**Second Session – Forty-Third Legislature**

**of the**

# Legislative Assembly of Manitoba

# Standing Committee on Legislative Affairs

***Chairperson***
***Shannon Corbett***
***Constituency of Transcona***

**Vol. LXXIX No. 6 - 6 p.m., Tuesday, May 13, 2025**

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**Forty-Third Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**

**THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS**

**Tuesday, May 13, 2025**

***TIME – 6 p.m.***

***LOCATION – Winnipeg, Manitoba***

***CHAIRPERSON – MLA Shannon Corbett (Transcona)***

***VICE-CHAIRPERSON – Mrs. Rachelle Schott (Kildonan-River East)***

***ATTENDANCE – 6 QUORUM – 4***

*Members of the committee present:*

*Hon. Min. Sandhu*

*MLA Corbett, Messrs. Guenter, Oxenham, Perchotte, Mrs. Schott*

***PUBLIC PRESENTERS:***

*Bill 25 – The Public-Private Partnerships Transparency and Accountability Act*

*Kevin Rebeck, Manitoba Federation of Labour*
*Gord Delbridge, Canadian Union of Public Employees, Local 500*
*Paul Moist, Manitoba Federation of Union Retirees*
*David Grant, private citizen*
*Molly McCracken, Canadian Centre for Policy Alternatives*

*Bill 10 – The Residential Tenancies Amendment Act (2)*

*Yutaka Dirks, Canadian Centre for Housing Rights*
*David Grant, private citizen*

*Bill 26 – The Vital Statistics Amendment Act*

*Lou Lamari, Manitoba Bar Association*

***WRITTEN SUBMISSIONS:***

*Bill 10 – The Residential Tenancies Amendment Act (2)*

*Robyn Grant, Professional Property Managers Association*

*Bill 25 – The Public-Private Partnerships Transparency and Accountability Act*

*Kyle Ross, Manitoba Government and General Employees' Union*

*Bill 26 – The Vital Statistics Amendment Act*

*Charlie Eau, Trans Manitoba*

***MATTERS UNDER CONSIDERATION:***

*Bill 10 – The Residential Tenancies Amendment Act (2)*

*Bill 25 – The Public-Private Partnerships Transparency and Accountability Act*

*Bill 26 – The Vital Statistics Amendment Act*

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**Clerk Assistant (Ms. Melanie Ching):** Good evening. Will the Standing Committee on Legislative Affairs please come to order.

Before the committee can proceed with the business before it, it must elect a Chairperson.

Are there any nominations?

**Mrs. Rachelle Schott (Kildonan-River East):** MLA Corbett.

**Clerk Assistant:** MLA Corbett has been suggested– has been nominated.

Are there any other nominations?

Hearing no other nominations, MLA Corbett, will you please take the Chair.

**The Chairperson:** Our next item of business is the election of a Vice-Chairperson.

Are there any nominations?

**Mr. Logan Oxenham (Kirkfield Park):** I nominate Mrs. Schott.

**The Chairperson:** Hearing no other–Mrs. Schott has been nominated.

Are there any other nominations?

Hearing no other nominations, Mrs. Schott is elected to Vice-Chair.

This meeting has been called to consider the following bills: Bill 10, The Residential Tenancies Amendment Act, part 2; Bill 25, The Public-Private Partnerships Transparency and Accountability Act; and Bill 26, The Vital Statistics Amendment Act.

I would like to inform all in attendance of the provisions in our rules regarding the hour of adjournment. A standing committee meeting to consider a bill must

not sit past midnight to hear public presentations or to consider clause by clause of a bill except by unanimous consent of the committee.

Written submissions from the following persons have been received and distributed to committee members: Robyn Grant from the Professional Property Managers Association on Bill 10; Kyle Ross, Manitoba Government and General Employees' Union on Bill 25; Charlie Eau, Trans Manitoba, on Bill 26.

Does the committee agree to have these documents appear in the Hansard transcript of this meeting? *[Agreed]*

Prior to the proceeding with public presentations, I would like to advise committee–members of the public regarding the process for speaking in a committee. In accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members. Questions shall not exceed 45 seconds in length, with no time limit for answers. Questions may be addressed to presenters in the following rotation: first, the minister sponsoring the bill or another member of their caucus; second, a member of the official opposition; and third, an independent member.

If a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the Hansard recorder to turn the mics on and off.

On the topic of determining the order of public presentations, I will also note that we have out-of-town presenters in attendance marked with an asterisk on the list.

With these considerations in mind, in what order does the committee wish to hear the presentations?

**Mrs. Schott:** Out-of-town presenters first.

**The Chairperson:** Thank you for your patience. We will now–*[interjection]* Sorry? *[interjection]* Oh, sorry.

With these considerations in mind–*[interjection]* It has been suggested that the out-of-town presenters go first. Agreed? *[Agreed]*

Okay, thank you for your patience. We will now proceed with public presentations.

## Bill 25–The Public-Private Partnerships Transparency and Accountability Act

**The Chairperson:** I will now call on–sorry, Mr. Dirks–*[interjection]* Oh, okay. Sorry.

Mr. Kevin Rebeck from the Manitoba Federation of Labour.

Mr. Rebeck, please proceed with your presentation.

**Kevin Rebeck (Manitoba Federation of Labour):** Thank you, and I've brought copies of the presentation.

The Manitoba Federation of Labour, or MFL, is Manitoba's central labour body, with more than 30 different affiliated unions representing more than 130,000 unionized workers from every sector and every region of the province in the public and private sectors, as well as the building trades.

This bill is an important step towards–sorry, I'm speaking to Bill 25, just to be clear. This bill is an important step towards providing greater transparency and accountability for taxpayers and we commend the government for bringing it forward.

At the same time, however, we believe there are some important amendments needed to make sure this legislation fully protects taxpayers from getting ripped off when governments consider private-public partnership funding models for projects.

Manitoba's unions have long made it clear that if government explores public-private partnerships, or P3s, it should provide clear, transparent information about the up-front and long-term costs of P3s, including apple-to-apple comparisons between the costs of proceeding with a P3 versus a traditional public procurement process.

Manitoba used to have legislation, The Public-Private Partnerships Transparency and Accountability Act, that required governments to do this very thing, but it was repealed under Brian Pallister and the PCs in 2017.

It never ceases to amaze me how P3 proponents profess that P3s are a better option but hide from showing their numbers and their analysis to prove it. P3s are a term used for building what are traditionally public assets, like community infrastructure and services, through private means. With P3s, governments enter into costly contracts with a private company that are essentially rental, lease or operating

schemes instead of just building and maintaining community infrastructure directly for the public benefit.

This means you end up with privately owned assets that are built with public money and then rented back to the public, often for much higher amounts over their lifetime than it would have cost to build and own publicly in the first place.

Simply put, P3s are just another form of privatization of public assets. Evidence shows that they increase taxpayer costs and lead to lower quality and reductions in service levels. One only needs to read damning Auditor General reports from Ontario, Saskatchewan, New Brunswick and BC on the subject, to know that P3s are a bad deal for taxpayers.

Ontario's Auditor General found in 2014 that P3s had cost Ontario taxpayers nearly $8 billion more on 74 infrastructure projects over the previous nine years than if the government had built the projects itself.

A 2014 report by the Auditor General of British Columbia raised serious concerns about the high costs and high debt of 16 P3 projects examined in that province, reporting that interest rates ranged considerably, from 4.42 per cent to 14.79 per cent. An average interest rate of 7.5 per cent was found, meaning that the debt loads of P3 projects were almost double what they would have been had the province just financed the project itself.

In fact, even the previous PC government of Brian Pallister acknowledged the high cost of P3s when it reversed course on pursuing building four schools through a P3 model because it realized it could actually save enough money through public financing to build a fifth school.

Unfortunately, this lesson wasn't learned by Heather Stefanson, who foolishly pursued a P3 model for new schools during the dying days of her government. Thankfully, this NDP government put an end to Stefanson's hare-brained scheme.

Evidence shows that privatization increases costs and leads to lower quality and a reduction in service levels. Citizens also lose control and accountability with privatization because making a profit becomes the sole priority of building an asset like a school or a bridge, instead of serving the needs of the communities.

Manitoba was a leader in the country in introducing legislation to protect the public interest when it came to weighing P3 funding models in 2012. The original Manitoba legislation outlined rules for public sector organizing that take part in P3 agreements and for major capital projects having a protected–projected total cost of $20 million or more.

The original legislation outlined rules for government that were considering P3 agreements. The legislation improved the transparency and accountability of the decision-making process, which is something that benefits all Manitobans and it forced government to demonstrate to taxpayers what a project would cost under a P3 model. The legislation forced government to be open and transparent when they're considering this model for building an expensive asset like a school and ensured public could review and do their due diligence.

***** (18:10)

Bill 25 follows the basic principles of the original P3 transparency law with some differences that I'll get to shortly. Transparency and accountability around P3s are important protections for taxpayers because P3 funding models have been found to cost far more in the long term than traditional public sector delivery models.

While we're glad that the provincial government has introduced legislation to provide greater transparency and accountability, we do have some suggested amendments to close loopholes and to ensure that P3 projects and their private sector backers can't hide from public scrutiny and accountability when they're asking for public sector support.

The original bill and the new bill both establish $20 million as the threshold for major public sector capital projects to be covered by the bill's accountability transparency rules. However, Bill 25 provides a problematic special exemption for municipal projects. Municipal projects under the bill are only covered where there is provincial government or provincial reporting entity funding involved and that funding is $100 million or more. We see no justification for exempting a large swath of municipal projects from transparency and accountability standards.

P3 transparency and accountability requirements should be applied to all P3 projects valued at $20 million or more, regardless of whether there's provincial funding involved. Municipal projects shouldn't be shielded from the requirement applied to provincial projects, and municipal taxpayers deserve the same protection as provincial taxpayers.

In fact, the provincial government recently launched a public inquiry, at an expected cost of $2 million, into the City of Winnipeg's construction of

the police headquarters, citing concerns about the City's procurement and approval process. That reinforces the desperate need for transparency and accountability for major projects.

The other is the power to exempt any project by regulation. The original and new bill define a private sector entity as any person or organization other than a public sector entity, and Canada and Indigenous governing body are a combination.

However, the new bill, unlike the previous law, also gives the government the power to add any entity to this definition and to exempt any entity or types of entities from the bill's requirement by regulation. We think this is a dangerous loophole which could allow a less principled future government to exempt a private company from the bill's requirements. We can't think of any scenario where taxpayers would be better served by government passing a regulation exempting a private entity from the requirements of this bill. When P3 proponents don't show their work, this should be viewed as a major red flag that taxpayers are going to be ripped off.

We urge the government to delete this loophole and have the bill's protections applied consistently, without the ability for a future government to exempt a P3 project from fundamental transparency and accountability with the stroke of a pen.

While most of the other sections are identical or substantially similar to the 2012 version, including the definition of major capital projects and P3s, how it treats related projects, required public sector analysis and apple-to-apple comparisons, the appointments and role of the fairness monitor and role of the Auditor General.

There's one important way that this bill's stronger than the old bill: it prohibits public–private sector entities from an ownership interest in the public work throughout the term of a P3. We view this as a substantial improvement.

We're glad to see this bill take action to improve transparency and accountability when it comes to the consideration of P3s, and by amending the bill to close the loopholes I mentioned, we think this bill will be even stronger than Manitoba's previous P3 legislation and once again make Manitoba a leader in protecting the interests of taxpayers when it comes to P3s.

Thank you.

**The Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**Hon. Mintu Sandhu (Minister of Public Service Delivery):** Thank you, Mr. Rebeck, for coming down today. And it's an important day as we are also looking at around 7 o'clock, the Jets will be playing. And go, Jets, go.

And thank you for coming down, and we are looking forward. And thanks for suggesting also the amendment that you have suggested. We might look at that one as well.

So thank you very much.

**The Chairperson:** Any other questions? Oh, sorry– Mr. Rebeck.

**K. Rebeck:** Just thank you for bringing this bill forward. I think it's really important for taxpayers and will make Manitoba a real leader. Appreciate your leadership on this bill.

And go, Jets, go.

**The Chairperson:** Okay. Thank you so much.

I will now call on Mr. Gord Delbridge. He is on Zoom.

If you could please unmute yourself and turn your video on. Can you please–Mr. Delbridge, could you please unmute yourself and turn your video on?

**Gord Delbridge (Canadian Union of Public Employees, Local 500):** Hello, can you hear me now? Hello?

**The Chairperson:** Yes, could you just please turn your video on?

**G. Delbridge:** Yes, I'm just working on that right now.

**The Chairperson:** Okay, thank you.

**G. Delbridge:** Hello?

**The Chairperson:** Do you have any written materials for distribution?

**G. Delbridge:** I don't.

**The Chairperson:** Okay, you can please proceed with your presentation.

**G. Delbridge:** Okay, I just want to thank you for the ability to speak to you about P3 accountability and transparency legislation. I do appreciate the ability to present on this legislation that is aimed at protecting both the public workers and the harmful P3s that are often, you know, have things like lack of

transparency, and not only to the taxpayers, but to the elected officials that are paying the bills.

And, hidden in long-term costs to the taxpayers, having no accountability in the terms of quality service and return on investment, and taking public assets that ought to be–that belong to all of us–and make them privately owned and profit-generated assets, and often to American and overseas corporations.

So this legislation–I mean, though it's not perfect–but it is a step in the right direction to ensure–or, you know, just to ensure that Manitobans, and myself included, would prefer to see P3s banned entirely. We believe P3s are–just aren't worth the risk, and again, P3s have been shown to be risky, expensive and liability for governments that engage in them.

However, so long as governments choose to use P3s, these projects must be subject to accountability and transparency and oversight, and this legislation helps us to achieve that. We seen what the PC government and the Pallister and Stephanson governments–but they didn't really care about accountability to the taxpayer. They didn't care about affordability. They certainly didn't care about many other aspects within P3s and often would favour the–you know, the profit-driven private contractors. And we know that because, repeatedly, we tried to sell public assets to American and offshore companies, work this government has started to unroll.

And because they actively and aggressively pursued P3 projects after removing the accountability and transparency provisions, people know that the PC plan to privatize our education–that's well known. We've seen it in the headlines that publicly owned, operated schools were nearly 20 per cent more affordable than the P3 machine.

And I do want to give a shout-out to minister that stands for others, that brought forward this legislation previously. I want to give a shout-out to MLA Dave Gaudreau that supported this as well, and the accountability that it did for a lot of taxpaying Manitobans.

And it's important to be transparent, and I think that we see many different areas where this has become a concern. We see the water treatment plants; we've got the North End Water Treatment Plant that initially was looking at going–proceeding with a P3-type model, and that raised a lot of concerns.

***** (18:20)

What, you know, a lot of people don't know is the PC government also tried to privatize our water system, and when the City of Winnipeg came to the previous government, they didn't make upgrades to Winnipeg's ability to keep our Lake Winnipeg free of sewage, and PCs just thought this was an opportunity to force their harmful ideology on Winnipeg residents. This was a concern.

And, you know, a lot of work that's being done on the North End treatment plant, and where they went to–where it was previously proposed that they would be–that this would be a design, build, finance and operate, P3-type model, they did rescind on that, based on the City of Winnipeg's administrative recommendations that they do not proceed this way.

And this was–you know, it was going to have a significant impact on a lot of Winnipeggers and Manitobans, and we felt that if they were to single-source this contract, that this was going to go leave our local economy, a lot of this work, which would negatively impact our local economy and the control that we had over maintaining Lake Winnipeg.

And so it was decided that they wouldn't single-source this contract, and they–you know, it was realized that, much as it was with some of the schools that they were looking at doing, some of this P3–in a P3 model, that the best bet was to proceed with traditional procurement methods, not to single-source, that it would be better for our economy, it would be better for Lake Winnipeg, it would be better for the taxpayer and better for Winnipeggers.

And so, you know, I think this is the route that we need to go. We've seen many projects that have taken place across the city of Winnipeg. We see the Bill Clement bridge and roadway there that was done under this P3 model, where a lot of the private contractors claim that they're–they can be proprietary, and they don't need to divulge all this information.

That raises a lot of concern for us. It raises concern for myself, it raises concern for the taxpayers. This is not transparent. And does it cost more? We know it costs more. We've done a lot of research on various P3 models, and this is basically credit card financing for our kids and down the road, that they're going to continue to have to pay for this.

I mean, it works out well for some of the profit-driven private contractors as they're trying to line their pockets, but it doesn't work out well for the taxpayer. And transparency, accountability is critical and it's important; that's what Manitobans expect from

this government. That's why we elected this government, is to bring back transparency and accountability.

And so, you know, I–there's many municipal loopholes that–there's obligations for accountability and transparency government. I think we need to take a close look at what is in the legislation.

And so Local 500 would like the government to consider eliminating or reducing the threshold clause. Municipalities should be able to break up projects, or phase projects over time to get around these rules. And, second, you know, the provincial contribution clause means that municipalities can skirt rules by simply directing provincial contributions to capital projects that are public and utilizing internal resources for dangerous P3s that don't need to be accountable or transparent. This isn't right.

All municipalities receive very significant provincial funding to their normal day-to-day budget, so the idea that because the province isn't making an additional contribution to a capital project, the provincial funds aren't being used: that just isn't true.

And we know that–a lot of people have said to me, you know, how does this affect your members? And if they're using these projects, maybe through capital budgets, and it's having an impact on their annual operating budgets, this affects our ability to operate and maintain our city the way it needs to be maintained, because they're using up resources as a result of overpaying for a lot of these P3 projects.

So, you know, CUPE there–is therefore calling on the government to do two things to fix this legislation: reduce and eliminate the threshold clause; eliminate the requirement for provincial and contributions that include provincial court finding in determining provincial contributions.

And these simple fixes would help your legislation do what it's trying to do. Manitobans, from an affordable, non-transparent and accountable on P3s–again, I just want to thank the government for the movement that you've made up until this point. It's not a loss on me that I'm here today, advocating for improvements to get legislation.

I often say to my members, when I'm meeting with the Kinew government and proposals I'm pushing to try and achieve better gains, better improvements. But when I'm–was presenting more often and protesting under the previous government, it was a fight off attacks on working class people and harmful rollbacks and our rights.

And so I thank you, and I hope you're all able to keep the ball moving forward on this file, and keep Manitoba assets public wherever possible and, you know, maintain that accountability that Manitobans expect and they deserve. And so that's it for me.

**The Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**MLA Sandhu:** Thank you, Mr. Delbridge, taking time out of your busy schedule and speaking to this committee today.

**The Chairperson:** Would you like to respond, Mr. Danbridge *[phonetic]*?

**G. Delbridge:** No, I'm just saying thank you and thank you for having me today.

**The Chairperson:** Question? Any other questions? Okay.

Thank you for your presentation.

## Bill 10–The Residential Tenancies Amendment Act (2)

**The Chairperson:** On Bill 10, I will now–sorry. On Bill 10, I will now call Mr. Yutaka Dirks.

Just a reminder, Mr. Dirks, if you could unmute and turn your video on, please.

**Yutaka Dirks (Canadian Centre for Housing Rights):** Hello.

**The Chairperson:** Do you have any written materials for distribution to the committee?

**Y. Dirks:** I do not.

**The Chairperson:** Okay. Please proceed with your presentation.

**Y. Dirks:** I just want to thank the members of the committee for the opportunity to speak to Bill 10, the residential tenancies amendment act. The Canadian Centre for Housing Rights is a national non-profit organization that's been working to advance the right to adequate housing for over 35 years, using research, policy advocacy and direct service provision to renters.

We often work in partnership with community-based organizations, including Manitoba's Right to Housing Coalition which we have been doing for several years, to support the right to housing for people of all incomes. Under international human rights law, the right to housing is recognized as the

right of every person to a safe and adequate home where they can live in security, peace and with dignity. Adequate housing includes those homes which are affordable, secure, habitable, accessible, close to services, in an acceptable location and culturally appropriate.

So Canada formally recognized this right to housing in 2019 with the passage of the National Housing Strategy Act. All governments in Canada are obligated to respect and protect every person's right to housing and to take steps to fulfil this right. The residential tenancy laws in each province, which set up the rights and responsibilities of tenants and landlords, are a key tool for governments to ensure this right to housing is realized.

So Bill 10 proposes to amend The Residential Tenancies Act, to create new obligations for landlords, to pay the moving expenses and reasonable additional expenses of tenants who are forced to leave their homes if their buildings are ordered to be evacuated under health, building, maintenance or occupancy law and regulations. If passed, it will also disallow landlords in these circumstances to apply for rent increases above the rent increase guideline during the period of the order, and for two years thereafter.

It's clear that this legislation is meant to address the kind of issue that we saw last year with the sudden evacuation of tenants at Birchwood Terrace in Winnipeg. The evacuation left almost 250 people immediately homeless, worried for themselves and their belongings. As we know, the Province stepped in to support the tenants, putting them up in hotels for months. Some tenants were able to find other places to live while others waited to return to their homes, which some of them had been able to do in December.

Despite support from the Province, tenants incurred significant personal cost as a result of their displacement. One clear purpose of this bill is to ensure that those expenses, subject to prescribed limits, are borne by landlords rather than tenants who have been forced out of their homes through no fault of their own.

* (18:30)

So we support legislation that underscores the obligation of landlords to ensure the habitability of the homes they rent to tenants. So we're glad that Bill 10 clarifies that tenants must be refunded for any rent they've already paid for time which they're out of their unit and that the landlord must provide that refund within 72 hours, because we know, of course, that the first hours and first days after something like that are crucial.

We're also pleased that the landlords must pay tenants' moving and other related expenses when they are clearly culpable for failing to comply with laws and regulations.

However, it's not clear that the expanded obligations for landlords in Bill 10 would actually benefit tenants in situations similar to what occurred with Birchwood Terrace. Bill 10–new obligations do not apply if the landlord, quote: took all reasonable steps to prevent the occurrence that resulted in the order to vacate.

In the case of Birchwood Terrace, the structural issues which gave rise to the order to vacate may not have been known to the landlord until the inspection which triggered the evacuation. The dangerous corrosion of the building support columns was only uncovered because a landlord was engaged in repair of the parking garage.

If these structural deterioration issues were not the result of negligence by the landlord, Bill 10's exemption would seem to apply. So if Bill 10 were the law in 2024, the 250 tenants whose ordeal gave rise to Bill 10 would not have the right to the payment of their moving expenses and additional displacement-related expenses.

We're glad that the onus is on the landlord to establish they're exempt from these obligations, but we urge the minister to provide clarity around what would constitute reasonable steps when he drafts the regulations. Regular and proactive inspections by the landlord of the property may be one such element.

It's also important to note and that the bill appears only to apply to situations where the entire building is evacuated because of an order. But it's reasonable to imagine a situation where only part of a building is subject to such an order. You can think of an apartment building that's hit by a flood that only affects the lower floors or maybe a fire that only damages one wing of a building. In such a case, the displaced tenants would not have these expanded rights, and the landlords would not have these new obligations, because the entire building was not subject to the order.

So a specific amendment that we urge the committee to adopt is to amend section 59.1.1(1) to make it clear that landlords have obligations to any tenant affected by an evacuation order in cases where the

entire building, or just part of the building, is ordered vacated.

As well, under section 59.1.1(5), Bill 10 lacks a description of the due process rights of tenants who are alleged to, quote: be responsible for the occurrence or condition that resulted in the order to vacate. Any allegation by landlords that they don't need to provide compensation to a tenant because the tenant was responsible for the evacuation should be and must be subject to the same evidentiary rules as other fact-based determinations at the Residential Tenancies Branch to ensure that the due process rights of tenants are respected.

One final thing: It's not clear how these changes are going to interact with the current section 105 of The Residential Tenancies Act. This section of the act deals with cases when a unit becomes, quote: unhabitable because of fire, flood or other occurrence, or when a tenancy agreement is otherwise frustrated.

So because of this ambiguity, we're concerned, for example, that some landlords may seek to skirt this new obligation that Bill 10 creates to pay expenses by claiming that the unit is actually uninhabitable and, thus, terminate the tenancy.

So we urge the government to provide greater clarity around when does section 59 apply and its relation to section 105.

So, you know, with these few important changes and some clarification, Bill 10 will definitely improve the rights of tenants in Manitoba who are displaced through no fault of their own, and it can also help underscore the role that landlords should play in respecting the right to habitable homes for renters.

That's my presentation. I just want to thank you for your time, and I'd be happy to answer any questions you have.

Thanks.

**The Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**Hon. Mintu Sandhu (Minister of Public Service Delivery):** Thank you, Mr. Dirks, for your presentation today and also the clarity you're asking on. We will provide that clarity as well. And it's important that we listen to all Manitobans and also listen to their suggestions, what suggestions they have.

I'm looking forward to providing a little bit more information through my departmental *[inaudible]*.

Thank you.

**Y. Dirks:** Thank you, Minister, and we definitely look forward to this bill and the clarification and hopefully improvements that you might consider to ensure that it actually produces the change that we think it was intended to result in.

Thank you.

**The Chairperson:** Any other questions? Thank you for your presentation.

I would now like to call on Fernanda Vallejo. Fernanda Vallejo?

Fernanda will be dropped to the bottom of the list.

Mr. David Grant? If you could please unmute your– if you could unmute your mic and turn your camera on, please.

**David Grant (Private Citizen):** Hi. Hello.

**The Chairperson:** Hi, there. You can proceed with your presentation.

**D. Grant:** Thank you. I'm on Zoom a few times every week and this is the first time it's ever admitted me as a–an observer only, and I've had to go through many hoops. But thank you for welcoming me here.

On Bill 10, residential tenancies, rules for landlords, each of these changes seems to be based on harms done to tenants in recent years. It is good that this government is committed to protecting Manitobans with a bill like Bill 10.

On the other hand, we must be ever vigilant not to go too far. Job one right now for governments in Canada is to mitigate Canada's biggest problem: we have far more people than places to live. That's the fault of people outside of Manitoba.

Once we make being a landlord more trouble than it's worth, investors might decide to put their money into something other than a new apartment building. We can hurt the supply incrementally. We must–we thus must be careful not to harm those desperate to find a home, thus not go too far.

My main comment on this is something I've raised with this–the previous two governments. On this matter, a simple and low-cost rule that would protect tenants would be requiring lock changes. Any apartment tower should be required to change the lock on the outer door of an apartment between tenants.

Some have done this for many years. All should, if the building has more than, say, 20 units. Failing to

do this is to invite bad tenants who can boldly enter the unit when nobody's home.

Long ago, my son had this problem with his very first apartment, and I'm sure there are many, many other victims. And it may be too late to put this in, but I am reminded that, not too many weeks ago, we did have a couple of friendly amendments to a bill after the standing committee. So I would just suggest that a couple of sentences in there requiring that common sense requirement be inserted.

Whilst I'm in, and whilst–I notice Mr. Rebeck, who I agree with quite often. He did his presentations together. Might I be invited to speak to Bill 25 at this time?

**The Chairperson:** Unfortunately, no. You will need to wait until we call for Bill 25.

**D. Grant:** That's fine. Yes. Then that's the summation of my comments on Bill 10.

Thank you.

**The Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**MLA Sandhu:** Mr. Grant, thank you very much for speaking to this bill. It's always nice when you're in person. We pretty much see you every committee here, so today you are using Zoom. That will be fine, too.

Thank you very much.

**D. Grant:** Yes, I felt comfortable using Zoom because I've been using it for so many years, and as I say, quite often three Zooms a day. This is the first time that I haven't gotten right in as a participant with an unmute, open camera button at the corner, and I had to go through and dig up old passwords from 10 years ago. And it was a great adventure, but I finally succeeded.

***** (18:40)

So I look forward to speaking to you again on 25. Thank you.

**The Chairperson:** Thank you.

Any other questions?

Thank you for your presentation.

## Bill 25–The Public-Private Partnerships Transparency and Accountability Act
*(Continued)*

**The Chairperson:** I would now–we will now speak to Bill 25, The Public-Private Partnerships Transparency and Accountability Act.

And I would like to call Mr. Paul Moist.

Thank you for your written materials.

**Paul Moist (Manitoba Federation of Union Retirees):** Okay. Thank you, Madam Chair–

**The Chairperson:** Just hang on a second. We'll just wait until the–no, oh, okay–sorry, you can proceed.

**P. Moist:** Thank you, Madam Chair and members of the committee. It's my pleasure to speak tonight on Bill 25 on behalf of the Manitoba Federation of Union Retirees. We're retired union members and the Manitoba affiliate of the half-million-member Congress of Union Retirees of Canada.

I first spoke on this subject matter of P3s in this committee room on September 25, 1996, in my capacity then as president of CUPE 500 representing civic workers. Bill 16 in 1996 was being considered by the Standing Committee on Public Utilities and Natural Resources. The bill was titled The Charleswood Bridge Facilitation Act, 1996.

It was enabling legislation for a civic project contributed to by the Province. And my comments that evening 29 years ago included the following: The cost of borrowing implicit in this lease arrangement appears to be slightly in excess of 11 per cent per annum. The City's cost of borrowing at the time of the deal was only 9.5 per cent per annum, which means the city taxpayers will pay some $18 million more for the bridge over the 30-year lease arrangement than if they had funded the bridge construction in the conventional fashion.

The debate was never about who builds bridges. That's done by the private sector. The debate was about the financing.

Fast forward three decades to last fall, 2024. The City celebrates the 30th anniversary of the bridge as it prepares to assume ownership in the lease-back arrangement–30 years–from the private consortium that built and maintained it. And the bridge has served citizens well. It was well built and well maintained for the last 30 years.

University of Manitoba professor John Loxley–the late John Loxley–had predicted 30 years ago that

if the bridge had been financed in the conventional fashion at City borrowing rates over 20 years as opposed to 30, it would have cost $22 million, he predicted. The P3 option chosen he predicted would cost $40 million. Last fall, the City confirmed that the bridge had cost $45.8 million.

One final footnote: the debate 30 years ago that was waged at the time–mostly at City Hall–surrounded the difficulty in accessing information on the business case for the deal. Proponents argued that the P3 approach would allow the City to not add to its debt levels. The City auditor weighed in, disagreed that the lease payments amounted to a capital lease and found that the City had to display on City books in the same fashion as conventional internal borrowing, this debt–this P3 debt.

I share this history to make the point that public-private partnerships were and are contested public policy terrain in our country. What isn't contested is the fact that the private sector builds large infrastructure. The P3 conundrum is its secrecy and its added expense that is well documented right across Canada.

This led–among other things, led to the introduction of P3 accountability legislation in this building by the Selinger government in 2012, bill 34. In 2017, the Pallister government introduced bill 24, The Red Tape Reduction and Government Efficiency Act, 2017, which was an omnibus bill of sorts that eliminated many regulations, and it had many different components to it, one of which was the complete elimination of the former bill 34, which is, in the main, what's being reintroduced tonight.

In the debate surrounding bill 24 on October 23, 2017, in this room, the Standing Committee on Legislative Affairs, former Finance minister Cameron Friesen said in response to the Federation of Labour–this is the then-minister of Finance–we take an evidence-based approach. We're only interested in providing that opportunity if it's–if there's evidence that we can do it on time and on budget, and there are many examples where P3s have provided the kind of on-time, on-budget performance.

In that debate, in 2017, MFL president, Mr. Rebeck, replied to Mr. Friesen, saying, If you're right on whether P3s are a good deal or not, why return to the secrecy on them? That's what's–that's the wrong thing to do, and this bill does that. It puts it back into the secrecy–the secret deal.

So here we are back where we were in this Legislature in 2012 considering legislation that does not ban the private sector from anything. What it does is protect the public by ensuring that public procurement around large infrastructure projects will have legislative guardrails in the form of accountability and transparency provisions that allow for scrutiny to protect the public interest.

Let me close by underscoring the point that the public interest must trump all private interests when it comes to government oversight in all public infrastructure projects. Harvard historian, Dr. Mary Bridges, spoke to the public interest in a recent Globe and Mail piece on some of the goings-on in the United States. She was commenting on the twin effects of the rise of artificial intelligence and private players like Elon Musk, combining to undermine the public interest. She said in that Globe piece, quote: But how do citizens evaluate, let alone challenge, algorithmic systems embedded deep within government operations? How do we resist private-sector metrics that optimize processes at the expense of democratic purpose?

The hidden nature of these networks make oversight more essential and more difficult. When these systems are implemented without transparency or public debate, in a slash-and-burn style, their effects can become embedded in the infrastructure long before their implications are understood. In an era when government system are rapidly rewired, the vital question isn't who holds power today, but what kind of democracy they're building for tomorrow.

We support Bill 25. It's good legislation and it will contribute to strengthening our democracy here in Manitoba through enhanced transparency and accountability. We also support–we didn't comment on them in our brief–but we support the Federation of Labour's proposed amendments and we're happy to try and answer any questions you might have.

**The Chairperson:** Thank you for your presentation.

Do members of the committee have any questions?

**Hon. Mintu Sandhu (Minister of Public Service Delivery):** Mr. Moist, I just want to say thank you for coming down and speaking in support of this bill.

**P. Moist:** Well, through the Chair, thank you to the minister.

I note in the published bill, at the end of every bill in the Legislature, we have explanatory notes explaining what we're trying to cover as legislators, and there's the final bullet point here. It may seem

innocuous to you, but I have to speak to it. One of the explanations for this bill is it will report to the Auditor General and to the public at various stages of projects. This may seem benign and innocuous to you.

Across Canada, this is contested terrain. The auditor general in Ontario that Mr. Rebeck spoke of, had to go to court to get information on 16 or 17 P3s totalling billions of dollars in over-expenditure. In Manitoba, we're not hiding anything from the auditor; we're making it mandatory to give the Auditor General of this province regular reports. Are we getting good value for money?

And I think it's important in the times we're living in that we err on the side of more transparency, not less.

**The Chairperson:** Thank you, Mr. Moist.

Any other questions?

Thank you for your presentation.

***** (18:50)

I'd now like to call upon Mr. David Grant. Yes. If you could unmute and turn on your camera, please.

**David Grant (Private Citizen):** Yes. Sorry again for the delay. Second time I'm much better at it. I now know that I wait 'til I'm invited to be a panelist, and then I accept. So thank you and thanks for admitting me.

On Bill–

**The Chairperson:** Thank you, Mr. Grant, and please proceed with your presentation.

**D. Grant:** Thank you.

The Public-Private Partnerships Transparency and Accountability Act–this is much-needed legislation. Once again, I find myself onside with Mr.–the two previous speakers, one way back and Mr. Moist.

Since these P3 deals can be 'murkly' and can so easily hide corruption as well as being a bad deal overall, as Mr. Moist just pointed out, the bridge cost twice as much. We have no idea how–what the multiplier was for the bus route.

Anyway, there have been many P3 deals which were far from being in the public interest. In past years, we've heard the premier and the City mayor speaking strongly in favour of P3 financing. In a realm that discourages borrowing by municipalities and a world that's–a banking world that doesn't reward them for going too far into debt, this is really a borrowing loophole and it seems out of place.

We've been told that the City's P3 deals are wonderful because they have an infinite warranty or for that period of time–for decades. What we've found though, is that so many of the City's P3 road jobs, underpasses, partly funded by the Province, have fallen apart in year one and year two. I was just on one of those rail underpasses today and it was like a roller coaster.

Anyway, I don't think anyone believes that the advantage of a P3 is because of a warranty. And when the financing, properly analyzed, as Mr. Moist did on the bridge, indicates that they're a terrible deal interest-wise. Then I think that they should be actively discouraged.

And the first stage is transparency. People have said that sunlight is a great disinfectant and I would suggest that you proceed with this and do it as–and use it to the full extent to make sure that P3s are properly reporting what they do.

And I'll probably leave it at that. Thank you.

**The Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**MLA Sandhu:** Mr. Grant, I–once again, I want to thank you for presenting and supporting this bill. Thank you.

**D. Grant:** Well, again, thank you very much for the time and I guess, you have a bill which addresses a problem and there is support from–I used to be on the engineer side, not the labour union side, but there's support for anybody that uses common sense on this for support for the bill and as I said, for Mr. Moist and the others, so thank you very much for the bill and congratulations on a wonderful session.

Thanks.

**The Chairperson:** Thank you.

Any other questions? Okay, thank you so much.

I would now like to call upon Ms. Molly McCracken.

Do you have any written materials for us? Okay, thank you. And you can please proceed with your presentation.

**Molly McCracken (Canadian Centre for Policy Alternatives):** To the honourable Chair, committee members, thank you for your attention.

The Canadian Centre for Policy Alternatives is Canada's leading progressive research institute. We are a charitable, independent institute that works with academics nationwide to publish peer-reviewed research and commentary in the public interest.

My name is Molly McCracken. I am the Manitoba director of the CCPA, and I am pleased to be here to present on The Public-Private Partnerships Transparency and Accountability Act.

Congratulations to the Manitoba government for introducing this act and taking steps to improve accountability for private contracts for public infrastructure in Manitoba.

This act is similar in many ways to legislation brought in, in 2012 after critiques of the Chief Peguis Trail and Disraeli Freeway P3 projects' lack of cost-benefit analysis.

But the–that public-private partnership transparency act was eliminated in 2017. I will present the latest information on public-private partnerships in Canada and the UK, and then comment on the legislation.

In a traditional public infrastructure project, the private sector is involved in the project's construction, but control and financing rest with the public sector. With a public-private partnership, however, the private sector takes on the role of management, finance, building and, in some cases, ownership.

P3s spur debate about the implications of greater private involvement in public infrastructure compared to usual public infrastructure options. Dr. Matti Siemiatycki, Professor of Geography & Planning and Director of the Infrastructure Institute at the University of Toronto reports that P3s have started to fall out of favour in Canada, as they have become synonymous with some of the worst-performing infrastructure projects in the country. Dr. Siemiatycki cites the Ottawa confederation light rail line P3 project, which had a major sinkhole and delays during construction, and was the subject of a high-profile inquiry in 2022.

In Toronto, the Eglinton crosstown light rail P3 line is over budget and late, with lawsuits filed on both the government and the contractor's side. In Edmonton, the LRT P3 construction was delayed due to the discovery of large cracks in the concrete piers holding up the overhead guideway. Nova Scotia spent tens of millions of dollars buying back a dozen P3 schools from private developers, finding it would be less expensive to own and operate them than continue with private deals.

In Canada, Auditor Generals in five provinces have released reports heavily critiquing P3s for the high expense to the public purse and to taxpayers. These are Auditor Generals in New Brunswick, Quebec, Ontario, Saskatchewan and British Columbia. The Auditor General of Canada found the value for money analysis done to justify P3 projects downplayed their costs while inflating the cost of the traditional model.

Here in Manitoba, in 2018, the previous Conservative government reversed a decision to use P3s in favour of the traditional procurement process to build four schools. A value-for-money analysis revealed that in doing so, the Province of Manitoba saved $18 million, enough to build an additional fifth school. It is positive that the Kinew government abandoned the subsequent 2023 plan to build schools using a P3 model, again in favour of the tried-and-true public model.

The Canadian government has moved away from P3s as well. In 2015, the federal government folded the national P3 agency and removed the screening requirements of all large infrastructure projects to be P3s.

Industry is also pulling back. In the UK, major P3 corporations such as Carillion went bankrupt, and here in Canada, SNC-Lavalin stopped delivering P3s. This means less competition and potential corporations willing to take on these big projects.

In 2021, the Province of Manitoba ordered the City of Winnipeg to undertake a market assessment for P3s of the sewage treatment plant. This was a $400,000 contract, went to the firm Deloitte without a competitive billing process, and I presented to City of Winnipeg council at that time. And this is a reminder of evidence that P3s and the impetus to do P3s can reduce accountability and public oversight.

In Winnipeg, the construction of the Charleswood Bridge, which Paul Moist talked about, completed in 1995 using a build-operate-own transfer P3 model serves as an important and expensive lesson. As the late University of Manitoba economist Dr. John Loxley revealed, following a difficult process of obtaining contracts and other information, Winnipeg taxpayers got locked into an 11 per cent yearly interest rate; significantly higher than the market rate.

The City of Winnipeg moved away from P3s with the south district police station in 2013, and the

construction of four fire stations during the time period. That saved about $9.7 million.

The United Kingdom's National Audit Office documents how the public model has a larger initial outlay of funds than the P3 model, but after 15 years, P3 payments surpass the public model, and the P3 model is 40 per cent more expensive in total.

With 30 years of experience with the P3 model, the UK is one of the first countries to show the long-term impacts of using the P3 model and the public purse. The National Audit Office in the UK found P3s saddled that country with 200 billion pounds of P3 debt until 2040, and the UK government has abandoned the P3 model altogether, citing its significant risk for government.

* (19:00)

We note particularly large infrastructure projects must create local jobs, particularly now. And with a P3, the parameters for local hiring are set out in the beginning, but the municipality, city or province does not control the deliverables and necessarily if local hiring outcomes are achieved.

So with all the evidence against P3s, one must ask: Why do governments continue to leave the door open to these arrangements? There are three main reasons bought out in the research by academics.

(1) P3 proponents share limited information on the lifetime cost. As research has found, P3s are more expensive over the lifetime cost of the projects, and one of the main reasons for this is the public sector can borrow at a lower rate than the private sector;

(2) A strong P3 lobby comprised of such entities as the Canadian Council for Public Private Partnerships. Membership on this council includes construction companies and consulting companies that profit from P3s; and

(3) The P3 lobby conflates the economic impacts of infrastructure projects exclusively to P3s when those impacts would've been the case if it had been a public project.

So, regarding the legislation, it is positive that the legislation does not prevent the–a private sector entity to acquire or hold an ownership interest in the public work or improvement. It is positive that the legislation compels the public sector to analyze the risks, costs and benefits of the projects.

I do have a question: Will the cost-benefit information be made available to the public in a timely way for comment in every case? That's very important to researchers.

We are very concerned that, (1) the act does not apply to a capital project in a city or municipality with a provincial entity involved or provincial funding at $100 million or more, similar to the concern raised by the MFL. There is no justification for exempting such municipal projects from transparency and accountability standards. Municipal taxpayers deserve the same protection as provincial taxpayers. We urge the Province to amend Bill 25 by removing the special exemption for municipal projects funding at any level.

And (2) we are concerned with provincial power to exempt any project by regulation. The new bill, unlike the previous law, gives the government the power to add any entity to the definition of private sector entity. And this loophole could allow the government to exempt a private company from the bill's requirements for accountability and transparency, and we recommend this be removed.

So, in closing, research shows how costly and risky P3s are. We urge this committee to protect all taxpayers in Manitoba with full transparency on all P3s in Manitoba.

Thank you.

**The Chairperson:** Thank you, Ms. McCracken, for your presentation.

Any questions?

**MLA Sandhu:** Ms. McCracken, I want to say thank you very much for coming down, and also your suggestion on the amendment. And I'm looking forward to bringing those amendments forward.

**The Chairperson:** Thank you.

**M. McCracken:** Yes, I'm wondering, do you have information about how the information would be provided, if, in which case, the cost-benefit analysis is done?

**MLA Sandhu:** I will take those ones back, and my staff will connect with you.

**M. McCracken:** Thank you.

**The Chairperson:** Any other questions?

**Mrs. Rachelle Schott (Kildonan-River East):** Not a question but a comment. Just thank you so much for being here. It's always helpful if we have folks present in person.

And, again, I wanted to apologize that I didn't notice that you had someone with you, otherwise I would've put a motion forward to try and get you to speak earlier.

So thanks so much for your work in being here.

**M. McCracken:** Thank you. We're happy to be here.

**The Chairperson:** Thank you.

**Bill 26–The Vital Statistics Amendment Act**

**The Chairperson:** We will now move on to Bill 26, The Vital Statistics Amendment Act.

And I would first like to call upon Fernanda Vallejo. Fernanda Vallejo?

Okay, we'll move on to Mr. Lou–oh, sorry–we will move Ms. Vallejo to the bottom of the list.

We will now move on to Mr. Lou Lamari.

Did I say that right? Lamari? You have printed materials for us? Okay. You may proceed.

**Lou Lamari (Manitoba Bar Association):** Good evening. My name is Lou Lamari. I'm here tonight speaking on behalf of the Manitoba Bar Association. MBA represents approximately 1,400 lawyers, judges, notaries, law teachers and law students from across Manitoba while promoting fair justice systems, facilitating effective law reform and upholding equality in the legal profession with a commitment to eliminating discrimination.

I'm here today as co-chair of the sexual orientation and gender identity community section of MBA. I'm currently an articling student, getting called to the bar next month. I'm a lifelong and extremely proud Manitoban, and I, myself, am a member of the trans community.

When I was in law school, I was a founding member of the Trans ID Clinic, which is a service offered in partnership through Pro Bono Students Canada, the law school, the Rainbow Resource Centre, which helps trans and non-binary people navigate the process of legal name and gender marker changes.

So I'm here today to support Bill 26. I'll start by giving a brief background about the history of this issue, followed up by how the current legislated system works in real life, why this system isn't working and why this issue matters. For the purposes of this presentation, I'll use the terms sex and gender interchangeably, but it should be acknowledged that these two words are deeply related but not synonymous.

Bill 26 advocates for amending The Vital Statistics Act to remove the requirement of a supporting letter from a health-care professional for people over age 18 when applying for a legal change of sex designation. This topic has been advocated for by the trans community for more than a decade. In the process, some significant wins have been earned, notably the removal of the requirement for sexual reassignment surgery, now more appropriately referred to as gender-affirming surgery.

With the previous legal requirements for change of sex designation, a trans person had to undergo invasive genital surgery so that their genitals would fit neatly into a binary category that matched that of their desired gender. This required sexual sterilization. After undergoing surgery, legal recognition of one's affirmed gender required two doctors' notes: one from the doctor that performed the surgery and another from a separate doctor that was required to perform an invasive exam to confirm the results of the genital surgery.

The surgical requirement was removed through legislative change in 2014, with amendments to The Vital Statistics Act as it then was. With removal of the surgical requirement, doctors no longer had to conduct genital exams to support the changing of a patient's legal sex. The doctor's note then became an arbitrary mechanism of bureaucracy meant to gatekeep, a check box and a signature that is based entirely on the trans person's declared identity.

Since this legislative change, medical transitions are no longer necessary to affirm one's legal sex. When I say medical transitions, I mean interventions that are facilitated through a physician or surgeon. This can include, but is not limited to, gender-affirming surgeries and/or hormone therapy. However, the requirement of a doctor's note lingers even though the underlying purpose has been eliminated.

Currently, without the proposed amendments, in order for a person to change their legal sex designation, one needs a supporting letter from a medical doctor, nurse practitioner or psychologist. The health-care professional must declare the length of time they have been treating the patient and then check a box stating that their professional opinion is that the patient's current gender marker on their government ID is inconsistent with the sex in which the applicant identifies. They then a check a box that it is their professional opinion that the sex designation of either M, F or X that is requested by the applicant is

consistent with the sex designation with which the applicant identifies.

I took the wording of what I just said directly from the form, which is found in section G, supporting letter from a health-care professional, page 11 of the change of sex designation application. I provided copies. Might I draw attention to the last line I said there. Quote: My professional opinion is that the sex designation of M, F or X requested by the applicant is consistent with the sex designation with which the applicant identifies.

So what this means in practice is that a person goes to their doctor and, based on their declared gender identity, tell their doctor or other medical professional which gender marker they identify with, and the medical professional's only real job here is to say, yes, okay, I'll sign the form. And that's basically the extent of it.

So there is no exam. There's no need for medical intervention or other invasive gatekeeping. It is not based on how the doctor perceives the person's gender identity. Might I repeat again: is consistent with the sex designation with which the applicant identifies. It is not about the medical provider's opinion of the applicant's gender presentation.

* (19:10)

It is about how the medical–it is about the medical provider saying that the M, F or X is consistent with how the applicant identifies. The applicant is the only one who gets to determine how they identify, and this is the criticism since 2014.

When I volunteered with the trans ID clinic, one of the largest barriers our clients faced when trying to undergo a legal change of sex designation was that they did not have access to a medical provider to fill out the mandatory supporting letter in order to qualify for a legal change.

Doctors, most often primary-care physicians, do not necessarily have any expertise or even training on gender identity, nor is it appropriate or possible for any external party to determine or declare the validity of another individual's gender identity.

The requirement of a doctor's note has become obsolete but its lingering presence as a legal requirement nonetheless presents a huge barrier to many people in being able to access a legal change of sex.

To illustrate how this poses a barrier, I'll provide a couple examples. Trans people who live rural or remote: there may only be one doctor or limited options for doctors. If the only doctors available are unwilling or unable to provide a supporting letter, these people may not have access to others.

Trans people are statistically one of the most marginalized communities in Manitoban society and experience high rates of poverty and unemployment. People who do not have access to an affirming doctor in their community may not be able to afford transportation to another community where a willing doctor is present.

Some doctors refuse to sign such paperwork for religious or personal ideological reasons. Some people may feel unsafe going to their doctor if they're also a member of their religious or cultural community that is not affirming. This is the case for many people in Winnipeg but also many in small-town Manitoba who move to Winnipeg and, to a lesser extent, Brandon, in order to be able to access gender-affirming medical care and other services.

It is fairly common for doctors to refuse to fill out such documentation, perhaps simply stating that it's not an area that they're familiar with, so they're just unable to assist.

And finally, though the list goes on, many Manitobans do not have a family doctor. Those who go to a walk-in or even those who find a family doctor who is new to them may be denied a supporting letter given the reason that the doctor has not seen said patient long-term and does not feel comfortable filling out such paperwork without a long-standing relationship.

The same goes for a psychologist who may require ongoing visits before providing a letter and whose hourly rate is inaccessible to many, especially as the trans community experiences disproportionate levels of poverty.

This is an access to justice issue. Making these changes to The Vital Statistics Act would have a direct impact on the human rights of an identifiable group of people. It is in the public interest to have members of the public possess government documentation, records and personal ID that matches their lived gender. Having ID that matches one's gender identity may lessen instances where trans people's dignity and even safety is at risk, in situations including, but not limited to, employment, housing and accessing services.

So thank you for your time, and I welcome questions.

**The Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**Hon. Mintu Sandhu (Minister of Public Service Delivery):** Mr. Lamari, I want to say thank you very much for coming down and actually opening the eyes. Hopefully, the people on opposition side have listened carefully, where this was just a burden having this letter to be filled by a doctor, where it is unnecessary. This is what exactly you're telling the doctor to do and doctor saying yes, or even they're refusing it, like outside the city, as you said, certain cases.

So thank you very much for coming down, taking time and, you know, thanks.

**L. Lamari:** Thank you. Yes, thank you for having me tonight, and I did provide a copy of the supporting letter just so you could see yourself how arbitrary it is. It really is not serving a purpose other than to gatekeep. It's just lingering from a past era where we had these mandatory medical exams and it really, for a long time, has not served a justifiable purpose.

So thank you for having me.

**The Chairperson:** Thank you. Any other questions?

**Mr. Logan Oxenham (Kirkfield Park):** Yes, hi. I– Mr. Lamari, thank you so much. Representation matters, and you being here tonight really just shows just how special the trans community is, and thank you for your service and the work that you do. I just want to lift you up for being here and taking the time to come here tonight.

Thank you.

**The Chairperson:** Thank you.

I will now call Fernanda Vallejo for Bill 10.

Fernanda has been removed from the list.

I now call Fernanda Vallejo for Bill 26.

And she has been removed from the list.

That concludes the list of presenters I have before me.

* * *

**The Chairperson:** In what order does the committee wish to proceed with clause-by-clause consideration of these bills?

**An Honourable Member:** In numerical order.

**The Chairperson:** In numerical order? *[Agreed]*

## Bill 10–The Residential Tenancies Amendment Act (2)

*(Continued)*

**The Chairperson:** Okay, we will now proceed with clause by clause of Bill 10.

Does the minister responsible for Bill 10 have an opening statement?

**Hon. Mintu Sandhu (Minister of Public Service Delivery):** Yes, I do.

**The Chairperson:** We thank the minister.

**MLA Sandhu:** Thank you everyone for attending today's committee meetings, and a special thanks to those members of the public who have come to speak about Bill 10, The Residential Tenancies Amendment Act (2).

The proposed amendment to The Residential Tenancies Act aims to enhance tenant protection and ensure landlords maintain their properties to appropriate standards. These changes are designed to improve the living conditions for tenants and provide clear guidelines for the landlords.

Tenants' protections a crucial part of this bill. If tenants are ordered to vacate their rental building due to non-compliance with the health, building or maintenance standards, landlords must refund them within 72 hours. Additionally, landlords are responsible for covering the tenants' moving expenses and any additional costs associated with their displacement. This ensures that tenants are not left in a vulnerable position.

Furthermore, if tenants are required to vacate a complex, any outstanding rent increase application will be dismissed and landlords will be prohibited from applying for rent increases for two years following the vacate order. This measure is intended to provide stability and prevent undue financial burden on tenants during the period of displacement.

These are exceptions–there are exceptions in place for landlords who have taken all reasonable steps to prevent issues or if issues were beyond their control such as natural disaster or unlawful activities. This ensures that landlords are not unfairly penalized for circumstances beyond their control.

Additionally, Bill 10 introduces new administrative penalties for landlords who fail to maintain their buildings leading to tenants' displacement. This is a significant step forward toward holding landlords

accountable and ensures that rental properties are kept in good conditions.

These amendments are crucial for ensuring that tenants have safe living conditions and that landlords are held accountable for maintaining their properties. The proposed changes will also provide tenants with greater stability and protects them against sudden displacement.

I'm pleased to present this bill today and look forward to our discussion.

Thank you.

**The Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**An Honourable Member:** No.

**The Chairperson:** We thank the member.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, the Chair will call clauses in blocks to conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? *[Agreed]*

***** (19:20)

Clauses 1 and 2–pass; clauses 3 and 4–pass; clause 5–pass; clauses 6 through 8–pass; clauses 9 through 12–pass; clauses 13 through 15–pass; enacting clause–pass; title–pass. Bill be reported.

Thank you.

**Bill 25–The Public-Private Partnerships Transparency and Accountability Act**
*(Continued)*

**The Chairperson:** Does the minister responsible for Bill 25 have an opening statement?

**Hon. Mintu Sandhu (Minister of Public Service Delivery):** Yes, I do. It is my great pleasure to provide opening remarks in support of the Bill 25, the public-private partnerships transparency accountability act as the Minister of Public Service Delivery.

The introduction of this bill was an election promise, and I am happy to deliver on this promise. The overall purpose of this bill is to enhance the transparency with–and public accountability when using public-private partnership procurement models for major capital projects.

Bill 25 establishes a requirement to make sure that P3 agreements will provide the best value for money for Manitobans and in an improvement to the previous Public-Private Partnerships Transparency and Accountability Act that was introduced in 2012.

Bill 25 establishes best practices for the procurement of major capital projects where P3 'methology' are used. For example, Bill 25 requires that a preliminary analysis be conducted before starting the procurement process for a major capital project, including analysis of all capital, operating, financial and other costs.

Bill 25 also requires the government to analyse that viability and the expected risk, cost and benefit of using P3 procurement methods.

This will place greater emphasis on a conflict of interest, ensuring that a person with a 'significent' connection to the project cannot participate in procurement and requires the engagement of a fairness adviser to ensure the integrity of the process.

The bill also requires that all relevant and established procurement laws, agreement, policies and procedures are followed. Under this bill–under this new bill, 25, the details of entering a P3 agreement will be evaluated by a–the Auditor General and made public to make sure that our government is held accountable.

Thank you.

**The Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

Okay, thank you.

During the consideration of a bill, the enacting clause–oh, are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to the clause to propose.

Is that agreed? *[Agreed]*

Shall clause 1 pass?

**An Honourable Member:** No.

**The Chairperson:** I hear a no.

**MLA Sandhu:** I have an amendment.

I move

*THAT Clause 1(1) of the Bill be amended, in clause (a) of the definition "private sector entity", by adding "*and*" at the end of subclause (ii) and striking out subclause (iv).*

***Motion presented.***

**The Chairperson:** If the amendment is in–the amendment is in order.

The floor is open for questions.

Is the committee ready for the question?

**An Honourable Member:** Question.

**The Chairperson:** The question before the committee is as follows:

THAT Clause 1 of the Bill be amended, in clause (a) of the definition "private sector entity", by adding "and" at the end of subclause (ii) and striking out subclause (iv).

Amendment–pass; clause 1 as amended–pass.

Shall clauses 2 through 5 pass?

**An Honourable Member:** No.

**The Chairperson:** Clause 2–pass.

Shall clause 3 pass?

**An Honourable Member:** No.

**The Chairperson:** I hear a no.

**MLA Sandhu:** I move–I have an amendment.

I move,

*THAT Clause 3(2)(b) of the Bill be amended by striking out "*$100,000,000*" and substituting*–with–*"*$20,000,000*".*

**The Chairperson:** It has been moved by Minister Sandhu,

*THAT Clause 3(2)(b) of the Bill be amended by striking out "*$100,000,000*" and substituting "*$20,000,000*".*

If–the amendment is in order.

The floor is open for questions.

Seeing none, is the committee ready for the question?

**An Honourable Member:** Question.

**The Chairperson:** The question before the committee is as follows:

*THAT Clause 3(2)(b) of the Bill be amended by striking out "*$100,000,000*" and substituting "*$20,000,000*".*

Amendment–pass; clause 3 as amended–pass; clause 4–pass; clause 5–pass; clauses 6 through 8–pass; clause 9–pass; clauses 10 and 11–pass.

Shall clause 12 pass?

**An Honourable Member:** No.

**MLA Sandhu:** I move

*THAT Clause 12 of the Bill be amended by striking out clause (a).*

***Motion presented.***

**The Chairperson:** The amendment is in order.

The floor is open for questions.

Is the committee ready for the question?

**An Honourable Member:** Question.

**The Chairperson:** The question before the committee is as follows:

*THAT Clause 12 of the Bill be amended by striking out clause (a).*

Amendment–pass; clause 12 as amended–pass; clauses 13 and 14–pass; enacting clause–pass; title–pass. Bill as amended be reported.

***** (19:30)

## Bill 26–The Vital Statistics Amendment Act
*(Continued)*

**The Chairperson:** Does the minister responsible for Bill 26 have an opening statement?

**Hon. Mintu Sandhu (Minister of Public Service Delivery):** Yes, I do. Thank you, honourable Chair, members of the committee and members of the public who have attended today to speak to Bill 26, The Vital Statistics Amendment Act.

Through Bill 26, our government is responding to requests from the community to remove unnecessary barriers in applying for a change of sex designation through the Vital Statistics branch. This bill is an important step in supporting the rights of gender-diverse persons to live their authentic selves through the right of self-expression and identification.

Bill 26 modernized sex in the act by removing the requirement of individuals 18 years of age or older to provide a supporting letter from the health-care professional when applying for a change of sex designation in Manitoba. The current process of obtaining a supporting letter from a health-care professional can be onerous and it creates barriers for applicants.

By removing the supporting health-care letter requirement for the individual 18 years of–years or older through this bill, the amendment eliminates the unnecessary administrative burden to health-care professionals who are required to take time away from patient care to complete the required document the–for the person applying.

As well, the amend alleviates any additional financial burdens on applicants so that the health-care professional changes the charge fees to prepare a supporting letter for individuals applying for change of sex designation.

Finally, the bill makes an important update to the act to reflect more gender-neutral language. I'm pleased to present this bill today and look forward to engaging with the stakeholders on this important matter.

Thank you.

**The Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

Okay.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? *[Agreed]*

Clauses 1 and 2–pass; clauses 3 and 4–pass; clauses 5 through 9–pass; enacting clause–pass; title–pass. Bill be reported.

The hour being 7:33, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**The Chairperson:** Committee rise. Thank you.

***COMMITTEE ROSE AT:*** *7:33 p.m.*

## WRITTEN SUBMISSIONS

Re: Bill 10

Key Concerns Regarding Bill 10

Summary

The PPMA and its members understand and agree that negligent landlords should pay the price for their negligence. However, the proposed Bill 10, which, while aiming to protect tenants from housing insecurity, imposes a disproportionate and punitive burden on landlords, some who may not be at fault. This bill risks significant negative impacts on the rental housing market in Winnipeg and throughout Manitoba, deterring investment, reducing available housing, and creating confusion around legal obligations and liabilities. Outlined in this document is a list of the concerns presented by Bill 10 in its current format.

1. Disproportionate Burden on Landlords

The bill imposes financial and legal penalties on landlords without assurance that it appropriately assesses fault or recognizes real-world challenges in property management. Not all vacate orders result from negligence. Delays in resolving issues can stem from:

- Slow municipal inspections or permitting processes
- Supply chain disruptions (e.g. tariffs on materials)
- Contractor shortages during peak seasons

Even proactive landlords may be penalized unless they meet an undefined and subjective "reasonable steps" standard.

2. Reduction in Housing Availability

Instead of encouraging safe and affordable housing, Bill 10 risks removing rental stock from the market. Properties with vacate orders will become difficult or impossible to sell, and investors will be reluctant to take on assets with hidden legal liabilities. The result is reduced housing availability and increased pressure on rental prices.

3. Macroeconomic Impact

Basic economics shows that reducing supply drives up prices. This bill discourages investment, complicates operations, and limits landlords' ability to reinvest in housing–thereby making rental housing more expensive, not more affordable.

4. Ambiguity in Legal Language

Key terms like "reasonable steps," "beyond control," and "urgent circumstances" are vague. The burden of proof lies entirely with the landlord, yet there is no clear standard to determine compliance. This opens the door to inconsistent enforcement and legal uncertainty.

5. Unfair Use of Compensation Funds and Administrative Penalties

While tenant compensation is a reasonable goal, using public funds and recovering costs from landlords could lead to complex legal disputes. Coupled with administrative penalties, rent restrictions, and AGI ineligibility, this approach risks becoming overly punitive bordering on infringement of property rights.

6. Tenant Insurance Provides Protection

This is not written to shift the burden of negligence from landlord to tenants, but tenants can proactively purchase tenant insurance to protect themselves if their unit becomes uninhabitable. Almost 100% of the time a landlord is not at fault when a vacate occurs. Which means mandatory tenant insurance would protect tenants 100% of the time. While the very small number of instances where this legislation is required, which by our memory would have been two times, the landlord would pay some penalty to cover deductibles. This bill shifts responsibility away from tenant preparedness and imposes the full burden on landlords, discouraging accountability and setting an unsustainable precedent.

7. Potential for Jurisdictional Overlap

The provincial legislation seeks to hold landlords responsible for decisions made by the City of Winnipeg. This could leave Landlords in a position of discord due to jurisdiction.

8. Real-World Example of Fire Damage

At one of our members properties, two suites were destroyed by fire, likely caused by tenant misuse of extension cords. Due to a high deductible, the owner did not make an insurance claim, and the fire department labeled the cause "electrical" without detailed investigation. Would this situation fall under Bill 10? Would the owner be left to compensate tenants, lose AGI eligibility, and face fines despite no fault on their part?

9. AGI Restrictions Will Mean Essential Repairs Will Not Be Completed

Disqualifying landlords from submitting an Above Guideline Increase (AGI) for two years makes it impossible to finance necessary repairs. Even previously submitted AGIs would be refused. This keeps units offline, exacerbating housing shortages, and punishes landlords for maintaining or improving housing stock.

It is our firm opinion, after conferring with many landlords that any property that suffers this penalty will never be repaired and will not be saleable as landlords will have paid penalties and lost more than 2 years of income before they could start to effect repairs. This is "piling on" an unreasonable penalty and will result in lost rental stock.

10. Root Cause: Existing Rent Control

Over forty years of rent control have forced landlords to make tough decisions with respect to building maintenance given the constraints and lack of available funds.

Recommendations

A. Clarify Legal Language and Standards

The bill should define:

- "Reasonable steps" using objective, measurable criteria
- "Urgent circumstances" and "beyond control" with reference to supply chains, regulatory delays, and tenant behavior
- Criteria for number of units, unit type, building type and how the bill will apply
- Must include procedural safeguards for landlords to challenge rulings without excessive legal burden
- Should include a reasonable review and/or appeal period prior to enforcing reimbursements and compensation

B. Phase in Implementation & Offer Landlord Education

If Bill 10 proceeds, a 12–18-month transition period should be included to allow housing providers time to understand and comply. Educational programs and cooperative compliance initiatives are essential to avoid unintentional violations and ensure fair enforcement. The PPMA is available for further consult and to assist with further clarifications.

Conclusion

While protecting tenants is an important goal, Bill 10 as currently proposed is overreaching, vague, and punitive. It threatens to destabilize Manitoba’s rental housing market by deterring investment, removing

housing stock, and punishing even well-intentioned landlords. A more collaborative and balanced approach is needed, one that ensures tenant safety while also preserving the viability of rental housing and encouraging responsible ownership.

Robyn Grant
Professional Property Managers Association

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Re: Bill 25

From the Manitoba Government and General Employees' Union (MGEU)

The Manitoba Government and General Employees' Union (MGEU) represents over 32,000 Manitobans employed in diverse public services, including the provincial civil service, health care, post-secondary education, crown corporations, and community-based agencies. We welcome the opportunity to submit our perspective on Bill 25 – The Public-Private Partnerships Transparency and Accountability Act – and thank the committee for considering our views.

MGEU supports the intent of Bill 25, which is to promote transparency and accountability in the use of public-private partnerships (P3s) for major capital initiatives. In recent decades, governments across Canada have increasingly turned to P3s without providing the public with sufficient clarity about long-term costs, associated risks, or alternative options. This legislation offers a needed correction by reintroducing important safeguards into the decision-making process around large infrastructure projects.

Manitoba was once at the forefront of transparency in this area. In 2012, legislation was enacted that set out a clear framework for evaluating proposed P3 projects. This included mandatory third-party assessments, opportunities for public input, and comparisons with publicly funded delivery models. The repeal of that legislation in 2017 removed a critical layer of accountability, leaving significant gaps in public oversight. Manitobans were left with fewer tools to understand how major financial decisions were being made and whether they served the broader public interest.

The risks associated with P3s are well documented. Numerous independent audits and reviews across the country have shown that P3 models often result in higher costs, less flexibility, and greater long-term liabilities for taxpayers. The Ontario Auditor General, for example, found that dozens of P3 projects there had collectively cost billions more than if they had been delivered using traditional methods. Similar findings have emerged from other provincial jurisdictions.

Here in Manitoba, recent developments confirm those concerns. A proposed plan to construct four new schools using a P3 model was ultimately shelved when it was determined that public financing would not only be more cost-effective but also allow for an additional school to be built. We support the current government's decision to abandon that P3 model and reinvest in publicly delivered infrastructure, based on clear fiscal evidence.

Fundamentally, P3s shift varying degrees of public control to private partners and often create opaque, long-term contractual obligations that reduce flexibility and public input. While they are sometimes promoted as tools for innovation or efficiency, they frequently come at a higher cost and lower accountability. MGEU believes that Manitobans are entitled to full disclosure when it comes to the financial and structural implications of these arrangements.

We therefore welcome many of the provisions in Bill 25, particularly the reintroduction of independent evaluations, cost comparisons with traditional procurement, the requirement for a Fairness Monitor, and public consultations. We also commend the inclusion of new language that prohibits private ownership of public infrastructure assets over the life of a P3 contract–a significant enhancement.

At the same time, we see two areas where the bill could be improved to better serve its intended purpose.

As currently written, the legislation applies its rules to municipal projects only if they receive $100 million or more in provincial funding. This exemption would exclude a wide range of infrastructure initiatives that are of great importance to local communities and taxpayers, and which we believe should be covered.

There should be no difference in the level of transparency required simply because a project is being managed at the municipal rather than provincial level. The recent decision to hold a public inquiry into the Winnipeg Police Headquarters project under-scores the need for consistent oversight, especially at the municipal level.

The legislation allows for entities or classes of entities to be exempted by regulation from the Act's requirements. This provision represents a potentially serious gap in the framework. It could be used, now

or in the future, to exclude public bodies from the accountability measures that the Act is meant to enforce.

Such broad regulatory discretion risks undermining the very transparency the legislation seeks to achieve. We urge the government to eliminate or substantially limit this exemption power to ensure that all parties involved in P3s are subject to the same level of scrutiny and public accountability.

To conclude, Bill 25 is a timely and necessary piece of legislation that moves Manitoba back toward responsible, transparent infrastructure planning. It re-establishes important tools for public oversight and helps ensure that decisions involving major investments are guided by evidence, fairness, and long-term value for the public. We believe it can be further strengthened by closing the exemption loopholes noted above.

On behalf of our members and the Manitobans they serve, we thank you for your attention to this submission.

Respectfully submitted,

Kyle Ross
President, Manitoba Government and General Employees' Union (MGEU)

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Re: Bill 26

I am writing on behalf of Trans Manitoba to provide support for Bill 26.

Trans Manitoba is a grassroots-turned-non-profit organization that advocates for Two-Spirit, trans, and nonbinary Manitobans. We were part of the human rights complaint that won the "x" gender marker on birth certificates in Manitoba. While this granted many folks the privilege of changing their gender marker to one that validates their identity, the change was incomplete and left systemic barriers in place to many Manitobans of marginalized genders.

The current requirement for a doctor to validate the gender identity of the individual changing their marker on their birth certificate stems from decades-old pathologization of trans people that is upheld hand-in-hand by the medical and legal systems. This requirement a vestige of a time in which transgender people had to accomplish a series often coercive tasks, such as sterilizing surgeries, living to a cisgender standard of socialization, and grovelling to people in power who make decisions on our behalf with no input from our lived experience, in order to access what cisgender people simply have the privilege to access any time–identity documents that validate who we say we are.

Primary medical care is a privilege that not all Manitobans share, especially for Two-Spirits and trans and nonbinary people. We face transphobia simply attempting to attain a family physician and do not always have the privilege of access to a care provider with whom we can entrust our inner selves–which one must do to ask a doctor to approve your gender marker change.

Trans Manitoba has been advocating for this change to the Vital Statistics Act since 2019. It will reduce systemic barriers to obtaining identity documents for Two-Spirits and trans and nonbinary Manitobans, and affirm the truth that gender diverse people hold, which is that we know who we are and we deserve to have our identities affirmed.

I am also writing as a genderqueer individual, and the parent of a nonbinary kid. I advocate for a present and a future that is celebratory of all gender identities, where my kid can live with joy and dignity and see their human rights are upheld.

Let us be honest. Asking your doctor to validate your gender marker is humiliating. I should not have to ask permission from my doctor, who is working within a system that perpetuates daily harm on my community, to update my identity documents to reflect who I am. I know who I am, and Vital Statistics should take me at my word.

This change to the Vital Statistics Act will not erase the unspeakable trauma and impact of having my identity denied by the government that claimed me at birth. It was the medical system that unnecessarily pathologized my identity–and got it wrong–in the first place. I do not need a doctor, a law, or an identity document to tell me who I am.

But I deserve, as a human right, equitable access to affirming identity documents that cisgender Manitobans can access without the intervention of a doctor.

Thank you for taking the time to consider this step in validating and uplifting gender diverse Manitobans.

Charlie Eau
Executive Director
Trans Manitoba