



Third Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

MUNICIPAL AFFAIRS

40 Elizabeth II

*Chairperson
Mrs. Louise Dacquay
Constituency of Seine River*



VOL. XLI No. 2 - 10 a.m., TUESDAY, DECEMBER 17, 1991



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

LIB - Liberal; ND - New Democrat; PC - Progressive Conservative

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	LIB
ASHTON, Steve	Thompson	ND
BARRETT, Becky	Wellington	ND
CARR, James	Crescentwood	LIB
CARSTAIRS, Sharon	River Heights	LIB
CERILLI, Marianne	Radisson	ND
CHEEMA, Gulzar	The Maples	LIB
CHOMIAK, Dave	Kildonan	ND
CONNERY, Edward	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	ND
DOER, Gary	Concordia	ND
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	LIB
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Cliff	Interlake	ND
EVANS, Leonard S.	Brandon East	ND
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	ND
GAUDRY, Neil	St. Boniface	LIB
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	ND
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	ND
LAMOUREUX, Kevin	Inkster	LIB
LATHLIN, Oscar	The Pas	ND
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	ND
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	ND
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	ND
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	ND
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	ND
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	ND
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	ND
WOWCHUK, Rosann	Swan River	ND

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS

Tuesday, December 17, 1991

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRPERSON — Mrs. Louise Dacquay (Seine River)

ATTENDANCE - 10 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Ducharme, Ernst, Hon. Mrs. McIntosh

Mrs. Dacquay, Ms. Friesen, Messrs. Gaudry, Laurendeau, McAlpine, Mrs. Vodrey, Ms. Wowchuk

MATTERS UNDER DISCUSSION:

Bill 35—The City of Winnipeg Amendment Act (2)

* * *

Madam Chairperson: Order, please. Will the Standing Committee on Municipal Affairs please come to order. This morning the committee will be considering Bill 35, The City of Winnipeg Amendment Act (2), clause by clause. Last evening the committee heard public presentations and also heard the opening remarks of both critics. As we agreed last evening, public representation has been concluded and we will now proceed to consider the bill clause by clause.

During this consideration, the Preamble and the Title are postponed until all other clauses are considered.

Hon. Jim Ernst (Minister of Urban Affairs): Madam Chairperson, in dealing with the bill clause by clause, the bill essentially is nine clauses, I believe. Inserted in the middle of those nine clauses is Section D which refers to a number of sections of former bills and acts and so on that have significance in this matter. By and large, with the exception of a few things like more gender-neutral language, punctuation and the odd change, with one exception of an amendment that I propose to bring forward as we talked last night dealing with the appeal mechanism, the whole purpose of Section D is really—I suggest we need not go through it in any

great detail because of the fact that it is basically sections from former legislation.

In any event, I believe Ms. Friesen had a question with regard to Section D, and I thought if the committee is willing we could respond to that question and then deal with Section D as a whole as opposed to going through every single line.

Ms. Jean Friesen (Wolseley): Thank you very much, but I did clarify that.

Mr. Ernst: Is it agreeable with the committee then that we will deal with the nine pertinent clauses and then deal with Section D as a whole?

Some Honourable Members: Agreed.

Madam Chairperson: Shall Clause 1 on page 1 pass?—pass; Clause 2 on page 1—pass; Clause 3—pass; Clause 4 on page 2—pass.

Clause 5 is the appropriate clause for the amendment.

Mr. Ernst: Yes. Madam Chairperson, I would move

THAT the proposed section 26 of Schedule D, as set out in section 5 of the Bill, be amended

(a) by renumbering subsection 26(4) as subsection 26(5); and

(b) by adding the following as subsection 26(4):

Appeal of notice mailed after November 1, 1991 26(4) Notwithstanding subsection (3), where the notice of application for revision referred to in subsection (3) is given or mailed between November 1, 1991 and the date on which royal assent is given to the Act by which this provision is enacted, the right to make application for revision for the 1991 licence fee in lieu of business tax is deemed to expire 30 days after the date on which royal assent is given to the Act by which this provision is enacted.

(French version)

Avls posté après le 1er novembre 1991

26(4) Malgré le paragraphe (3), si l'avis visé à ce paragraphe est donné au posté entre le 1er

novembre 1991 et la date de sanction de la loi que édicte la présente disposition, le droit de demander une révision du droit de licence tenant lieu de taxe d'affaires pour 1991 set réputé s'éteindre 30 jours après la date de sanction de cette loi.

I move that in both official languages.

By way of explanation, lots of legalese associated with this, but primarily the concern raised by Mr. Mercury last evening during presentations was what happens if someone received a notice of new assessment and was still within the 20-day appeal period when the results of the court case were made known. He may well have been considering an appeal of his assessment, but when the court judgment was made known and voided the act and the business tax roll, he might well have said, I do not need to appeal—you know, the thing is tossed out. Now that we have proposed by this bill to validate that roll, he would have lost his appeal period and by virtue of the bill would not be allowed to appeal.

* (1010)

We are not sure that there is anybody in that circumstance, but if there is we want to make sure that they are not dealt with unfairly. The normal appeal period is 20 days. I am suggesting here 30 days, only because of the time of year that we are considering it, given that next week is Christmas with associated holidays, then followed by New Year's with associated holidays. It may be more difficult to find out information or whatever in that ensuing period, so solely because of the time of year we are dealing with this, I suggested the 30 days as opposed to the 20 to give just that much more time to compensate for the problems that are associated with trying to deal with this kind of issue during the Christmas period.

Madam Chairperson: It has been moved by the honourable Minister of Urban Affairs—

Ms. Friesen: Just a question. I am not familiar with the legal language on this, and I am just concerned about "given or mailed" as opposed to "received." Is that the normal legal language that we use, "given or mailed"?

Mr. Ernst: That same terminology is used in Section 26(3) of the act already. We are simply following that terminology.

Madam Chairperson: It has been moved by the honourable Minister of Urban Affairs

THAT the proposed section 26 of Schedule D, as set out in section 5 of the Bill, be amended

- (a) by renumbering subsection 26(4) as subsection 26(5); and
- (b) by adding the following as subsection 26(4):

Appeal of notice mailed after November 1, 1991
26(4) Notwithstanding subsection (3), where the notice of application for revision referred to in subsection (3) is given or mailed between November 1, 1991 and the date on which royal assent is given to the Act by which this provision is enacted, the right to make application for revision for the 1991 licence fee in lieu of business tax is deemed to expire 30 days after the date on which royal assent is given to the Act by which this provision is enacted.

(French version)

Avis posté après le 1er novembre 1991
26(4) Malgré le paragraphe (3), si l'avis visé à ce paragraphe est donné au posté entre le 1er novembre 1991 et la date de sanction de la loi que édicte la présente disposition, le droit de demander une révision du droit de licence tenant lieu de taxe d'affaires pour 1991 set réputé s'éteindre 30 jours après la date de sanction de cette loi.

Shall the amendment pass?—pass. Shall Clause 5 which is Schedule D from pages 3 inclusive to page 31 pass as amended?—pass; Clause 6 on page 31—pass; Clause 7 on page 32—pass; Clause 8 on page 32—pass; Clause 9—pass. Preamble—pass; Title—pass.

Shall the bill as amended be reported?

Some Honourable Members: Agreed.

Madam Chairperson: The bill as amended will be reported. Is it the will of the committee that I report the bill as amended?

Some Honourable Members: Agreed.

Madam Chairperson: The time is now 10:12. What is the will of the committee?

Some Honourable Members: Committee rise.

COMMITTEE ROSE AT: 10:12 a.m.