the affected property this should do it.

MR. MILLER: All right then, if I follow you, really what will happen is that there will be a map and what will be deleted or phased out or reduced will be the legal wording of land descriptions which nobody can understand anyway and that basically it'll be a map so that people can identify what it is that their dealing with.

MR. STEELE: Yes, obviously in these situations where you don't have clearly defined municipal addresses or streets, then you'll still have to put in a map which will indicate the area by as close as you can a general description; but if you can do it clearly by street reference then this will facilitate that.

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

**BILL NO. 30 — AN ACT RESPECTING
THE SPERLING JOINT COMMUNITY
CENTRE DISTRICT**

MR. CHAIRMAN: We have Mona Brown here in regards to Bill No. 30, An Act respecting The Sperling Joint Community Centre District. At this time I would like to call on Mona Brown.

MS. MONA BROWN: Thank you. This is a fairly simple bill. I would presume to call it a housekeeping measure. Bills were originally passed to create a special district for the Sperling rink and since that time the rink has been demolished as a result of the rink being condemned and a new rink has been constructed. The three municipalities involved have formed a joint community centre district pursuant to the provisions of The Municipal Act and all three municipalities have consented to the title being vested into the Rural Municipality of Morris' name, which is part of what this bill is asking you to do.

The other part of the bill is that it's asking you to repeal the sections of the present bills which have to do with the actual establishment of the district in the first place, the establishment of a board, and the annexation of certain other lands for a pond that feeds water to the skating and curling rink.

MR. CHAIRMAN: Are there any questions of Mona Brown on this bill? It appears that there are no questions and thank you very much for your presentation.

Is George Marshall here? Jim Ernst is not here, so I suppose that that is all the representations that we

have here at the present time. So I would say that we should proceed with Bill No. 11. I understand that Mr. Marshall will be speaking on Bill 42 so we can proceed with some of these other bills.

Bill No. 11, An Act to amend The Municipal Assessment Act. Page by page? Page 1 — pass; Preamble — pass; Title — pass; Bill be reported — pass.

Bill No. 12, An Act to amend The Municipal Act. Page by page? Page 1 — pass; Page 2 — pass; Page 3 — pass; Page 4 — pass; Page 5 — pass; Preamble — pass; Title — pass; Bill be reported — pass.

Bill No. 30, An Act respecting the Sperling Joint Community Centre District. Page by page? Page 1 — pass; Page 2 — pass; Preamble — pass; Title — pass; Bill be reported — pass.

Bill No. 35, An Act to amend the Planning Act. There are some amendments to this bill and they will be distributed. Maybe we can go page by page. The first amendment is on Page 5 I believe. Page 1 — pass; Page 2 — pass; Page 3 — pass; Page 4 — pass; Section 22 — pass; Section 23 — pass — Mr. Kovnats.

MR. ABE KOVNATS (Radisson): Mr. Chairman, I move that the proposed new Section 71 to The Planning Act as set out in Section 24 of Bill 35 be struck out and the following Section be substituted therefor:

Notification of Decision.

71 Where an approving authority approves or refuses to approve a proposed subdivision, the authority shall give written notice of its decision by registered mail postage prepaid, enclosed in a package and having attached thereto an official acknowledgement of receipt form issued by the Canada Post Office, sent to the resident or post office address of: (a) the applicant and (b), the council, and the notice shall be deemed to be served and received on the day of the date of the receipt thereof shown on the "Acknowledgment of Receipt" form signed by the person acknowledging receipt thereof.

MR. CHAIRMAN: Section 24 — pass — the Member for Wellington.

MR. BRIAN CORRIN: A question, I'm not familiar with The Planning Act at all but I'd like to know whether there is any provision for interveners in the Act. What I'm concerned about is simply whether or not it would be wise to include a notice to interveners if there is provision for interveners appearing on matters such as subdivision approval.

MR. CHAIRMAN: The Minister.

HON. DOUG GOURLAY (Swan River): Mr. Chairman, that is provided for under Section 22 of the bill.

MR. CORRIN: The question is though, should we not provide notice to the interveners as well as the applicant and the council in order that the interveners be informed of the decision. What I am concerned about is that people who are intervening be put in the best position to be informed of the decision of the approving authority and if there is an

appeal right, that those persons be given every ample opportunity to exercise it.

MR. GOURLAY: Mr. Chairman, Section 22 provides for the regulations that include such notification to interveners in the regulations.

MR. CHAIRMAN: Clause 24, as amended — pass; Section 71(a) — pass; (b) — pass; Subsection 72(1) — pass; (1)(a) — pass; (1)(b) — pass; 72(1.1) — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move that proposed new Clause 72(1.1)(a) to The Planning Act as set out in Section 25 of Bill 35 be amended by striking out the word "mailing" in the first line thereof and substituting therefor the word "receipt".

MR. CHAIRMAN: 72(1.1)(a) — pass; Page 6.

MR. KOVNATS: Motion agreed? Motion passed?

MR. CHAIRMAN: Yes, I said pass and nobody objected. Page 6 — pass; Page 7 — pass; Page 8 — pass; Preamble — pass; Title — pass; Bill be reported — pass. We'll leave Bill No. 42 and proceed with Bill No. 44, An Act to amend An Act respecting the Beautiful Plains County Buildings. Page by page? Page 1 — pass; Preamble — pass; Title — pass; Bill be reported — pass.

Bill No. 45, An Act to amend An Act respecting the Town of Dauphin. Page by page? Page 1 — pass; Preamble — pass; Title — pass; Bill be reported — pass.

MR. CHAIRMAN: Now we come to Bill No. 42 and the people that were going to speak to it are not here as yet. Mr. George Marshall will not be here until 10:00 P.M. and Mr. Ernst will not be here until 9:00 P.M. Now what is your wish? Mr. Miller.

MR. MILLER: Mr. Chairman, I appreciate that the committee is now at that bill and I can well appreciate the desire to just continue on. On the other hand the purpose of Law Amendments or committee is to give an opportunity to the public or whoever wants to come along to express their views. This didn't pass the House until this afternoon, so although we're here I can see where people can't simply change their plans on three hours' notice or even less. I'm wondering whether we shouldn't consider simply holding this bill. There will be Law Amendments on Tuesday? Tomorrow? — (Interjection)— I know, it doesn't have to come back to Municipal Committee, it can go into Law Amendments Committee, or there may be other reasons to call Municipal Committee before this Legislature adjourns. So I'm wondering whether the committee would consider perhaps leaving this bill and making it possible for delegations to appear either tomorrow or Tuesday or Wednesday, whenever next a committee meets. This can always be put on the agenda of any committee.

MR. CHAIRMAN: Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, as far as the two delegates, the one coming at 9 o'clock this evening and the one coming at 10 o'clock, we don't know

whether in fact it would be inconvenient if we postponed it to another time. I would be prepared for personal reasons to oblige them by sitting until 9 or 10 or 11 o'clock this evening. The few people that want to make presentations will be here this evening, one at 9 and one at 10?

MR. CHAIRMAN: That is correct.

MR. KOVNATS: I'd be prepared to await their arrival.

MR. CHAIRMAN: Mr. Green.

MR. SIDNEY GREEN (Inkster): Maybe people think that's a tough thing, but it's tougher to arrange an entirely different time. They are going to be here at 9 and at 10. The person at 9 will make his presentation and the person at 10 will make his presentation. I think the Member for Radisson has a reasonable suggestion.

MR. CHAIRMAN: Is it the wish of the committee that we reconvene or recess till 9:00? Mr. Malinowski.

MR. DONALD MALINOWSKI (Point Douglas): What kind of assurance do we have that those persons will be here for 9:00 and 10:00?

MR. CHAIRMAN: We have no assurance.

MR. MALINOWSKI: If the rules say, if we establish that we will be here, so then we will be here. Rather, you know, my suggestion, Mr. Chairman, is that I agree with Mr. Miller, it would be much better to change entirely, you know, to keep so many members here and waiting, not knowing if they will be here or not.

MR. CHAIRMAN: The Attorney-General.

HON. GERALD W.J. MERCIER (Osborne): Mr. Chairman, we've heard from the city solicitor earlier on, who advises that Councillor Ernst was not going to be here to speak about what's in the bill but what's not in the bill. Now, what's not in the bill is not going to be added at this hearing and assuming Mr. Steele to be correct as he is usually is, on that basis, I frankly don't see much merit in hearing Councillor Ernst. Those kinds of presentations about what is not in the bill can be made by city representatives at any time, to the government or to the opposition by the Council.

With respect to both Councillor Ernst and Mr. Marshall, I'm advised by the Clerk, Mr. Reeves, that he phoned anyone who had indicated any interest and I believe that Councillor Ernst and Mr. Marshall had indicated interest. I phoned them yesterday to advise them their committee would probably be meeting tonight.

MR. CHAIRMAN: The Minister for Community Services.

HON. GEORGE MINAKER (St. James): Mr. Chairman, I was not here when Mr. Steele made his presentation, but as you know the Rules Committee and the Rules of the House very clearly indicate that

amendments cannot be made to a bill that do not deal with the principles or the sections that are proposed in first and second reading, so that I would have to concur with the Attorney-General on this point.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Chairman, when was Councillor Ernst supposed to come?

MR. MERCIER: 9:00 o'clock.

MR. GREEN: Oh, and Mr. Marshall at 10:00.

MR. CHAIRMAN: Mr. Ernst was supposed to be here at 9:00 o'clock and Mr. Marshall at 10:00 o'clock.

MR. GREEN: If Mr. Marshall did have a representation to make, then would the committee not want to hear him, and if they did want to hear him, in spite of the fact that what Mr. Ernst says may be irrelevant, it won't be the first time that a man made irrelevant presentations to a committee, and if the committee is going to be here they may as well hear the 9:00 o'clock and the 10:00 o'clock, because otherwise you are dealing with a chairman of the Transcona School Board who wants to make . . . Is it Mr. Marshall from the Transcona School Board who wants to make representation? He was told that the committee is meeting tonight and I think that if he had any standard of past practise he would have expected that it would be here at 10:00 o'clock. I don't know what the Attorney-General can do except to hear them both.

MR. CHAIRMAN: To the members of the committee I would just like to say that Mr. Marshall had not received the assurance that the committee was going to hear him at that time of the day. The assurance that he had been given is that it was going to be this committee that was going to make a decision whether they were going to be still sitting at that time.

MR. KOVNATS: Mr. Chairman, considering everything, it appears that we are all concerned about the two people that want to make presentations to us but I guess I'm going to withdraw my remarks somewhat inasmuch as I don't want to stay all night when there's nothing to do. I would just as soon at this point proceed with the bill as agreed here.

MR. CHAIRMAN: Is that agreed? Mr. Green.

MR. GREEN: Mr. Chairman, as a member of the public and I'm not on the committee but if the committee says that it's going to stay here I'll be here though I'm not a member of the committee because I'm not going to make an argument that you stay and then go myself. But may I make the alternative suggestion that Mr. Miller made which will be just as convenient — that the bill be stood aside, that Mr. Marshall, if he comes, be told that the committee was sorry they finished at 8:20, he wasn't here but they didn't proceed with the bill, that it'll be at Law Amendments at the next committee meeting

and that if he wishes to come to that meeting he will be able to make representations. We are talking about a gentleman who might have something important to advise the members of the committee before the bill is passed. If you want to go home tonight, go, but don't pass the bill; it can be passed at another meeting in 10 minutes and Mr. Marshall, the worst that'll happen is he'll make a trip where he was told that the committee went home, that's all.

MR. MILLER: Mr. Chairman, the fact of the matter is that it's not a bill that's going to be very contentious. There's some clarifications that the Minister indicated he'd make but it's a bill that'll pass very quickly. Since as I say, these committees are set up to give an opportunity to people to come before it, then I can't see the reluctance on the part of government to simply say all right, we won't deal with it tonight, we'll deal with it Friday, we'll deal with it Tuesday. If they're not there at that time then certainly you're not going to hold it over again. But since both gentlemen apparently have something to say to the committee whether it's germane to this bill or not, I don't know. I have no idea what they want to say. But I think that if we're holding committees to give the public an opportunity then . . . and I know it's been done in the past, I can't see anything wrong with simply holding this bill until another opportunity comes up, and we'll have the next five days.

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: Mr. Chairman, I haven't been involved in that kind of procedure before. Perhaps Legislative Council could advise whether we can simply ask that this matter be dealt with by Law Amendments Committee meeting tomorrow afternoon and Mr. Marshall and Councillor Ernst could be advised if they wanted to make representations, they do so tomorrow afternoon.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: The House referred the Bill to the committee so I presume the House can amend that referral to some other committee.

MR. GREEN: Mr. Chairman, I think that the committee could recommend that it go back to the House, the House can recommend that it go to the committee tomorrow.

MR. CHAIRMAN: Agreed? (Agreed).
Committee rise.