



**Legislative Assembly of Manitoba**

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**STANDING COMMITTEE**

**ON**

**MUNICIPAL AFFAIRS**

**Chairman**

**Mr. Arnold Brown  
Constituency of Rhineland**



**Wednesday, July 19, 1978 10:30 a.m.**

**Hearing Of The Standing Committee  
On  
Municipal Affairs  
Wednesday, July 19, 1978**

**Time: 10:30 a.m.**

**CHAIRMAN: Mr. Arnold Brown.**

**MR. CHAIRMAN:** Order. We have a quorum. Yesterday we discussed Bills 52, 54 and 56. We heard presentations, all the presentations that we had yesterday, but apparently there were two people who had not been notified in time and could not get here in time for the presentations. Is it the wish of the Committee that we hear Mr. Prince and Mrs. Mueller this morning? What is the wish of the Committee?

**A MEMBER:** Is Mrs. Mueller here?

**MR. CHAIRMAN:** I don't see her either.

**MR. LAURENT L. DESJARDINS:** Well, Mr. Chairman . . .

**MR. CHAIRMAN:** The Member for St. Boniface.

**MR. DESJARDINS:** I'm not a member of the Committee, but I think that if we could agree on setting a set time, as long as it doesn't go on all morning, with leave of the Committee, we could allow a few minutes more for these people.

**MR. CHAIRMAN:** Is that the wish of the Committee? (Agreed)  
What time limit would you wish to impose upon the presentations?

**MR. DESJARDINS:** That might not be necessary, when Mr. Prince — we could find out maybe how long — (Interjection) — five minutes — well, that's fine.

**MR. CHAIRMAN:** Is that agreed? (Agreed) All right. Mr. Prince.

**MR. PRINCE:** Mr. Chairman, members of the Law Amendments Committee. I appear today before your Committee as a Manitoban, intent on bringing to our Legislature's attention, undeniable historical truths that have a great bearing on the history of Manitoba, the development of Winnipeg, our capital city, and in particular, the prime role played by the community of St. Boniface in the founding of the Red River Colony by the Fifth Earl of Selkirk.

I am sure, Mr. Chairman, amongst all pioneers who came west to establish themselves at Red River, none ever thought that one day, St. Boniface, a community that should be the well-ordained pride of Manitoba — and I say this, Mr. Chairman, because this community gave birth to our province — would one day be denied its rightful place in the very life and history of our province and our country, Canada.

In the year 1670, an immense territory draining into Hudson Bay was granted by Charles II to a newly formed company of adventurers trading into Hudson Bay. This enterprise was founded on the information supplied by both Radisson and Groseilliers to wealthy English businessmen. Prince Rupert became the first Governor of the Hudson Bay Company, and the territory became known as Rupertsland.

A century elapsed since the founding of the Hudson Bay Company. France had ceded Canada to England by the Treaty of Paris in 1763. By 1774, the diminishing trade at Hudson Bay had forced the company to establish inland posts to compete with traders who were established in the interior since the days of the discovery by La Verendrye, who had opened this vast expanse of land by discovering water routes, mapping the interior, and establishing a network of forts that date back to 1731, with Fort St. Pierre at Lac la Pluie; Fort St. Charles in 1732 at Lac des Bois; Fort Maurepas

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at Red River in 1734; followed by Fort Rouge at the Forks in 1738; and Fort la Reine on the Assiniboine in the same year, and many others which eventually gave issue to a well-organized and successful Canadian enterprise with its headquarters in Canada controlling the major portion of the fur trade in the northwest.

Lord Selkirk, the founder of the Red River Colony, had invested large sums of money in the Hudson's Bay Company and thus became its major shareholder. The Hudson's Bay Company had granted Lord Selkirk 116,000 square miles of land for the purpose of founding a colony. This grant can best be described as the entire Red River Valley.

Miles Macdonnell was commissioned by Lord Selkirk as the first Governor of the colony. In 1812, a proclamation was read by the new Governor as an official act to take formal possession of the Hudson's Bay Company grant in the name of Lord Selkirk. This official act took place in 1812 at a site near The Forks which is commemorated today by two plaques installed at St. Boniface in the Park La Verendrye.

It is interesting to note, as related in the journal of Miles Macdonnell, more than 200 persons were present to hear the official proclamation and all were living at Red River before the arrival of the Selkirk settlers. I quote J. J. Hargrave, Page 72, on Red River, published in 1871: "About this time, a compulsory exodus of the inhabitants of the mountainous regions of Sutherland was in progress." These lines refer to the expulsion of a vast number of Selkirk's countrymen who were tenants on the estates of the Duchess of Sutherland. Selkirk had taken upon himself to relocate at Red River these unfortunate souls and the costs of relocation and settlement to be borne by himself. The first contingent arrived in 1812 and were met with apprehension by the people already living here at Red River. The fur traders saw the settlement as a threat to the fur trade as this would open this vast area to settlements driving away wildlife, thus changing a people's way of life. History records the unsettled conditions that prevailed at Red River. Many encounters and skirmishes took place resulting in the destruction of homes, forts, and finally the murder of garrisons and of innocent settlers. Colonists were chased away. Many left for Canada, York Factory and the U.S., never to return to Red River.

Selkirk, who was at Montreal in 1817, learned of the fate of the colony and immediately hired members of the DesMeuron's regiment to protect his interests at Red River. The DesMeurons attacked and took possession of the northwest establishments on their route. The Fort agents were taken prisoners and those implicated in the Seven Oaks massacre were sent to Canada to stand trial as murderers. The trials took place at Toronto in virtue of the commission from Lower Canada granted under the Canada Jurisdiction Act. The accused were acquitted of all charges and Selkirk was held responsible for damages incurred and resulted in large sums of money being paid by the Earl to satisfy claims against him. It was obvious, Mr. Chairman, that Selkirk could not gain redress in the courts as public feelings in Canada had turned against him and no protection against the acts of the rival Canadian company was possible. Such was the state of this fledgling Red River Colony.

It was then that Lord Selkirk concluded agreements with the Roman Catholic Church and personally gave titles to Bishop Tache of large tracts of land in agreements dated the 18th and 19th of May, 1818, for the purpose of establishing and sustaining a mission and settlement that introduced at Red River social living with all its graces, that is, religion, morals, and good order, to a population that was, at that time, almost entirely of the Catholic faith.

I have, for your committee, copies of the two documents; one dated the 18th of May, 1818, and the other the 19th of May, 1818, the originals being signed at Montreal, personally by Lord Selkirk, and the original copy of which can be seen at Quebec City. The copy I have provided your committee is taken from the Hudson Bay Company's Land Tenures, and The Occupation of Assiniboia by Lord Selkirk Settlers by Martin Archer, published in London in 1898, by William Clowes and Sons, Limited. Mr. Chairman, it is recognized by this authority, Martin Archer, that the land grants by Selkirk of an area in excess of 20 square miles, is the largest and most important grant made by Selkirk. This should attest to the expressed will of Lord Selkirk in concluding agreements that assured the success of his colony. St. Boniface grew from those humble beginnings in 1818 to become a prosperous, industrial city 150 years later.

The Coat of Arms of St. Boniface clearly indicates the character of this unique area. Our legislators have a responsibility to preserve and promote St. Boniface, which is the work of Selkirk, and which gave birth to our province. The obliteration of St. Boniface, can only be interpreted as the denial of the work of Selkirk, who founded the Red River colony.

In view of this unique character in the history of this province, this community should be very especially protected against any encroachment on its character and in the weakening of its vitality. I wish to stress that this community, which gave birth to Riel, which provided education to Riel, was and is composed of people of a variety of languages and traditions, and in origin they were mainly English, Scottish, Irish, German, and French. They made a prosperous city and community,

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and it is, Mr. Chairman, from this unique community that this province was born.

And I thank you, Mr. Chairman, for the privilege of having been heard.

**MR. CHAIRMAN:** Thank you, Mr. Prince. Are there any questions that any of the committee members would like to ask of Mr. Prince. If not, thank you for appearing before us.

Is Mrs. Mueller here? Mrs. Mueller. If Mrs. Mueller is not here, that will conclude the presentations, and we are going to proceed with Bill 54, we'll take Bill 54 first.

**BILL 54 — AN ACT TO AMEND THE MUNICIPAL ASSESSMENT ACT AND THE CITY OF WINNIPEG ACT**

**MR. CHAIRMAN:** Clause 1, subsection 36(1) amended—pass; Clause 1—pass; Clause 2, subsection 158(1) as amended—pass; Clause 2 as amended—pass — the Minister of Municipal Affairs.

**MR. MERCIER:** Mr. Chairman, I would move an amendment to Section 3 as I believe it is now being distributed. What it does is cover the business tax assessment, and provides in Section 4 that it affects pending litigation.

**MR. CHAIRMAN:** The amendments have been distributed and the Minister has moved an amendment to subsection (3).

The Member for Seven Oaks.

**MR. SAUL MILLER:** We would just like clarification. Rather than trying to read the bill and the amendments, could the Minister explain what he is actually trying to achieve here.

**MR. CHAIRMAN:** The Minister.

**MR. MERCIER:** Mr. Chairman, the purpose of the amendment is to provide the same validation process for business assessments in the City of Winnipeg, under Section 173 of The City of Winnipeg Act, that business assessments are required to be made at least once in each three consecutive years and we are therefore providing the business tax assessment with the same protection that has been given to the property tax assessment.

**MOTION:**

THAT Section 3 of Bill 54 be renumbered as section 5 and the following sections added thereto, immediately after section 2 thereof:

Subsection 173(1) am.

3. Subsection 173(1) of The City of Winnipeg Act, being chapter 105 of the Statutes of Manitoba, 1971, is amended by adding thereto, immediately after the word "annually" in the 4th line thereof, the words "but any failure, occurring before December 31, 1983, by the assessor in making the assessments and entries at least once in each 3 consecutive years does not invalidate, and shall be deemed never to have invalidated, the business tax assessment rolls of the city or any business tax rolls based thereon".

Affect on pending litigation.

4. The amendments made by this Act affect litigation pending at the time the enactment comes into force.

**MR. CHAIRMAN:** Clause 3, as amended—pass; Clause 4, as amended—pass; Preamble—pass.

**MR. MILLER:** Mr. Chairman, we are changing the numbering too, I assume. What about the coming into effect on Royal Assent, what happens to that? —(Interjection)— If that becomes Number 5, shouldn't there be a motion to renumber it?

**A MEMBER:** It's in the motion.

**MR. MILLER:** Okay, all right.

**MR. CHAIRMAN:** Preamble—pass; Title—pass; Bill be reported.

**BILL NO. 56 — AN ACT TO AMEND THE PLANNING ACT.**

**MR. CHAIRMAN:** Next we have Bill 56, An Act to amend The Planning Act.

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Page 1—pass; Page 2—pass; Page 3—pass; Page 4—pass; Page 5—pass; I believe we have an amendment on Page 6.

**MR. MERCIER:** On Page 6. The amendment is being distributed right now. What it basically does is add into that clause 60(3)(d) "transmission lines" as well as "distribution lines."

**MR. CHAIRMAN:** The Member for Roblin.

**MR. McKENZIE:** Mr. Chairman, should that amendment not be read into the record of the committee?

**MR. MERCIER:** I move it as distributed, Mr. Chairman.

**MR. CHAIRMAN:** The Minister has moved that it be accepted as distributed. Agreed? (Agreed)

**MR. McKENZIE:** Agreed that it will appear in Hansard.

**MOTION:**

That the proposed new clause 60(3)(d) of the Act as set out in Section 12 of Bill 56 be repealed and the following clause substituted therefor:

(d) land is subject to an easement or agreement for a right-of-way for any well, sewer, water, natural gas, power or telephone distribution or transmission line and where the instrument or a plan of the right-of-way is accompanied at the time of its presentation for registration by a statutory declaration of the person who secured the right-of-way declaring that the right-of-way in respect of which registration is sought was secured for the purpose of a distribution or transmission line to consumers or users of the service for which the right-of-way was secured; or.

**MR. MERCIER:** And, Mr. Chairman, I move the second amendment at the bottom of the page to 60(3)(e)(iii) on the same page, to substitute "272" for "262".

**MOTION:**

That the proposed subclause 60(3)(e)(iii) of the Act as set out in Section 12 of Bill 56 be amended by striking out the figures "262" in the 3rd line thereof and substituting therefor the figures "272."

**MR. CHAIRMAN:** Agreed? (Agreed) Pass. Page 6 as amended—pass; Page 7—pass; Page 8—pass; Preamble—pass; Title—pass; Bill be reported.

**BILL NO. 52 — AN ACT TO AMEND THE CITY OF WINNIPEG ACT**

**MR. CHAIRMAN:** Bill 52, An Act to amend The City of Winnipeg Act. Page-by-page? Agreed? Mr. Minister.

**MR. MERCIER:** There are some amendments, Mr. Chairman, that are being distributed now. —(Interjection)— None on Page 1.

**MR. CHAIRMAN:** Page 1—pass; Page 2 — Mr. Minister.

**MR. MERCIER:** On Page 2, Mr. Chairman, I move

That Section 17 of the City of Winnipeg Act, as set out in Section 7 of Bill 52, be amended by striking out the word "councillor" in the 3rd line thereof, and substituting therefor the words "member of the council."

**MR. CHAIRMAN:** Page 2 as amended—pass; Page 3 — The Member for Seven Oaks.

**MR. MILLER:** Mr. Chairman, there is an amendment to Section 11 of the Bill. It's been distributed by the Minister, and rather than read it all, perhaps it could be noted as read. It deals with Section 11, subsections (1) and (2) to be repealed and substituted. I think everybody has a copy.

**MR. MERCIER:** Is Mr. Miller moving it?

**MR. MILLER:** I would move

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That Section 11 be amended as distributed, to add after Section 11(1) which would be subsections 80(1) and 80(2) of the Act.

**MR. CHAIRMAN:** The Member for St. Boniface.

**MR. DESJARDINS:** Mr. Speaker, in order that there be no misunderstanding, I think Hansard should note that on the sheet that was distributed, there is a change on that. That "the facilities located in" has been deleted.

**MR. MILLER:** It has been marked on their sheets.

**MR. DESJARDINS:** Yes, but I mean it is the original sheet, so I think just to make sure that there is no misunderstanding.

**MR. MILLER:** The committee xeroxed it.

**MR. DESJARDINS:** Oh, I see.

**MOTION:**

That Bill 52 be amended by adding thereto, immediately after Section 11 thereof, the following section:

Subsecs. 80(1) and (2) rep. and sub.

11.1 Subsections 80(1) and 80(2) of the Act are repealed and the following subsections are substituted therefor: Communications in French or English in St. Boniface Community Office.

80(1) In order that residents of the St. Boniface-St. Vital community may communicate in either of the two official languages of Canada, English or French, with city employees concerning the work of any department or the delivery of any service, there shall be available during any ordinary business hours at the St. Boniface-St. Vital Community Committee office referred to in subsection 26(2), employees able to communicate in either English or French. French and English in other community offices.

80(2) If any service referred to in subsection (1) is not available in the St. Boniface-St. Vital community but is being provided to residents of the St. Boniface-St. Vital community from any other community area, the requirement for availability of the French language shall apply to the other community facility as set out in Section 79.

**MR. CHAIRMAN:** Page 3 as amended—pass. Mr. Minister.

**MR. MERCIER:** We will accept the amendment, Mr. Chairman.

**MR. CHAIRMAN:** Is the amendment agreed to? (Agreed)

Page 3 as amended—pass; Page 4—pass — Mr. Minister.

**MR. MERCIER:** I move, Mr. Chairman,

That Section 17 of Bill 52 be struck out and the following section substituted therefor: (as distributed)

Subsec. 296(8.3) am.

17. Subsection 296(8.3) of the Act is amended by striking out the figures "656(2)" in the 5th line thereof and substituting therefor the figures "656.2".

**MR. CHAIRMAN:** Agreed? (Agreed)

**MR. MERCIER:** Then on that same page, I move

That Section 18 of Bill 52 be struck out and the following Section substituted therefor: (as distributed)

Cl. 331(3)(f) am.

18. Clause 331(3)(f) of the Act is amended

(a) by adding thereto, immediately after the word "pooled" in the 4th line thereof, the words "or segregated"; and

(b) by adding thereto, immediately after the word "Manitoba" in the 7th line thereof, the words "or units of a pooled or segregated equity fund maintained by a life insurance company that is incorporated under the laws of Canada or province of Canada and that is authorized to carry on business in Manitoba."

Well, Mr. Chairman, the effect of it is, rather than to say "pool segregated", it's to say "pooled

or segregated.”

**MR. MILLER:** It's a typographical error.

**MR. USKIW:** Yes.

**MR. MERCIER:** Yes.

**MR. CHAIRMAN:** Is the amendment agreed to? (Agreed)  
Page 4 as amended — Mr. Minister.

**MR. MERCIER:** I would move that motion as distributed. It covers the same matter as the previous amendment, Mr. Chairman.

That the proposed Clause 331(3)(f.1) of the The City of Winnipeg Act, as set out in Section 19 of Bill 52, be amended by adding thereto, immediately before the word “segregated” in the 1st line thereof, the words “pooled or”.

**MR. CHAIRMAN:** Is this agreed to?

**MR. CHAIRMAN:** Page 4 as amended—pass; Page 5—pass; Page 6 — Mr. Minister.

**MR. MERCIER:** On Page 6, Mr. Chairman, the last amendment on that Page, I would move that amendment as distributed.

That the proposed subsection 399.1(1) of The City of Winnipeg Act, as set out in Section 27 of Bill 52, be amended by adding thereto, immediately after the word “improvement” in the 2nd line thereof, the words “whether passed before or after the coming into force of this subsection”.

**MR. CHAIRMAN:** Is that agreed?

**A MEMBER:** What's the issue there?

**MR. MERCIER:** The issue is to allow this Section to be used retroactively. The Member for St. Vital had raised in discussion on second reading a particular instance he was aware of in the St. Vital Community. City Council, I believe, is also concerned with another instance where retroactivity would be involved.

**MR. CHAIRMAN:** Page 6 as amended. Is the amendment agreed to? (Agreed) Page 6 as amended—pass; Page 7—pass; Page 8—pass; Page 9—pass; Preamble—pass; Title—pass; Bill be reported.

Committee rise.