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of the

Legislative Assembly of Manitoba

STANDING COMMITTEE

on

MUNICIPAL AFFAIRS

34 Elizabeth II

*Chairman
Mr. Phil Eyer
Constituency of River East*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS

Tuesday, 9 July, 1985

TIME — 10:05 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — P. Eyler (River East)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Anstett, Harapiak, Lecuyer
Messrs. Adam, Eyler, Gourlay, Manness and
Mrs. Oleson

WITNESSES: Mr. Murray Smith, Manitoba
Teachers' Society

MATTERS UNDER DISCUSSION:

Bill No. 68 — An Act to amend The Municipal
Boundaries Act; Loi modifiant la loi sur les limites
municipales.

Bill No. 69 — An Act to amend The Municipal
Act; Loi modifiant la loi sur les municipalités.

Bill No. 83 — An Act to amend The Municipal
Assessment Act and Various Other Acts of the
Legislature; Loi modifiant la loi sur l'évaluation
municipale et d'autres dispositions statutaires.

* * * *

DEPUTY CLERK OF COMMITTEES, Mr. G. Mackintosh: Committee, come to order. I have received the resignation from the Chairman. Are there any nominations?

Mr. Harapiak.

HON. H. HARAPIAK: I nominate Phil Eyler, the Member for River East, as Chairman.

MR. DEPUTY CLERK: Are there any further nominations? Seeing none, Mr. Eyler, will you please take the Chair?

**BILL 83 - THE MUNICIPAL ASSESSMENT
ACT AND VARIOUS OTHER ACTS OF THE
LEGISLATURE; LA LOI SUR L'EVALUATION
MUNICIPALE ET D'AUTRES DISPOSITIONS
STATUTAIRES**

MR. CHAIRMAN: We are considering Bills 68, 69 and 83 today. I understand we have one person from the public who would like to make a presentation on Bill 83. Is it the will of the committee to hear this person now? (Agreed)

Mr. Murray Smith.

MR. M. SMITH: Thank you, Mr. Chairperson.

Any experienced teacher can compete with a mere lawn mower.

I am Murray Smith, the past president of the Manitoba Teachers' Society. Under normal circumstances our president would make this presentation, but Vaughn Wadelius is in Montreal at present, attending the annual general meeting of the Canadian Teachers' Federation and I was the most expendable table officer to remain in Winnipeg.

The Manitoba Teachers' Society welcomes this opportunity to comment on the provisions of Bill 83, An Act to Amend the Municipal Assessment Act and Various Other Acts of the Legislature.

Real property valuation is of vital interest to the education community of Manitoba. The property tax continues to be relied on as a significant source of revenue for Manitoba public school finance. The Manitoba Teachers' Society has strongly recommended a reduced reliance on property tax for this purpose and, preferably, a disassociation of the property tax from public school finance. However, no reform has been forthcoming in this regard within the provincial fiscal structure. Indeed, the trend is now toward an increasing reliance on property tax to provide education dollars in support of the public schools of Manitoba.

In the 1985 tax year, an estimated \$336.4 million was levied on property to support public school finance. Of this total, \$184 million was raised by the provincial property tax under the jurisdiction of the Government of Manitoba, and \$152.4 million was raised by special levies, excluding the application of the property tax credits. The special levy is under the jurisdiction of public school boards. All such tax revenues in support of public school finance are collected on the basis of the real property valuation of each local government jurisdiction throughout the province as determined by the assessment system.

The influence of real property valuation on public school finance has been amplified in 1985 by the implementation of the new funding model known as the Government Support for Education Program (GSEP). The Government of Manitoba has decided that a method of equalizing the revenue capacity of the special levy among all the school board jurisdictions of the province is to form a major distributive component within the provincial education finance system. This special levy revenue equalization feature, valued at an estimated \$56.8 million in 1985, is based entirely on the methods of real property valuation which are used to determine the assessments of municipal and school board jurisdictions.

The Manitoba Teachers' Society would like to comment favourably on certain of the most salient sections proposed by Bill 83 which, in our opinion, will serve to strengthen the assessment appeal provisions of The Municipal Assessment Act and other related statutes.

Section 30(3) has been adapted from the existing reference of "Where farm dwellings taxed" to "Certain

farm dwellings subject to tax". Section 30 is an area of the act in which interpretive problems have arisen, and the Society believes the amendments, including the removal of the term "occupant", clarify the intent of the section.

The new Part III of The Municipal Assessment Act seeks to delineate the operative features of boards of revision established to review real property assessments. The Society notes with approval that more latitude is expressed in section 36(1) for the membership of a board of revision. Members of a local community other than councillors will be entitled to serve on a board.

Section 39(a) proposes to remove the present 15-day limit for public examination of the assessment rolls. A time limitation is no longer in keeping with the right of public access to provincial and local government information, and the Society endorses its removal.

The proposed section 47(1) amends a basis for lodging a complaint from "liability to assessment and taxation" to "liability to taxation". The amendment is in keeping with the policy of The Manitoba Teachers' Society that all real property should be subject to assessment in order to produce a fully comprehensive measure of the real property value contained within each local government jurisdiction.

The new section 53 entitled "Burden of proof" specifies that, in a hearing of a complaint by a board of revision, the burden of proof is on the assessor with reference to the amount of an assessment or the classification of a property. The onus is to rest with the complainant only with reference to liability of a property to taxation. The new section 59(4) repeats the requirement for the burden of proof to be on the assessor for purposes of appeal procedures beyond the board of revision stage. The Society strongly favours the inclusion in the act of these provisions identifying the burden of proof to be the responsibility of the assessor rather than the property owner.

The proposed section 55(1) entitled "No change if fair and just relation to other property" is an improvement in the view of the Society by reason of clarification over the current section 54(3) entitled "No change if assessment equalized". The use in the existing section title of the term "equalized assessment" has little meaning to the public. Moreover, the implied meaning of the term in the existing section could be considered inconsistent with the conventional practice of calculating equalized assessment.

The Society notes with amusement that the proposed section 55(5) removes the requirement for the alteration of assessment rolls to be made in red ink.

It is interesting to observe that the new section 56(2) will introduce the authority for the provincial/municipal assessor and for the City of Winnipeg assessor to correct errors and supply omissions in their respective assessment roles. Apparently, such authority is not conveyed under the current provisions of The Municipal Assessment Act.

Section 56(4) in its revised title recognizes the "Right of appeal". The Municipal Assessment Act currently reads, in section 59(1), "Appeal from Court of Revision". The amendment heeds the judgment of the Supreme Court of Canada which upheld the right of assessment appeal by property owners in its decision of December, 1983. The Society believes this proposal constitutes

the most important amendment advanced by Bill 83, and welcomes this reinforced and more precise reference to the right of a person to question an assessment.

In Bill 83, the appeal procedures designated subsequent to a board of revision, by and large, parallel the preceding board of revision requirements. A series of amendments in the latter part of the bill seek to establish a uniform approach to assessment revision for all those statutes affecting municipal government practices. The Manitoba Teachers' Society approves of these amendments which create a far more consistent approach to assessment appeals and, thereby, will foster public understanding of these uniform procedures.

The Manitoba Teachers' Society has reservations about two aspects of Bill 83, both presented in section 34(1). This proposed section, entitled "Valuation every five years," maintains the text of the existing section 36(1) in the present act. The statutory mandate for reassessment every five years or, more correctly, the lack of compliance with it has formed the focal point of the difficulties regarding real property valuation experienced within the Province of Manitoba for many years, most acutely during the past decade. It is the hope of the Society that the five-year time frame set out for reassessment will be observed in a practical sense once assessment reform measures are finally in place.

In addition to the absence of enforcement regarding time lines, the Society has a second long-standing concern with the valuation approach provided by the act. The maintenance of the following wording from the existing section 36(1) of The Municipal Assessment Act reinforces this concern of The Society:

"the assessor shall . . . make a valuation of property . . . that is liable to assessment . . . according to his best judgment".

A fundamental principle of property valuation is that the measurement of the value of real property must be uniformly applied and must be comprehensive in order to formulate an absolute assessment base for the province. The Manitoba Teachers' Society regrets that the determination of property value will, to an unnecessary degree, require each individual assessor to exercise judgment. Such a need persists because the statutory references in Manitoba to "value" continue to be oblique. In such circumstances, assessments depend too much upon subjective and random judgments, and the development of a uniform and comprehensive assessment base for the province is impaired.

With the exception of the qualifications associated with the proposed section 34(1), the Manitoba Teachers' Society recommends the adoption of the provisions of Bill 83.

Thank you very much for your attention to these views.

MR. CHAIRMAN: Are there any questions for Mr. Smith?

Mr. Manness.

MR. C. MANNESS: Thank you, Mr. Chairman.

Mr. Smith, I'd like to ask you a couple questions with respect to the first page-and-a-half of your brief. You

make specific reference to the fact that the Manitoba Teachers' Society would like, and I quote, ". . . a reduced reliance on property tax for this purpose and preferably a disassociation of the property tax from public school finance."

MR. M. SMITH: Correct.

MR. C. MANNESS: Is there anything in this bill, Mr. Smith, that will reduce the property tax associated with education at all?

MR. M. SMITH: Not as I understand it.

MR. C. MANNESS: Mr. Chairman, the Minister of Education in Estimates the other day indicated that property tax, over the last four years, in support of Education has gone up some \$83 million. Has the Manitoba Teachers' Society been tracking this figure, and do they concur with them?

MR. M. SMITH: I can't tell you whether the figure is correct from our analysis, but you may be sure that we are tracking all aspects of education finance in this province.

MR. C. MANNESS: I know the Teachers' Society certainly is. As a matter of fact, when I want accurate figures on many of those aspects, that's where I would turn to the Teachers' Society because they do a very reasonable job in tracking many of these figures.

MR. M. SMITH: Thank you for the compliment.

MR. C. MANNESS: But I find it strange, Mr. Smith, that you develop the case as to the concern the Teachers' Society has with respect to education tax on property. Yet, you sort of just leave it, just let it hang into the middle of Page 2. I find it odd that, particularly after the input that your Society gave to the Nicholls Report, you might come before a committee such as this and not be a little critical of the government for not doing anything really over three or four years in attempting to address that very real concern, which I know the Society is very aware of also. I'm wondering, from your viewpoint, how long it can be allowed to continue - when I say it, I'm meaning the support of education by way of property tax - how long it can be continued or allowed to continue to increase.

MR. M. SMITH: Let me make two points. I perceive this bill as dealing with assessment, rather than with taxation. The preliminary portions of our brief were to establish our legitimate interest in the assessment procedures, rather than to suggest reform of taxation. As you point out, Mr. Manness, we have made recommendations in that respect in other places and at considerable length.

As to how long public schools will continue to be supported by property taxation, I expect the prediction of members of the Legislature is at least as good as mine. I wish it had ended 10 years ago. I would be happy if it ends within the next decade.

Meanwhile, we would continue to press for two things: (1) to reduce the reliance so that a tax which is basically

regressive is used less to raise public funds; and, secondly, to disassociate real property taxation from the support of public schools in the same way as other sources of public revenue are disassociated from highways or hospitals or other objects of expenditures. We see no reason why the public schools should be burdened with having to defend the property tax every year when tax notices go out.

MR. C. MANNESS: Just one final comment, Mr. Smith, and you may not wish to rebut, but I find it passing strange on Page 7 as you lined up your well-prepared brief - and of course there's no way one should compare property, real property, to real people - that you would hope, when you talk about the fundamental principle of property valuation, that very objective measurements be put into place, particularly as they should, maybe in your view, remove the right of the assessor to value something by his best judgment; and yet I find it odd that maybe teachers in themselves are not evaluated in the most objective manner. I just draw that slight inconsistency, in my view at least, although I recognize fully one should never compare teachers and people to property.

MR. M. SMITH: Limiting my response to the subject covered by the bill, I suggest that our view is that we would prefer to see the degree of subjectivity exercised by the assessor reduced as much as possible. There will always be a sense in which the individual looking at the property has to use his or her own perceptions, but in the present legislation the expressions for value of property really are not as clear as we would like. They are not as easily standardized as we would like, and I'm sure that's the wish of many members of the Legislature, to have a more uniform and consistent system and as the computer base is developed and as the measures of assessment reform go into place, no doubt this will be achieved.

MR. CHAIRMAN: Are there any further questions? Mr. Anstett.

HON. A. ANSTETT: Thank you, Mr. Chairman.

Mr. Smith, on Page 6, paragraph 1 of your brief, you make an observation which suggests that there's a proposal to maintain the five-year valuation cycle in the bill. I think that's accurate. Did you see any changes in this bill, in terms of changes in Part 3, that would allow us to advance that cycle?

MR. M. SMITH: Our long-range hope would be with the advancement of technological base for processing assessments, that valuations could be carried out more frequently than every five years. But, as everyone in this room knows, it's proved impossible to live within the five-year time line so far.

HON. A. ANSTETT: But, Mr. Smith, in terms of the parameters of this bill, which deal the revision processes opposed to the actual doing of the assessment, are you making the case that a change and a rewrite of Part 3 of the act should be accompanied by a concomitant update of this stage of the frequency of assessment; or would you argue that that concomitant

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updating or change to perhaps an annual reassessment should be made with computerization in the revisions of Part 1 and Part 2 of the act?

MR. M. SMITH: I would think the latter.

HON. A. ANSTETT: Thank you.

MR. CHAIRMAN: Are there any further questions? Seeing none, then I would like to thank you, Mr. Smith, for taking the time to come and make your presentation today.

MR. M. SMITH: Thank you, Chairperson.

MR. CHAIRMAN: Shall we proceed through the bills in numerical order? Is that the will of the committee? (Agreed)

Mr. Anstett.

HON. A. ANSTETT: Would you make a last call for delegations in case there's anyone present who hasn't registered?

MR. CHAIRMAN: Are there any further members of the public who wish to make presentations on either Bill 68, 69 or 83?

BILL 68 - THE MUNICIPAL BOUNDARIES ACT; LOI SUR LES LIMITES MUNICIPALES

MR. CHAIRMAN: Seeing none, Bill 68, what's the will of the committee? Clause-by-clause, page-by-page?

HON. A. ANSTETT: Bill-by-bill.

MR. CHAIRMAN: Bill-by-bill?

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, as members are aware, this is a very straightforward and simple piece of legislation. Perhaps its simplicity is what caused us to overlook the need for this amendment.

What this amendment will do - and I perhaps should move it before I explain it, Mr. Chairman, if I may. Excuse me.

Mr. Chairman, I move

THAT section 3 of Bill 68 be struck out and the following sections substituted therefor:

Sections 15 to 123 repealed.

3 Sections 15 to 123 of the Act are repealed.

Commencement of the Act.

4(1) This Act comes into force on a day fixed by proclamation.

Application of proclamations.

4(2) A proclamation made under subsection (1) may be made to apply to any one or more of the sections repealed by section 3.

Mr. Chairman . . .

MR. H. GRAHAM: Mr. Chairman, on a point of order.

MR. CHAIRMAN: Mr. Graham, on a point of order.

MR. H. GRAHAM: Mr. Chairman, is it customary for a Minister to move his own amendments?

MR. CHAIRMAN: It was done in the other committees. Mr. Lecuyer.

HON. G. LECUYER: I was just going to move them if that's not in order.

HON. A. ANSTETT: Mr. Chairman, I understand that at one time in the past, in the Sixties, Ministers moved amendments. In the Seventies, we desisted in that practice and backbenchers, rather than other Ministers, moved amendments. I understand that in the last half-a-dozen years Ministers have moved their own amendments. There is no set practice, but certainly it's not out of order to do so.

MR. CHAIRMAN: The motion, as moved by Mr. Anstett, then.

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, by way of explanation, what this amendment will do is allow us to repeal individual boundary descriptions and substitute by prescribed regulation descriptions as new descriptions as they are prepared. Obviously, we don't have all of the new descriptions ready. This will allow this to proceed as an orderly practice so that, for example, sections 16, 17 and 18 can be repealed by proclamation and new descriptions prescribed by regulations substituted therefor.

Subsequently, and over a period of time all of the current descriptions, which are sections 15 to 123 in the current act, would be repealed by individual proclamations for individual sections or large groups of sections as the descriptions are prepared. It's purely a mechanistic amendment to allow gradual implementation of the intent to the act.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, we have seen the introduction of this bill which will remove from public view any changes . . . to the legal description of the boundaries of various municipalities throughout the province.

The Minister feels that it is better that it should be done by regulation and I suggest, Mr. Chairman, that regulations are not as well or as easily read as the statutes. You go to any municipal office and they have a copy of the statutes there, but when it comes that you ask them for the regulations, well, they may have one or two but the rest of them they usually get filed someplace where it's inconvenient for them to arrive at.

It has been my contention that changing the legal description of a municipality is not very difficult to do. I know of no Legislature that would be unwilling to do that and leave it in the statutes where it's easily picked up and everyone can read. However, that is not the way this government is moving and they want to do it by regulation. I can understand the move that the Minister is making here because it will again be by regulation and the proposal he has here is that by

roclamation they can remove any of these existing legal descriptions and bring in new ones by regulation. So we are then going to end up with some legal descriptions still existing in the statute and some in the regulations. I suggest that could be very confusing.

I would hope that the Minister would withdraw the bill completely and continue to have the legal description of the municipal boundaries spelled out by statute. The Minister, so far, has not told us how many municipalities require changes. He gave an indication of how a boundary could change by making the course of a river through time moving, but he has not told us how many municipalities in the province require a change in their legal description. Perhaps he could tell us now how many municipalities in the Province of Manitoba require a change in their legal description of their boundaries?

HON. A. ANSTETT: Mr. Chairman, I'm surprised at his remarks from the Member for Virden. However, I have to assume that they are at least partially tongue-in-cheek since he did not object to the passage of the bill on second reading. The bill did not pass on recorded division, nor did I hear any nays when the bill passed. I'm surprised he now proposes that the bill be withdrawn.

I also note that he makes his remarks with great discretion, although he suggests in his remarks that somehow municipal boundaries can be changed, he never used the word "changed" of municipal boundaries, only changes in legal descriptions.

It's clear, Mr. Chairman, because I respect the intelligence of the Member for Virden, that he chose those words carefully. He's not trying to suggest to this committee that we really want to change the actual boundaries of the municipality; he knows we only want to change the legal description. He knows that many of those descriptions are out of date. My department's best estimate is approximately half, which is about 100 municipalities. He knows as well that all of those can't be changed overnight, that they've got to be updated, that takes time.

He knows that legally it is inconvenient; in fact, creates some difficulties for municipalities to have a statutory description that does not accurately reflect what's on the ground. He knows that municipal government across this province wants to see that updated and has wanted to see it for 30 years. The party to which he belongs has been in office more during the last 30 years than the party to which I belong, yet those individual amending bills just don't seem to get introduced every year. That would be another 100 bills. So simply put, that's why it's being done because Legislatures and governments in the past just simply haven't done it; it's small potatoes; it's cold coffee when the Legislature is in Session to really worry about an amending bill for a municipal boundary. That's the facts of the matter not just for this government but for the last half-a-dozen governments, several of which he's been involved with.

Mr. Chairman, the essence of this proposal is to allow the modification of the legal descriptions only - not changes in the boundary. To suggest that somehow we need to go to the Legislature to modify the legal description when the actual change in the boundary can be made without consulting the Legislature - the

real on-the-ground change you don't have to consult the Legislature on - but when you actually want to change the legal phraseology, we've got to go to the Legislature? I think we have it in reverse.

Right now, under section 22(2) of The Municipal Act we have a situation, where after a hearing by the municipal board, the board reports to the Minister, the Minister takes it to the Lieutenant-Governor-in-Council, an Order-in-Council is passed and the boundaries are changed. That's with respect to every municipality, I believe, with the exception of the City of Winnipeg whose boundaries are in statute in The City of Winnipeg Act.

We can actually change the boundary legally and it is all full force and effective legal change, but the description in the act remains out of date. The description in the act has no force in effect because according to this act it's the description that's made in accordance with the statutory provisions for change that has full force in effect.

So, if anything, what the Member for Virden is proposing could be accommodated by changing The Municipal Act to require every municipal boundary change to come to the Legislature. I think that would be a waste of time for the Legislature, but to suggest that the Legislature has to pass an act to confirm an action taken by the municipal board and by Cabinet, that's putting the cart before the horse. This is a very very minor technical bill that will accommodate the legal requirements of municipalities and will have no impact on their existing boundaries. The procedures for changing their boundaries legally remain unchanged, and to be quite honest, they're happy with the way that's done now. There have been no requests for changes in it. What they really wanted was to get away from this archaic attachment of their boundaries, mostly out-of-date boundaries, in a bill which really nobody was inclined to change every year. We'd have An Act to amend The Municipal Boundaries Act or two or three of them every Session if we didn't do this and wanted to remain up to date.

Since we know that isn't going to happen, we propose to do it this way and I think it commends itself. I think the amendment that's proposed is exactly in that vein and reinforces that and allows it to be done gradually.

MR. CHAIRMAN: Any further discussion of the motion?
Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, the rantings and ravings of the Minister of Municipal Affairs and this subsequent amendment just shows that the Minister's concerns have really not been for the proper work of his department at all. There should be no need for a subsequent amendment of a bill, having once drafted the bill, and I hope he had looked at it very carefully. It was a very small bill he brought in but, even at that, he still didn't do his homework. Now he finds he has to amend it, because it was inaccurate when he brought it in.

I just wanted to point out again that the Minister hasn't been doing his homework, and then he jumps on us because we point out to the committee that this isn't the only way things can be done. They can be done differently. But if the Minister wants to persist, he has the forces to do it, and he can put forward his amendment and it will pass.

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MR. CHAIRMAN: Any further discussion?
Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I'm going to, rather than persist, cease and desist. I think the tongue of the honourable member is so far in his cheek that it's probably not worth pursuing it any further.

However, I do make one comment, and that is that the member started out in second reading debate on this bill thinking that this was a bill to amend the actual boundaries in municipalities. Only after straightening him out on that fact did we get him on course in understanding what was in the bill.

To suggest, Mr. Chairman, that somehow the Minister or the department is less than competent in suggesting that, rather than repeal the lot, we now want to do it gradually - I thought the philosophy of most Legislatures was gradualism to ensure that things were done in an orderly way. If the Member for Virden opposes doing things in an orderly way, then I'm surprised.

I think the amendment commends itself to that. I would have thought that he would have raised that concern at second reading. I think, if anything, the amendment conforms with his philosophy about how change should take place with local government in an orderly, progressive fashion, as time allows things to be done in an orderly and progressive way.

MR. CHAIRMAN: Any further discussion?
Mr. Gourlay.

MR. D. GOURLAY: I wonder, Mr. Chairman, if the Minister could indicate whether he's had any submissions from municipalities recommending these amendments. Or, in fact, has he had any objections from municipalities with respect to this bill?

HON. A. ANSTETT: Mr. Chairman, the last question first, there have been no objections to my knowledge to the bill. It has been discussed and circulated. My understanding is the municipal associations approve of the bill, understand its intent.

Have we had requests for legislation to deal with this problem? Yes, Mr. Chairman, we have repeatedly had requests that municipal boundaries be updated and a mechanism be found to do it simply, rather than the complex, legislative bill that's required now and, of course, doesn't happen for that reason.

MR. CHAIRMAN: Any further discussion? On the proposed motion of Mr. Anstett, is it agreed—pass; Bill 68, as amended, Title—pass; Preamble—pass.
Bill be Reported—pass.

BILL 69 - THE MUNICIPAL ACT; LA LOI SUR LES MUNICIPALITÉS

MR. CHAIRMAN: Bill No. 69, clause-by-clause.
Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, there is one amendment to Bill 69 which is now being distributed to honourable members. If I may, I'll move that amendment when we get to section 4. So perhaps we could pass Page 1, if members are agreeable. The section being amended is section 4 of the act.

MR. CHAIRMAN: Page 1—pass.
Page 2 - Mr. Anstett.

HON. A. ANSTETT: Thank you, Mr. Chairman.
I move

THAT proposed new section 88.3 of The Municipal Act as set out in section 4 of Bill 69 be amended by adding thereto immediately after the word "Act" in the 9th line thereof, the words "or any other Act".

MR. CHAIRMAN: Any discussion of the motion?
Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, the section 88.3 in section 4 of the bill proposes to include, under the ability to expend funds for the payment of legal expenses, the City of Winnipeg. Yet, the exercise of powers conferred refers only to this act, The Municipal Act. Therefore, the addition of the phrase, "or any other Act," then incorporates into the intent of the provision The City of Winnipeg Act, since it operates with its own statute and without reference to The Municipal Act in this regard. All other municipalities are covered under The Municipal Act reference.

MR. H. GRAHAM: Mr. Chairman, by making this motion here, it would then be unnecessary to change The City of Winnipeg Act to reflect that change?

HON. A. ANSTETT: That's correct, Mr. Chairman. I don't believe the language here requires any change in The City of Winnipeg Act. An equivalent provision was placed in The City of Winnipeg Act at or about the incorporation of the Metro Winnipeg Corporation in 1960-61. It was repeated in The Unicity Act and, in effect, has been there roughly 25 years, an equivalent provision.

The amendment is an attempt to ensure that this provision in The Municipal Act in no way overrides or subtracts from any rights or privileges obtained by the current wording in The City of Winnipeg Act.

MR. CHAIRMAN: Any further discussion of the motion?
Mr. Lecuyer.

HON. G. LECUYER: Mr. Chairman, in order to be in conformity with the amendment just proposed in section 4, subsection 88.3(1), the amendment should be added in the seventh line of the French translation corresponding to the section, the wording après le mot "loi" - the words to be added are "ou toute autre loi".

MR. CHAIRMAN: I have a French version of the motion that's . . .

HON. G. LECUYER: I haven't got one.

MR. CHAIRMAN: Oh, there is a French version which is formally typed.

HON. G. LECUYER: That's exactly what I was doing. I haven't seen that was there, fine. So I'm proposing that the amendment should be made in the French translation.

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MR. CHAIRMAN: Thank you, Mr. Lecuyer.

Any further discussion? Is that agreed—pass; Page 1, as amended, both English and French versions—pass; Page 3—pass; Page 4—pass; Page 5—pass; title—pass; Preamble—pass.

Bill be Reported—pass.

MR. CHAIRMAN: Bill No. 83 - Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, there are some amendments being circulated. Perhaps we could deal with the bill page-by-page. I'll move the amendments as we reach the appropriate sections.

The first amendment is to section 36(2) which is on Page 5, Mr. Chairman.

MR. CHAIRMAN: Page 1—pass; Page 2—pass; Page 3—pass; Page 4—pass.

Page 5 - Mr. Anstett.

HON. A. ANSTETT: I move

THAT proposed new subsection 36(2) to The Municipal Assessment Act as set out in section 11 of Bill 83 be struck out and the following subsection be substituted therefor:

Term of Office.

36(2) Unless a member sooner dies, resigns or is removed from office, each member of a board of revision shall hold office for a term of not more than one year; but a member may be reappointed to the board of revision.

Mr. Chairman, the purpose of this is to ensure that, because the board of revision period is in the fall and municipal elections are also in the fall, a council could make appointments including councillors who are subsequently defeated before they sit as a board of revision. There is no provision for them to be replaced, because they're appointed for the full year. This will allow replacement in an election year, in essence.

The other replacement provisions were adequate but, because of the changes that would take place at the end of October for often November board meetings, this additional provision had to be inserted. It was an oversight that it was missed in the first draft.

MR. CHAIRMAN: Any discussion of the motion? Is that agreed? (Agreed) Page 5 - Mr. Lecuyer.

HON. G. LECUYER: Mr. Chairman, there is a printing error in the French section only. Section 36(2) is written down as section 63(2), so that should be changed.

MR. CHAIRMAN: Thank you, Mr. Lecuyer. We'll change that.

Page 5, as amended—pass; Page 6—pass; Page 7—pass; Page 8—pass.

Page 9 - Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I move

THAT proposed new section 54 to The Municipal Assessment Act as set out in section 11 of Bill 83 be amended by striking out the words "of the property" immediately after the word "liability" in the 4th line thereof.

Mr. Chairman, the reason for this change is that the change in the classification for tax liability may apply to something other than the property itself, for example, in the case of business tax. Therefore, the wording will now read as follows: ". . . change the classification or tax liability or make any other changes to the subject assessment roll."

So if it is something other than property which is assessed for purposes of the roll, the change can be made to both. The words "of the property," therefore, were redundant and presumed to exclude, if it was interpreted that way, such things that might be assessed for business purposes. So by the removal, we avoid any problem there. It doesn't change the overall intent of this section in any way.

MR. CHAIRMAN: Any discussion of the motion? Is it agreed? Page 9, as amended—pass.

Page 10 - Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, just a grammatical change. I would move

THAT proposed new subsection 56(2) to The Municipal Assessment Act as set out in section 11 of Bill 83 be amended by striking out the word "supply" in the 5th line thereof.

MR. CHAIRMAN: Any discussion of the motion? Page 10, as amended—pass.

Page 11 - Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I move

THAT proposed new clause 56(4)(b) to The Municipal Assessment Act as set out in section 11 of Bill 83 be amended by striking out the words "of the property" immediately after the word "liability" in the 2nd line thereof.

Mr. Chairman, the explanation is the same as the amendment to section 54 previously referenced.

MR. CHAIRMAN: Any discussion of the motion? Page 11, as amended—pass; Page 12—pass; Page 13—pass.

Page 14 - Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I move

THAT proposed new subsection 64(3) to The Municipal Assessment Act as set out in section 11 of Bill 83 be amended by striking out the word "decision" in the 1st line thereof and substituting therefor the word "order".

Mr. Chairman, the purpose of this is to conform with The Municipal Board Act in which its decisions are called orders, rather than decisions.

MR. CHAIRMAN: Any discussion of the motion? Page 14, as amended - Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I move

THAT proposed new section 65 to The Municipal Assessment Act as set out in section 11 of Bill 83 be amended by striking out the word "decision" in the 2nd line thereof and substituting therefor the word "order".

Mr. Chairman, this amendment is identical to the one to section 64(3) we just passed.

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MR. CHAIRMAN: Any discussion of the motion—pass; Page 14, as amended—pass; Page 15—pass.

Page 16 - Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I move

THAT proposed new subsection 758(9) to The Municipal Act as set out in section 16 of Bill 83 be amended by striking out the word "assessment" in the 3rd line thereof and substituting therefor the word "tax".

MR. CHAIRMAN: Any discussion of the motion?

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, section 758(9) deals with added taxes and, therefore, the rolls that are prepared for added taxes are not assessment rolls but are added tax rolls. So the word "assessment" there is inappropriate, and should have been drafted as "... tax rolls made under this section," not assessment rolls. Since it is probably the only time at which the rolls are referred to as tax rolls, the error was understandable.

MR. CHAIRMAN: Any further discussion? Amendment—pass; Page 16, as amended—pass; Page 17—pass; Page 18—pass; Page 19—pass.

Page 20 - Mr. Graham.

MR. H. GRAHAM: On Page 20, section 223(7), "No assessment shall be made or taxes levied in respect of any building or part thereof by virtue of it having been in existence during any particular year if the tax collector has certified to any person under clause 292(1)(a) that the taxes on the land on which the building or part thereof is situated have been paid in full for that year," can the Minister indicate whether this will in any way change the present practice that occurs in the City of Winnipeg?

HON. A. ANSTETT: No.

MR. CHAIRMAN: Any further discussion on Page 20? Page 20—pass; Title—pass; Preamble—pass.

Bill be Reported—pass.

HON. A. ANSTETT: Committee rise.

MR. CHAIRMAN: Committee rise.

COMMITTEE ROSE AT: 10:58 a.m.