

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**Tuesday, 29 July, 1980**

**Time — 2:00 p.m.**

**OPENING PRAYER by Mr. Speaker.**

**MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell):** Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills.

**ORAL QUESTIONS**

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. SIDNEY GREEN:** Mr. Speaker, I'd like to direct a question to the Minister of Northern Affairs. I wonder whether the Minister could advise us whether he has recently had occasion to approve a residential subdivision in the Local Government District of Armstrong, which is situated one mile from an existing pig farm.

**MR. SPEAKER:** The Honourable Minister of Municipal Affairs.

**HON. DOUG GOURLAY (Swan River):** Mr. Speaker, I'd have to take that question as notice.

**MR. GREEN:** Mr. Speaker, in view of the fact that the owner of the pig farm has advised me that such a subdivision is approved and that the Local District Council passed it, and apparently it was approved by the Minister, although I still say I want the Minister to check that, can the Minister also advise whether this subdivision was approved, over the objections of the senior planning officials in the Municipal Affairs department, or in the Planning Division, and also over the objections of the agricultural representative in the area?

**MR. GOURLAY:** Well, Mr. Speaker, as I said, I would take that question as notice, and I will check out those other concerns.

**MR. SPEAKER:** The Honourable Member for Inkster with a final supplementary.

**MR. GREEN:** Mr. Speaker, I'd like to ask the Minister whether, in view of the fact that the province has had a history of problems in having residential subdivisions in the close proximity of pig farms, would the Minister, if my information is correct, and I concede that I'm asking, see to it that the subdivision is not proceeded with, if indeed it is located within that distance from a pig farm, and that no further subdivisions be approved in the vicinity of a pig farm?

**MR. GOURLAY:** Mr. Speaker, we would have to take all the concerns into consideration and review them at that time.

**MR. GREEN:** Mr. Speaker, I would like to direct a question to the Minister in charge of the Environment. In view of the fact that the Minister is well experienced with the problems associated with having pig farms and residential subdivisions closely associated with one another, and in view of the fact that the Minister's department could be required to deal with this program under the abatement provisions of the Act in order to avoid incompatible uses, would the Minister check to see whether this is done, so that the abatement could take place before the trouble was done, rather than afterwards.

**MR. SPEAKER:** The Honourable Minister of Consumer and Corporate Affairs.

**HON. WARNER H. JORGENSEN (Morris):** I have no knowledge of that particular application coming across my desk but I would tend to agree with the honourable member that if there are going to be environmental problems it's best to have them dealt with prior to the construction of the development rather than after.

**MR. GREEN:** Yes, Mr. Speaker, I wonder if the Minister of Environment would undertake to jointly look into the question to see whether indeed the local government district has approved such a — excuse me, the Minister has approved such a subdivision and that more are on deck; that the pig farm is there now and that the Minister's department, having experienced as the Minister himself knows, in the Springfield area, that it would be much better to have the abatement before the event rather than after the event.

**MR. JORGENSEN:** I can certainly undertake to look into this particular matter to ensure that it is not in violation of any environmental regulation.

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. LEONARD S. EVANS:** Thank you, Mr. Speaker. I would like to address a question to the Honourable Minister of Agriculture respecting a question he took as notice two or three months ago, and that is with respect to the phenomenon as reported by Statistics Canada, that the number of farms in Manitoba are declining at a rate four times that of Alberta or Saskatchewan. The Honourable Minister said he would look into it. I am wondering whether he has yet obtained some indication about this or some information from his research staffs.

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**HON. JAMES E. DOWNEY (Arthur):** Mr. Speaker, there seemed to be some inconsistency with the figures that are being used and we are trying to see what the actual figures are at this particular time.

**MR. EVANS:** Mr. Speaker, in view of the fact that the Session is quickly coming to a close, I wonder if

the Honourable Minister would undertake to submit or send us, myself or the members of the Legislature or the official opposition, a copy or some material on this matter which relates, I remind him, to the years 1977-79, the number of farms in Manitoba, 1977 compared with 1979. If he could have his staff look into this and submit this information in writing at some early occasion when the session is completed.

**MR. DOWNEY:** Yes, Mr. Speaker, I'm prepared to do that.

**MR. SPEAKER:** The Honourable Member for Minnedosa.

**MR. DAVID BLAKE:** Mr. Speaker, I have a question for the Minister of Finance. I wonder if he might inform the House if he has had an opportunity to check the list of mailings that were used to forward the brochure on the tax reform programs and confirm that these were mailed to people who had requested it or selected lists that were used to mail these out.

**MR. SPEAKER:** The Honourable Minister of Finance.

**HON. DONALD W. CRAIK (Riel):** Mr. Speaker, my information is that the brochures have been sent out to only those who mailed in one of the clippings or who phoned in directly for it.

**MR. BLAKE:** A supplementary, Mr. Speaker: That would lead me to believe then that the question the Member for Fort Rouge asked the day before yesterday that one Peter Westbury had submitted a request for one of these brochures.

**MR. CRAIK:** Mr. Speaker, I have provided that information to the Member for Fort Rouge who directed a question, I think yesterday morning, that in fact there was a mail-in clipping for that name and address.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, I would like to direct a question to the Minister of Finance. In view of the Minister's statement that these booklets are sent out to those who request them, I hereby respectfully request the balance of the brochures be sent to me so that I can see to it that they are put to their proper use.

**MR. CRAIK:** Mr. Speaker, I can't promise to send the member any more than his fair share, 1/57.

**MR. GREEN:** Mr. Speaker, 1/57 of a loaf is better than none. I put a question to the Minister of Municipal Affairs. Mr. Speaker, can the Minister of Municipal Affairs advise whether he is aware of any policy directions that have given to senior planning officials in the Planning Department advising them to reduce their objections or to modify or to otherwise lower their objections to the approvals of subdivisions, that is, policy directions given to these people to reduce, or in other ways, modify so as to

minimize objections to subdivisions being granted by municipal councils and local government districts?

**MR. SPEAKER:** The Honourable Minister.

**MR. GOURLAY:** No, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MRS. JUNE WESTBURY:** Mr. Speaker, a question addressed to the Minister of Municipal Affairs. Can the Honourable Minister give an answer to my questions of the 18th of July relative to the investigation into activities at the LGD of Alexander? At that time I asked if any charges will be laid, when the investigation will be completed. What can the Minister tell us about that investigation, please?

**MR. GOURLAY:** Mr. Speaker, I have had no further communication on that, but I would suspect that I would receive word on it soon.

### ORDERS OF THE DAY

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. GERALD W.J. MERCIER (Osborne):** Mr. Speaker, would you call the balance of the bills in this order, Bills 83, 86, 96, 7, 48, 80, 75, then the Motion which stands in the name of the First Minister.

### REPORT STAGE

#### BILL NO. 83

#### THE LANDLORD AND TENANT ACT AND THE CONDOMINIUM ACT

**MR. SPEAKER:** Shall the report of the committee on Bill No. 83 be adopted?

The Honourable Member for Transcona.

**MR. WILSON PARASIUK:** Mr. Speaker, it's very obvious that the New Democratic Party caucus members do not support this legislation. We believe that it is bad legislation brought in at a bad time and it's badly done. It's lead to outrageously high rent increases . . .

**MR. SPEAKER:** Order, order please.

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. MERCIER:** Mr. Speaker, on a point of order. I appreciate that we, I think, fell into this procedure this morning, but perhaps we could return to the normal procedure and have, if there are amendments to be introduced, that they be introduced first and then spoken to.

**MR. SPEAKER:** Is there agreement on that, to introduce the amendment first and have the speech afterward?

**MR. PARASIUK:** Point of order, Mr. Speaker. I don't agree to that. I just want to indicate why I was

bringing in amendments to legislation that I opposed and I am doing so, Mr. Speaker, even though it is terrible legislation because even though it is terrible legislation, it should be made . . .

**MR. SPEAKER:** Order, order please. Order please. I believe the honourable member was given the floor on the understanding he was introducing an amendment. Will the honourable member proceed with his amendment?

**MR. PARASIUK:** This is the first one then, Mr. Speaker; following the procedure that you allowed this morning, I'd like to introduce the first amendment.

I move, seconded by the Member for Wellington, that subsection 116(1) of The Landlord and Tenant Act be amended by adding thereto at the end thereof the words "unless the landlord has renovated and improved the residential premises and notified the tenant upon request that the renovation and improvement have been made and satisfies the rentalsman by documented evidence that the renovation and improvement have in fact been made, in which case, the rentalsman shall order that the costs of renovation and improvement to the residential premises be amortized in terms of rent increases over a period of three years effective on the anniversary date of the rent payable for each of three years."

**MOTION presented.**

**MR. SPEAKER:** The Honourable Member for Transcona.

**MR. PARASIUK:** Mr. Speaker, the reason why I'm bringing in this amendment to this terrible piece of legislation, which does in fact lead to outrageously high rents, which in fact has within it a provision, which allows landlords to increase the rents over and over again . . .

**MR. SPEAKER:** Order please. The Honourable Minister.

**MR. JORGENSEN:** The member has introduced an amendment; he now must speak to that amendment and that amendment only.

**MR. PARASIUK:** Speaking specifically to that amendment, I said that this bill allows landlords to increase the rents over and over within one year, and the previous legislation that this government wants to abolish in fact only allowed the rent to be increased once each year. And that was a normal, sane approach to it; it was the commonsense business approach to the way in which rents are set.

Landlords project their expenses on the basis of records that they have. They also, each year, project their revenues, what revenues are required in order to meet the expenses as they project them, and what revenues are required to give them a decent return on their investment, and that analysis is used to determine the rent that will be paid for that suite over the course of the year. Now if that suite is vacated, the legislation brought in by the Conservatives will allow the landlord to increase the

rent again. Why? To give him a greater return on his investment, greater than that which he thought was sufficient when he originally set the rent for that year? And this is especially bad for students, and we had an excellent presentation from the President of the University of Manitoba Students' Union, who indicated that students would be hard hit by this provision, whereby rents could be increased more than once a year. Students have to vacate their apartments in May or April, they go out looking for work, they come back, they try and get back into the same apartment, other times they have to go look for apartments, hopefully in the proximity of the university, and they thought it would be terribly unfair if the landlord would use the situation whereby they had vacated their suites, to increase the rents only to get more profit. And I said that this was a terrible thing in Law Amendments Committee, and the Member for Roblin at the time said, I agree with your position, this is unfair, I can sympathize with the students, but if a landlord renovates a suite, when it's been vacated, then he should be able to amortize the costs of renovation. I took his suggestion, I took his comments, I took them to heart and I put them into the amendment. So that now I think we have a fair amendment that I know people on this side of the House will support, I hope the Member for Roblin will support it as well because he was the one who in fact provided some constructive comments to its development. Mainly, it's a very simple amendment that would restrict rent increases to only one year per suite, unless there are renovations, at which time the Rentalsman would be satisfied or should be satisfied that these were made and the Rentalsman would then rule that the increases, the renovation costs, be paid in the rents over a period of three years, so you don't get that rent gouging in one year.

It is a very simple straightforward amendment and I assume that the Member for Roblin at least will be supporting it from that side of the House.

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for Wellington.

**MR. BRIAN CORRIN (Wellington):** Yes, I too, Mr. Speaker, just very briefly wish to put some comments on the record with respect to this particular section of the bill and this particular amendment to it.

First of all, Mr. Speaker, I can tell you that I was indignant, if not incensed when I initially saw this particular provision, and this particular erosion of a very fundamental tenant right, when the bill was introduced at the end of last month. I regard it and I think many people regard it, the requirement that rent not be increased more than once annually as a fundamentally just principle which we had embodied on this side when in government in The Landlord and Tenant Act.

My own feeling, Mr. Speaker, is that generally speaking, most landlords do indeed have some common sense and when they are planning renovations of the sort that my honourable friend from Transcona is talking about, they do manage to roll that sort of capital output into the rental that they impose on a unit over the following year. Landlords aren't that shortsighted. I can't believe, I'm not generously inclined in this regard, I can't

believe that my honourable friends have such a low opinion of landlords' intelligence as to feel that that was not the case, and that they were so unbusinesslike and so ineffecient that they required this sort of special dispensation.

Mr. Speaker, I know that honourable friends opposite voted against this amendment when we introduced it at the committee review stage. I hope that they have had a turn of mind and heart in the few ensuing days since those debates took place, but if that is not the case, Mr. Speaker, it will be once again rather obvious evidence of the disposition of that government and the disposition of that government to favour the very large development and construction interests in this city against the rightful cause and concerns of the tenants.

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for Brandon East.

**MR. EVANS:** Mr. Speaker, very briefly, I would like to support the views that have been expressed by my colleagues, the Member for Transcona and also the Member for Wellington. I believe that this particular amendment will cause no undue hardship on the owners and possibly ensure a bit of justice with respect to tenants, and as has been pointed out, it apparently is a common practice and likely the bulk of the major rental agencies in and about the province, particularly in the city of Winnipeg, city of Brandon, and possibly Thompson and one or two other major centres, probably follow this as a common practice, if for no other reason but administrative convenience. I think it's a reasonable amendment that's being proposed, Mr. Speaker, and I think the government could show that it is reasonable by supporting the amendment on this particular bill, as proposed by the Member for Transcona.

**QUESTION put on the Amendment, MOTION defeated.**

**MR. PARASIUK:** Yeas and Nays, Mr. Speaker.

**MR. SPEAKER:** Has the honourable member support? Call in the members. The question before the House is the amendment moved by the Honourable Member for Transcona.

**A STANDING VOTE was taken, the result being as follows:**

### YEAS

Messrs. Adam, Barrow, Bostrom, Boyce, Corrin, Cowan, Desjardins, Doern Evans, Fox, Green, Hanuschak, Jenkins, Parasiuk, Pawley, Schroeder, Uruski, Uskiw, Walding, Mrs. Westbury.

### NAYS

Messrs. Anderson, Banman, Blake, Brown, Cosens, Craik, Downey, Driedger, Enns, Ferguson, Filmon, Galbraith, Gourlay, Hyde, Johnston, Jorgenson, Kovnats, Lyon, MacMaster, McGill, McGregor, McKenzie,

Mercier, Minaker, Orchard, Mrs. Price, Messrs. Ransom, Sherman, Steen.

**MR. CLERK:** Yeas 20, Nays 29.

**MR. SPEAKER:** I declare the amendment lost. The Honourable Member for Transcona.

**MR. PARASIUK:** Mr. Speaker, I move, seconded by the Member for Wellington

THAT proposed subsection 5(1.1) to The Condominium Act (as passed by the Statutory Orders and Regulations Committee) and as set out in section 38 of Bill 83, be amended by adding thereto, immediately after clause (a) thereof, the following clause:

(b) it is accompanied by the written consents to the registration of the declaration of not less than 50 percent of the residential tenants who have written leases; and

that clauses (b), (c) and (d) thereof be renumbered as clauses (c), (d) and (e) thereof respectively.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Member for Transcona.

**MR. PARASIUK:** Mr. Speaker, in committee a number of people who were caught in the situation of going into an apartment assuming that it would continue to be an apartment found themselves with a new owner who had bought the apartment for the purpose of converting it into a condominium. They told us of a number of horror stories of how they were being pressured; how they had very little bargaining power with the new owner.

In response this government brought in one amendment that is a good amendment, namely that people who have been longer term tenants of an apartment that a new owner is trying to convert into a condominium have the right to some securities of tenancy. That is they can negotiate a two-year agreement at market prices and they do have the option of going to arbitration in order to try and continue as tenants in that building beyond two years. That is a good amendment. We approve of it, we agree with it. However, this government brought in a hooker. Their trade-off was that what they would do — they would not require the owner of an apartment block to get 50 percent consent before that person converts an apartment block into a condominium. What that does — that takes away the bargaining power of the tenants completely. And it's just not tenancy that's important for someone who is in an apartment block that is being converted into a condominium. Those people want to find out what the long-term costs of maintenance and operating costs of that facility are going to be. They want to make sure that that building is in good working condition, will continue to be in good working condition. They may as a group, this was the protection afforded the past legislation — and frankly was afforded the legislation until the government brought in its amendment two or three days ago — and that protection was that they could

prevent that block from being converted into a condominium.

The Conservatives gave in to the pressure of people coming before the committee but the amendment that they brought in only goes half way and it takes away many many things from the tenant and is a concession to those people who are converting apartments into condominiums and it is not necessary. It's unfair. It reduces the balance of power between landlords and tenants, between condominium owners and tenants, between condominium converters and tenants. It makes them far too powerful at the expense of tenants rights.

That's why we bring in this amendment which only provides for what was provided in The Landlord and Tenant Act up until three or four days ago. It recognizes that tenants should have some bargaining power with respect to apartment owners who want to convert apartments into condominiums. It's fairly straightforward. It's a just amendment. It's a reasonable one. It's something that this government was willing to have three or four days ago but now that they've taken something away from the condominium converters, they feel that they have to give them something back for it. We don't think it's necessary and that's why we've brought forward this very straightforward amendment.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MRS. WESTBURY:** Thank you, Mr. Speaker. I will support the amendment because any additional protection for the tenants is welcome and this has in fact in the past very often been their only protection, this provision of consent of 50 percent of the tenants with written leases.

However, if there had to be a trade-off between this provision and the new provisions that the government has accepted as amendments to the bill as it was introduced in the House, Mr. Speaker, I would have to go with the new provisions, most of which were suggested by my own constituents and my own constituency association. Because although this requirement of 50 percent has been in place and although this was their only protection, Mr. Speaker, no group of tenants, no matter how well organized, and no matter how informed and how determined they might be, have been able to prevent conversion in my experience. I think most of the experience has been in Fort Rouge constituency, and I have indeed in the few short months since my election been involved with about eight or nine of the apartment blocks there, in meetings with the tenants and with landlords as well and their representatives.

As I said, in my experience, Mr. Speaker, this 50 percent has not been able to prevent any conversion. It has been useful in giving the tenants time to negotiate as a tenant's association and that is what the 50 percent bought for the tenants; time to negotiate. What they negotiated has in large part been included in the amendments to Bill 83, in the condominium section. The results of the negotiations which up till now have been done by tenants associations in certain apartment blocks have been the protection ultimately, because you get people who are in some way intimidated. It may only be because they are ill or they are old, it may not be

because somebody is consciously intimidating them, but some people are intimidated by somebody arriving at the door with a piece of paper asking them to sign it, and some have been intimidated by people who set out to intimidate them as well, and so there are always people who will sign.

Also the landlords have been putting it in as a clause in the new leases for incoming tenants and there was no protection, no way that could be stopped, although we tried to find ways that that could be stopped. They also put it in as a clause in renewal of leases and that we were able to stop because that was not legal and on the advice of the Rentalsman we were able to prevent them from doing that, Mr. Speaker. But all that the 50 percent consent obtained for the tenants was a delay. And because the landlords wanted a quick consent the delay was of importance to them.

So I will support this amendment. At the same time, I want to say that I and the people who are affected in the Fort Rouge area are pleased with the amendment in the condominium section. It doesn't go as far as Bill 88 did which was the bill that I introduced in connection with the same Condominium Act, Mr. Speaker, and which would have given planning protection as well, which we in Fort Rouge think is extremely important and which I hope to pursue in the next session.

At the moment, the landlords have been getting their required consent within a few months, with a 20-percent turnover in vacancy rates in these apartment blocks. It really has only been a matter of months, and as I said, the 50-percent requirement bought time for the tenants to do their negotiating when they had a will to do so and the ability to do so. So I'll support the amendment and I would ask other members to do so as well.

**MR. SPEAKER:** The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Speaker, I too am going to be supporting the amendment, and I'm sure that comes as no surprise to anyone because that's our caucus position. But, Mr. Speaker, I can tell you in this regard, that I think we should be candid in describing precisely what the government has done. The government, Mr. Speaker, has simply effected a compromise between honourable members opposite and itself on the basis of rent decontrol, on the basis of remission and withdrawal of the rent stabilization legislation. If, Mr. Speaker, the rent stabilization legislation would have been kept in place, if rent controls in this province had been retained by that government, then the situation would be very very different. Because, Mr. Speaker, a concerned government, a humane government would simply, if they wished to make compassionate consideration for the plight of the people that the Member for Fort Rouge has described and who she represents, would simply have put a provision in The Landlord and Tenant Act in accompaniment with the rent stabilization provisions, whereby no landlord could have evicted a tenant on the basis of condominium conversion, without that tenant's consent, if that tenant had lived in the suite for a certain number of years.

So, in other words, Mr. Speaker, we could have afforded all tenants who had lived in a block for a certain minimal threshold period, say, hypothetically five years, we could have protected all those people from condominium conversion. We could have simply by protecting their rights of reasonable rents, have prevented landlords from extorting unreasonable increases and driving them into the street — by accompanying that, Mr. Speaker, with a proviso whereby they had to give their consent, and that would have been the best of all worlds, and the world that the NDP, if it was in government, would have followed when confronting this sort of problem.

If we had that best of all worlds, Mr. Speaker, and perhaps we will after the next election, that would have been the treatment afforded these particular people. But, Mr. Speaker, we've been forced once again to take a tepid substitute, and it's nothing more than a mild palliative, because it does nothing to address the real problem. The problem is people who are being forced out of their homes because of the wish of certain members of the commercial sector to exploit certain situations to their profit; that's what it's all about, and that's what we heard about for two days at the committee hearings that were cut short by the government members opposite. (Interjection)— Cut short, Mr. Speaker, on division . . .

**MR. SPEAKER:** Order, order please. Order please. All members have the opportunity to get into debate at the proper time.

The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Speaker, we too wish to see these people treated with a degree of fairness. We believe that in the circumstances, the absence of rent control, there is no other protection afforded them. In the present circumstances, we can't hope to stop landlords from forcing people onto the street, so we accept the amendments that have been worked out in conjunction with the Member for Fort Rouge. But they don't go far enough, Mr. Speaker, they won't satisfy us, and if we're returned to government, we'll do something about it.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, I wish to speak because I don't wish to be misunderstood. The fact is, Mr. Speaker, I have indicated on numerous occasions that as far as I am concerned, I wish that everybody who lives in a place belonging to another person would have maximum freedom as to what they are able to do with respect to the choices that they will have. I want that person to be able to choose to live with their landlord as long as they can obtain mutual agreement to do so, and I wish them to have the right to leave and to buy other forms of accommodation if they so choose.

Mr. Speaker, I believe that by and large, an owner of private property should have the same freedom. He should be able to rent to somebody, hope that he has a satisfactory arrangement with them, and if he doesn't have a satisfactory arrangement, within the terms of the law, if they agreed for a year, after a year, the landlord is free to terminate the

arrangement, the tenant is free to terminate the arrangement.

I believe, Mr. Speaker, that when we start talking about the best of all possible worlds, that that world is much better than a world which says that the landlord will rent at a particular fee, that his tenant is not required to stay, and can stay there as long as he wants, and that there is tenure indefinitely for the tenant at a rent set by the state and the landlord is controlled as to what he does.

So when we are talking about these dream worlds, I want to indicate that I am not in the dream world which says that freedom shall be taken away from these people to make their arrangements. I am in a world, Mr. Speaker, which says that there will be sufficient housing in various categories so that the balance of power is such that the landlord is as much seeking a tenant, and will make an accommodation and will be reasonable, as there is in tenants seeking landlords, that there is a balance. My chief criticism against the Conservative administration is that they have lifted state controls, and I have always been against them, by the way, whether it comes to wages or prices or renting out a house and being a tenant. I believe that the tenant should be free, and I believe that the landlord should be free, but I did indicate that there was a need for controls, Mr. Speaker, and I indicate that the Conservative Government has not lifted that need.

Now, if there is a place to lift it, Mr. Speaker, and I think that this is what we are doing, that the biggest danger is that we will fool people as to what security they are entitled to expect. No person who rents an apartment and has a year's lease has any reason to think that the state is going to see that they can stay there forever. If they have a 10-year lease, they have a 10-year lease; if they have a 5-year lease, they have a 5-year lease, but if, out of this Legislature, people are given to understand that the state is going to protect their tenure, you're not going to be protecting those people, you are going to be defrauding those people, and that is what the Member for Fort Rouge has learned.

Now, Mr. Speaker, what happened? When the previous Member for Fort Rouge came into this House, one of his main thrusts was, permit people to make condominiums. He introduced the Condominium Bill. He said that this was the dream world, the best of all possible worlds. People could buy their own apartments and . . .

**MR. SPEAKER:** Order please. We are talking about an amendment at this time.

**MR. GREEN:** Mr. Speaker, lately I have been, with respect to you, Sir, questioning your feeling as to what makes a speech in favor of something. I am now talking about condominium legislation and a move to restrict it, and I am suggesting that when the move for condominiums came in, it came in from the Member for Fort Rouge. —(Interjection)— Mr. Speaker, we now see that she has disowned him. We now see that she says, not this one, —(Interjection)— Mr. Speaker, I'm being very fair. I said the previous Member for Fort Rouge, last time and I'm now saying that it came in from the Member for Fort Rouge, and I thought that the present member would proudly say, yes, that's our man. But

no, that's not what she said. She said, not this one. Not this one, Mr. Speaker, but he, the previous Member for Fort Rouge, Mr. Speaker, under the previous legislation, Mr. Speaker, and the fact is that I see no harm in it, if there is a housing supply.

The only reason that there was a need to be restrictive, in any way, about condominium legislation is that conversion to condominiums should not be used to circumvent rent controls. It should not be used if you have rent controls and people have apartments and they say, I'm controlled to 8 percent, but if I can convert I can what I want, that's the need for a restriction on condominiums. But otherwise, Mr. Speaker, a person going into an apartment, knows that they have a certain term of lease and they know that that lease, at the end of that term, can expire, and they know that at the expiry of that lease they are free to leave and the landlord is free to say, I'm going to get a new tenant, or I'm not going to rent this property out, or I'm going to try to subdivide it and sell it as a condominium.

Now, Mr. Speaker, if we're talking about the dream world, then I say to you, that given adequate housing, that is a much better to dream of than what I have heard in this House with regard to restrictive legislation and I think Mr. Speaker, that — carry it to its extreme. You are renting a house, you have a tenant there for five years, you decide that you want to sell the house. Is there going to be a law here that if you have a tenant for five years, you can't sell the house, you've got to continue to rent it? Well, Mr. Speaker, those people who say, right, they can have that dream world. I want no part of it, because I believe that a person who owns a house can have a tenant and can make a deal for a certain period of time, and at the end of that period he has a right and the tenant has a right. Nobody is saying to that tenant, you shall stay in that condominium. You shall stay there, you shall not move and leave your landlord with a vacancy which he might not be able to fill, although he has a requirement that he will not be able to subdivide his apartment and sell it into suites. That was the dream world that was brought here by the previous Member for Fort Rouge. So what's the big deal, Mr. Speaker?

The ideal situation, I repeat, the ideal is that those people who hold private property and choose to rent, be tenants in private property rather than buying, and there are many, should have the freedom within the terms of the arrangement that they made with their landlord to do as any other free citizen can do. And a free owner of property has a right to sell it, to buy it, to rent it, to leave it vacant, to do as he'd have. A tenant has a right to move to somebody else, or to stay where she is, or to go and buy a property. Are you going to say to tenants, if you are in a condominium and you want to rent it out, you have to guarantee that you won't move, and that you won't buy a property, or buy another condominium someplace else. Now what kind of silliness is that, Mr. Speaker. You know, the most sense we had from people on controls was when we were in anti-inflation, because then we had the trade union movement coming in, saying that this interferes with the freedom of the subject to choose the way in which he will work and the amount that he will work for.

Now up until now, a tenant has had a right to freedom as to where they will live, and a landlord has had a right to freedom as to whom he will rent. We needed rent controls. We had those rent controls. Those controls should not be removed, I've indicated that. But to start enacting series of laws as to what a private person, landlord or tenant, how he is to deal with his property, where he is to live, Mr. Speaker, that is not a dream world. That is not the kind of world that I envisage, nor anybody who spoke when I was a growing youngster and a young man, nobody advanced new democracy or socialism on the basis of that kind of dream world.

**MR. SPEAKER:** The Honourable Member for Crescentwood.

**MR. WARREN STEEN:** Mr. Speaker, I just want to make a few brief comments regarding Bill 83, and this is a particularly good section and an amendment to comment on, I believe.

I had the privilege of chairing the committee that heard the various briefs and that dealt with this bill on a clause-by-clause basis. We heard some 29 briefs and, Mr. Speaker, in my opinion we heard 29 excellent briefs. We had a number of persons that came before us that spoke on the two aspects of the bill, whether it be from a tenant point of view as a renter or from . . .

**MR. SPEAKER:** Order please. The honourable member is commenting generally on the bill. I would suggest he do that on third reading, rather than on an amendment. We have a specific amendment before the House.

**MR. STEEN:** All right, Mr. Speaker, I'll keep my comments to the condominium section. I was trying to hope that I could do two things in one.

The Honourable Member for Transcona has brought forward an amendment where he is asking that the 50 percent clause be reinstated into The Condominium Act. I say, Mr. Speaker, that I believe it is unnecessary, that there is sufficient protection in the Act now as it has been rewritten, and it was rewritten where all occupants have a guarantee of two years tenancy and persons that have been in tenancy for longer periods of time have greater protection, whereas they can remain within that building for one year in the future for each year that they have been in there in the past. We have seen landlords who, as they acquire vacant suites, assign that vacant suite over as a suite that has been given consent towards the 50 percent and in the past, as the Member for Fort Rouge has said, a number of landlords have persuaded tenants to sign consent forms based on pressure tactics, whichever method that that particular landlord might choose to use as a pressure tactic. I think that with the bill as it is, that we are going to get away from a lot of that pressure tactic and that the 50 percent aspect, which has been introduced again by the Member for Transcona, is unnecessary. Yes, Mr. Speaker, it was very necessary before because that was the only protection that the tenant had, but I think the tenant today has greater protection, a much greater protection.

I am a little disappointed in my friend, the Member for Fort Rouge, when she says, "I am prepared to support the amendment, but I really like the way the bill has been rewritten." Well, you can't have your cake and eat it and I would hope that my good friend, the Member for Fort Rouge, might support the government on the method that the government has reintroduced this bill and had it rewritten and say to the Member for Fort Rouge, as I will to my friend, the Member for Transcona, who both made great contributions during the hearings, that the 50 percent aspect is not needed anymore. The tenant now has the greatest protection that he or she has ever had. I don't know how we can go further overboard to protect tenants.

The Member for Inkster has just told you that, in his opinion, we have taken the supply and demand, really, out of the whole situation and that today, under this bill, the tenant has excellent protection.

Therefore, Mr. Speaker, I would recommend that the amendment not be accepted. Yes, to the Member for Transcona, it was very necessary before, but I think that the Honourable Minister has made sufficient changes to the bill, changes that I would think that any tenant would welcome who is in the area of perhaps having his or her suite turned into a condominium, and that the Minister has bent over backwards to assist those persons that were faced with the possibility of losing their suite on a rental basis and having it turned into a buyer option on a condominium basis, and that the Minister and his caucus members listened to the people and listened to the opposition, all of whom made excellent presentations and that the bill as it will be passed, hopefully, Mr. Speaker, will be far better for the tenant and the person who wishes to turn his or her building into a condominium.

It is very clear now where the tenant stands and where the developer or person wishing to turn it into a condominium stands and that the 50 percent aspect is very unnecessary.

So I would suggest to members to vote against the amendment and support the bill.

**QUESTION put on the amendment, MOTION lost. (on division)**

**MR. SPEAKER:** Could I have any indication, has the honourable member any further amendments?

**MR. FOX:** On division, Mr. Speaker.

**MR. SPEAKER:** Is it agreeable, on division? (Agreed)

The Honourable Member for Fort Rouge.

**MRS. WESTBURY:** I have an amendment, Mr. Speaker. I move, seconded by the Honourable Member for Winnipeg Centre, that Bill 83 be amended by adding thereto, immediately after the word "declaration" in the final line of proposed section 5(1.1)(d)(i) of The Condominium Act as set out in section 38 of the bill as passed by the Statutory Orders and Regulations Committee, the following words:

or, where a tenant has attained the age of 65 years as of the date of registration of the declaration, a period of the tenant's choice

notwithstanding that such period may be greater than the periods hereinbefore provided for.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MRS. WESTBURY:** Mr. Speaker, I am sure that a comparatively new member of this Legislature, I don't need to explain to other members who have been here, as some of them like to tell us, for a very long time, that as changes occur in society, new legislation and new amendments have to be introduced to existing legislation in order that protection might be provided to all of those who need that protection. Mr. Speaker, it was never anticipated that elderly people would be evicted by landlords who are seeking to convert their condominiums and we are now finding that indeed they are being evicted or they are being pushed into a situation where they become afraid, they become emotionally distressed because of what they perceive as harassment and pressure on them to sign consents, or to find alternative accommodation within a required period of time as would be the case under the changes that have been brought forward by the government on the request of a number of these tenants.

Mr. Speaker, at committee there was one presentation from a tenant who had been affected two or three times by condominium conversion and she described her experience, her unease. This is a very competent woman who has looked after herself for a number of years. She explained to the committee how she might feel if this was going to happen to her again. As it happens, she lives at 55 Nassau, where they had an effective tenant's association which was able to negotiate with the owners, before Shelter Corporation, an agreement protecting the existing tenants with written leases.

Mr. Speaker, I attended those committee hearings, even though I wasn't a member of the committee, because I feel strongly on the needs of these people and I wanted to hear what they had to say. I was able — I appreciated the opportunity at committee to contribute also to the discussion.

Reference has been made to the best of all worlds. Well, I hope none of us here believe that anything that we bring in is going to make this the best of all possible worlds. There are too many pressures and influences from too many directions for us to have that kind of a presumption. However, perhaps we can make our own contribution to certain people, make it a little better world for them. I am suggesting that when an elderly person, perhaps on becoming widowed, sells the family residence and looks around very carefully, aided by friends and children, looks around to find a suitable rental accommodation in which she or he can live for the rest of her life, that accommodation is held out to be rental accommodation and they move in, they sign a lease — I haven't heard of anyone lately being offered five or 10-year leases, even with escalating rental clauses in them, Mr. Speaker, but many of them would have been happy to sign long-term leases of that duration, because they were envisioning this new place of



residence as their residence for the rest of their lives, for as long as they were able to look after themselves before they die or before they have to go into a nursing home or other accommodation. Now, as long as they were provided with the requirements of The Landlord and Tenant Act, as long as they were good tenants, they were going to have a place to live for the rest of their lives. They moved in and half-way through the rest of their lives, or part-way through the rest of their lives, the landlord changed the rules on them; the landlord changed the rules on them.

As I said, a lot of these people would have been willing, Mr. Speaker, to have signed 10-year leases, 5-year leases and so on, even with the escalating rents, even with the provision there, and that would surely be fair. But that has not been made a possibility for them.

Mr. Speaker, I want to refer to legislation which was signed into law in October, 1979 in New York State, and I referred to this at the committee. The new tenant law in New York State specifies that apartment dwellers 62 years of age or over, who choose not to purchase a condominium, may not be evicted if they have been tenants for at least two years and have a total income of less than 30,000 per year.

Mr. Speaker, when I referred to this at committee, I said I would be quite happy to raise the age to 65, which is the usual age at which we refer to people as senior citizens in this country. I don't think it is fair to introduce an income level, because no matter what your income, disruption when you are an elderly person really becomes severe. So I don't think the income level is so terribly important. I think that the matter of the age of the person is of prior importance and, Mr. Speaker, I think Manitoba is more of a centre for social responsibility, social advocacy — or I perceive it as such — than New York State is. I have never considered New York State as the heartland of social awareness; I would like to think perhaps Manitoba might be.

Mr. Speaker, when we are talking about people over 65, how many years are we talking about? They are already entitled to two years. One person, a retired school principal who came to committee, has been in the apartment for 13 years, so she already has a 13-year guarantee under the new provisions, but for those who were perhaps widowed and felt they had to move after retirement, Mr. Speaker, it would be a great comfort for them to know that for as long as they needed to be in this rental place of their choosing, they would be entitled to stay there, paying the increase in rents as they fall into the neighbourhood levels, and subject to the usual arbitration as allowed for within the bill, Mr. Speaker.

I would ask the members of the House to support this legislation giving this protection, this emotional stability, perhaps, to some of these senior citizens.

**QUESTION put on the Amendment, MOTION lost.**

**MRS. WESTBURY:** Yeas and Nays, please, Mr. Speaker.

**MR. SPEAKER:** Does the honourable member have support? The honourable member does not have support.

Shall the report of the committee on Bill No. 83 be concurred . . .

The Honourable Member for Wolseley.

**MR. ROBERT G. WILSON:** Thank you, Mr. Speaker. I move, seconded by the Member for Fort Rouge, a proposed amendment to Bill No. 83, An Act to amend The Landlord and Tenant Act and The Condominium Act:

THAT the proposed subsection 121(12)(c)(ii) (as passed by the Committee on Statutory Orders and Regulations) to The Landlord and Tenant Act as set out in section 33 of Bill 83 be amended by striking out all of the words of the sub-clause after the word "tenant" in the 6th line thereof and substituting therefor the words and figures "300.00 or an amount equal to two months' rent paid by the tenant, whichever is the greater amount."

**MOTION presented.**

**MR. SPEAKER:** The Honourable Member for Wolseley.

**MR. WILSON:** Mr. Speaker, I attended most of the committee meetings and heard all the presentations. I must admit I am very grateful to the government for many of the changes that they made under what would be a careful and fairly honest examination of the facts as presented by delegations.

There were some that were sort of politicized, but others were very sincere in this bill which, in my opinion, if I was to turn around and truly say that I am a voice for the people that elected me, if I am a sounding board for the constituents of Wolseley, then I have to say that maybe this bill doesn't go far enough.

I use the example in my amendment to show that we have to do something to give a little bit of arm-twisting, something just short of compulsory arbitration for landlords. I would have preferred compulsory arbitration for landlords, because you have the landlord who increases his rent in the constituency of Wolseley from 180 a month to 250, and if the woman or person who has been asked to move because of the unfair increase in the rent, if for some strange reason she is smart enough, or they are smart enough, to be able to get this so that the landlord gives her a moving bill up to 180, as the Act presently stands, I suggest that it is unfair and it is not enough.

It is not enough, Mr. Speaker, because the landlord then gets 250 rent for that apartment, namely 70.00. He also collects from the new tenant 125 damage deposit, so the landlord now has a profit over the last 180 month's rent of 195.00. He pays the tenant, if he is forced to, if he can't find a way to weasel out of it, the 180.00. He, in theory, makes a profit of 15 on the first month's transaction, because damage deposit money is mad money, and I am a landlord and I can tell you, very few tenants get all or part of their money back. There is always some nail hole that costs 22.00 each. There is always something to be repaired, if and when the repairs are ever made.

The landlord is making a profit of 70 a month on that apartment for that next year; the tenant has

been forced to move. The moving costs, in my opinion, are really the type that . . . . You know, at one time it might have been suggested that maybe these landlords might have been either Liberal or Conservatives. I know there are a lot of them that are New Democrats as well. But, how in the world can they be trusted, because they mailed out leases with such horrendous increases, in the central part of the city, the area that I represent, that the people out there, the tenants misunderstood this decontrol bill. They should have known two years ago, when we took over government, that we were going to get into some form of decontrol, and I might suggest many of the apartments were decontrolled anyway. I would have rather had to wait on this bill, and I say it came in rather hurriedly. We could have waited and examined how things were going in Alberta. We could have watched the gradual decontrol that is taking in place in Ontario and won't take place for at least another year, if and when it comes off. We are only probably about the second province in the entire Dominion of Canada to follow Alberta into complete opting out of rent controls. I don't see other Conservative provinces across the Dominion rushing to get out of controls.

I simply am concerned. We are getting out of controls, because we gave that commitment, but we are getting out of it in such a way that it seems entirely unfair to the people who elected me. I go to the Pamela Apartments; they tell me that Globe General Agencies hasn't done any repairs for 15 years, and any repairs you do, they have to do themselves.

Delegations that appeared in front of us showed that the landlords got a 31 percent increase, which compounded is 34.2 or .8. So the landlords, during controls, at least got a 34 percent increase in rent.

Another thing we should look at in the bill, I don't think we should permit the sub-let fee to increase from 10.00 to 20.00. I think inflation has gone up, but I think that's part of the cost of operating a block. You are preparing a standard form and you just roll it in the typewriter and fill out the person's name, your name and so on and so forth, you might pay 25 cents for it at Willson's Stationery. To me it's not worth doubling.

My amendment is based on the fact that in Wolseley we would like a true vacancy rate taken for the Wolseley constituency. I suggest its probably less than 4 percent. A student group said it was 5.3 percent, and we have these people who appear in front of the delegation that are talking about North Kildonan where there is a bit of overbuilding, and I think the downtown core of the city is unique.

**MR. SPEAKER:** Order, order please. The Honourable Minister on a point of order.

**MR. JORGENSEN:** The honourable member's amendment deals with one specific aspect of that bill and recently he has been talking about all facets of the bill. I would suggest, Sir, that he should limit his comments to the particular amendment that he has now before the House.

**MR. SPEAKER:** I would hope the honourable member would stick fairly closely to the amendment

that he has in front of him. The Honourable Member for Wolseley.

**MR. WILSON:** Thank you, Mr. Speaker. Again, I think I've demonstrated that these increases by — if you were to look at the newspaper stories, practically 50 percent of the complaints came from the Wolseley riding. They complained because they are only going to get one month's rent as a moving expense. I would suggest that if we are going to deal fairly with the people, that I'm encouraged because I've had an indication from members of caucus, those from the city of Winnipeg, the old city of Winnipeg, the Member for St. Matthews and some others, who have indicated that the government is going to show the people a simple way to be able to assure them that these horrendous increases will be dealt with. I am simply saying that when you get a very large increase, it is going to be worthwhile for that landlord to evict the unhappy tenant, evict the troublemaker who may complain to the arbitration system, because I say, it's a profit by eviction, and to me, I think the tenants' rights are being slightly . . . . In other words, what I am saying is that I feel that even though we've made so many good changes to the bill, that we haven't gone far enough; that the type of research to deal with the riding of Wolseley that I represent is such that I would welcome that if my appearance of slight disagreement with certain sections of the bill at this time causes the government that type of concern or gets them mad enough, that they will deal with these landlords who are not paying enough moving expenses.

I want to give the story of — this is not in my constituency — of Grant Avenue to show that we have to get tough with the landlords, because this is not that bad of a story in the increase, but it does deal with the moving part of it. The woman was paying 210 a month rent, her new lease is 245. This woman has now gone into a senior citizens home, subsidized by the taxpayers. She was willing to stand on her on two feet and not be a ward of the state for 210. She is not willing, because of her landlord, because of the moving costs, because of the fact that she has a cat that's 11 years old, I believe the story is, but she has to give up that cat and I believe the people phoned me to see if I could find a home for the cat because she was going into a senior citizen home in my area and she wanted to be able to come and visit that cat.

What I am saying is, here we are taking this woman out of an apartment block she was willing to pay for and we are putting her into a subsidized housing system under the senior citizen complex. I am saying that there is the moral and personal aspect of the residents of the old city of Winnipeg, that this government has to get tough with the landlords, has to see that they get proper compensation for being uprooted in their lives, and if they want to change the entire makeup of the core area so that I have all sort of communal-type student apartments where I have four and five voters in an apartment rather than just one, where I have sort of upper-middle-class white collar young workers who primarily vote Conservative, that probably I'll get a bigger vote margin in the next election, because all of the people who swing might not be there. They will move because of these horrendous increases.

At this point in time they were the ones that elected me. I speak for all of them, regardless of how they voted, and they are telling me that they are not being dealt with fairly; the moving costs are not sufficient. With those remarks, speaking on behalf of the people I represent, I am presenting this amendment to the bill.

**MR. DEPUTY SPEAKER, Abe Kovnats (Radisson):** The Honourable Member for Transcona.

**MR. PARASIUK:** Mr. Speaker, I support this amendment by the Member for Wolseley, and I supported the one from Fort Rouge as well. The point is that this legislation was terribly weak. Even Conservative backbenchers said that the only way in which this legislation could be strengthened is if compulsory arbitration was brought in. That was not brought in. The only thing that this legislation does is say that if a landlord doesn't want arbitration, then he has to pay one month's moving expenses. That's the only appeal, that's the only compensation that the tenant has to an unfair rent, if the landlord does not want compulsory arbitration in an individual instance.

The Member for Wolseley is quite correct in saying that that's not good enough, that landlords can in fact make a profit out of just moving people out because of this legislation. He says you should pay 300 or two months rent, whatever is greatest and that's why I support this motion. It's very straightforward and frankly if you look at that type of compensation, one month's rent, that the government is providing for people, and I would suspect that these will basically be poor people who will complain about not being able to pay the rent. The landlord won't agree to compulsory arbitration. They'll be given one month's rent. That's all the compensation.

In The Condominium Act and the amendments that the Minister brought forward, he is saying that if people want to stay longer in a condominium, they can appeal to the Rentalsman for arbitration and it shall be the duty of the Rentalsman and the Director of Arbitration to consider, in addition to the allegations of the landlord, the possible physical, mental, or psychological harm that may occur to the tenant due to age or physical impairment if the tenant has to move. That's what they say about people who might want to stay in condominiums, but they are not concerned about any type of psychological costs of movement for people who are being charged an unfair rent; who want to appeal that rent; who go before the Rentalsman; who ask for arbitration and the landlord says no, I don't want arbitration. That is the fundamental weakness of this bill, namely, that it does not provide for compulsory arbitration. The Member for Wolseley knows that. The Member for St. Matthews, who spoke on that point in the Legislature and who is now avoiding this particular debate, knows that point as well. All the Member for Wolseley is trying to do is provide a bit more compensation to allow for a very bad Act that does not provide for compulsory arbitration.

**MR. DEPUTY SPEAKER:** The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Speaker, I too wish to stand in support of this particular amendment. I too feel that the government should have provided a format that would have provided for compulsory arbitration and not unilateral withdrawal.

So in the absence of that, Mr. Speaker, and given the fact that many of the delegations who spoke to us at committee advised us of the harshness of dislocation — and we must be mindful of that, Mr. Speaker. They told us that they could not foresee how they could make these difficult moves. Many of them were aged. Many of these people were poor people who had large families and they advised that the provision of a month's rent would be a poor substitute for a security of tenure.

Also, Mr. Speaker, I think it is important to put on the record that many of the people noted, and we have noted time and time again in the course of debate, that within certain communities of the city there are not high vacancy rates, notably right now, St. James and Transcona, where the rates are quite low, virtually as low as they ever can be. In those communities, Mr. Speaker, it is not enough to simply say that somebody can move to a comparable premises. Comparable premises within the neighbourhood do not exist.

So, having failed in our attempts at committee to obtain a compulsory arbitration provision, we would stand in support of the Member for Wolseley's amendment in order to at least effect some spirit of fair play into this particular bill.

**MR. DOWNEY:** No comment, Mr. Speaker, at this time.

**QUESTION put on the Amendment, MOTION lost.**

**MR. DEPUTY SPEAKER:** The Honourable Minister.

**MR. JORGENSON:** I move, seconded by the Attorney-General,

THAT section 39 of Bill 83 be struck out and the following section substituted therefor:

39(1) Commencement of Act.

This Act, except section 37, comes into force on the day it receives the Royal Assent, but it is retroactive and shall be deemed to have been in force on, from and after July 1, 1980.

Commencement of Section 37.

39(2) Section 37 comes into force on the day it receives Royal Assent.

**MOTION presented.**

**MR. DEPUTY SPEAKER:** The Honourable Minister of Consumer Affairs.

**MR. JORGENSON:** The amendment — and I spoke to my honourable friends opposite about this earlier — the amendment that I have just read varies slightly from the one that was distributed yesterday. I am advised by Legislative Counsel that the amendment that was made at this stage is more acceptable in terms of language; and the second part, which deals with Section 37, makes that part of The Condominium Act come into force on the day it received Royal Assent, rather than the 1st of August.

**QUESTION put on the Amendment, MOTION carried.**

**MR. DEPUTY SPEAKER:** The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Speaker, I would like to move, seconded by the Member for Transcona, THAT proposed subsection 120(4) to The Landlord and Tenant Act be struck out and the following subsection be substituted therefor:

Monitoring of rent and report to Legislature.  
120(4) The Director of Arbitration shall monitor and compile information in respect of rent levels, rent increases and any other matters relating to residential premises and submit a report thereon to the Minister who shall table the report to the Legislature if it is then in session and if it is not then in session within 15 days of the next ensuing session of the Legislature.

**MOTION presented.**

**MR. DEPUTY SPEAKER:** The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Speaker, we now know that the rescission of the rent stabilization legislation is upon us; it is essential a fait accompli this afternoon. But, Mr. Speaker, we still feel that it is imperative that the government proves its case, and that is the purpose of this particular legislation.

The government has told us time and time again, and to its credit it has at least been consistent in this regard, that it was opposed to rent control. They have advised us that they would be moving the province out of controls and now they have fulfilled their covenant with the public. I believe they do have a mandate in this regard, Mr. Speaker, and presumably they are fulfilling it, leastwise we hope they have a mandate in this regard and they are assured of that, because if they haven't they have broken faith with the public.

But on that basis, Mr. Speaker, the government has attempted to placate the critics of what they have done, on the basis of provisions in the bill that will provide for monitoring of rents. The government has said, directly through the Minister responsible, Mr. Speaker, that they will monitor rent increases throughout the province in order to assure people that should there be an adverse impact, should there be a need for some form of control, should landlords take advantage of what they have done, that they can take appropriate action.

So, Mr. Speaker, what we are doing is we are essentially calling the government's bluff. We are suggesting, not that this be a matter of discretion, not that monitoring be something that the Minister of this government can either decide to do or not to do, but rather put a provision in the legislation, Mr. Speaker, that will require that the government do monitor and do present a report annually to this Legislature. That, Mr. Speaker, is an accountability provision that will allow the government to prove its case, and prove the case in the best forum we know, Mr. Speaker, this House.

Mr. Speaker, if our friends opposite are confident that they have done the right thing and they can say with any assurance to this House that there will be negative repercussions in pursuit of what they have done, then minimally, Mr. Speaker, they should be moved to support this amendment. Because this, Mr. Speaker, will do nothing but assure all the people of Manitoba that the people that they represent will have equal access to monitoring and evaluative data pertinent to the effects of rent decontrol.

Mr. Speaker, they took us into decontrol without producing all the reports. We have gone through that debate, Mr. Speaker, and I don't intend to belabour that, but it was admitted by all that there were reports that were not submitted, and not just on one occasion, Mr. Speaker, but on two occasions extending over two and a half years.

So, Mr. Speaker, there has been considerable controversy over the adequacy of the government's efforts to inform the public of the propriety and the need for what they were doing.

We are now saying that there has to be close and careful scrutiny of the effects of what that government has done. So we are providing the mechanism that will provide that. I cannot, Mr. Speaker, and we said this at committee, I cannot see how the government can refuse to accept this provision; I cannot, in fairness, see how the government can argue that the director of arbitration should be restricted to the direction of the Minister in this important regard. I don't know why they would. If they are right, Mr. Speaker, they have nothing to fear, they can candidly share with all Manitobans the results of what they have done.

Mr. Speaker, this provision essentially is the Catch 22 in the Act, 120(4) represents the Catch 22. It is the way, Mr. Speaker, that the government can sweep under the rug the effects of what it has done. It is the way, Mr. Speaker, that the government can assure that all those thousands and thousands of tenants who are affected by this bill will never have their day in court, will never have the opportunity to present their cases to the public through this Legislature.

So minimally, Mr. Speaker, if the government has the courage of its conviction, it should rush to accept and embrace our amendment and should provide that assurance to the public.

Mr. Speaker, I have already indicated that the government did not show that sort of candor when they presented their intentions to decontrol. It will be of some interest to see whether they will do this on their departure from the stabilization program. I full well expect, Mr. Speaker, that the Minister responsible for this Act, since he has been the authority on which this heavy burden has been reposed, will participate and will contribute with respect to the debate on this amendment because I think otherwise, Mr. Speaker, we are entitled to be cynical, we are entitled to be pessimistic as to the cause and concern we have raised respecting tenants and their rights in this province. He is obliged this afternoon, Mr. Speaker, to share with us his opinion relative to this important matter because, Mr. Speaker, all too often we have seen Ministers, members on that side, and particularly this Minister, unwilling to come to the aid of people in this sort of distress and we expect a more activist approach.

And if we can't expect it, Mr. Speaker, we submit that we are entitled, and the people of Manitoba are entitled to the protection of our amendment.

So either he stands in his place and he announces to the public that he is directing the staff to commence monitoring immediately and that he will report, not to himself as the Act now provides, Mr. Speaker, but he will provide that report to the next session of the Legislature or, Mr. Speaker, the public is entitled to know why not.

Also, Mr. Speaker, we have deplored and we will continue to deplore, in the context of this amendment, the wholesale cutting of the staff, the people who have the experience to do the monitoring reports. We cannot see, in the absence of those people, and I think three-quarters of them have now been recorded as having been let go from the department, some passed into other departments and others terminated out of Civil Service tenure, we cannot see how the government can commit itself to broad monitoring throughout the province in the absence of those experienced, capable people. We want to know the disposition of the government and we would like an explanation in this regard. We would like to know why the government curtailed the employment of those valuable people and why the government has seemingly refused and resisted all efforts to make mandatory and imperative wholesale, broad-based monitoring of the effects of rent decontrol.

So having said that, Mr. Speaker, I will cede the floor to the Honourable Minister of Consumer Affairs.

**MR. SPEAKER:** The Honourable Member for Wolseley.

**MR. WILSON:** Mr. Speaker, are we dealing with the main bill itself as amended.

**MR. SPEAKER:** The question before the House is the amendment as proposed by the Honourable Member for Wellington.

**QUESTION put on the amendment, MOTION lost.**

**MR. CORRIN:** Could we have it on Division, Mr. Speaker?

**MR. SPEAKER:** Is that agreed, on Division? (Agreed)

Shall the Report of the Committee on Bill No. 83 enjoy the concurrence of this House? Is that agreed? (Agreed)

The Honourable Government House Leader.

### THIRD READING

**MR. MERCIER,** presented Bill No. 83, with leave, An Act to Amend The Landlord and Tenant Act and The Condominium Act, for third reading.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Member for Wolseley.

**MR. WILSON:** Mr. Speaker, thank you. I just want to be brief and say that I realize that we have a mandate to remove controls, and I have watched and

listened and I think we have done a tremendous job in getting out of controls and putting certain safeguards in there, but I think that the landlords in my area have broken the faith. They knew that these controls were coming off and they have made or given us a very awesome task to be able to put into place, I hope a very simple . . . Because it was expressed on committee that we don't want a torturous route for the general public, the tenant who feels aggrieved. We want the new game to become known. We should print pamphlets. We should have access. We should, on receipt of a complaint from a fairly mild type of person, have an outreach activity within the department so that we can search and find justice in the decontrols of rent within the former city of Winnipeg.

I would hope that our mandate . . . And I would say that even though I support our government in so many areas, I somehow or other can't support the one or two questionable parts of this bill from all the good parts and so therefore I am going to have to put the onus on the government and the Civil Service and the Consumer's Affairs Minister to prove me wrong. I would encourage him to monitor my area because, at this point in time, I am saying the new game needs to be proven, but it's a fair game. I have a gut feeling and it's supported, I think, by media stories and by people I talk to on the street and by people who I consider supporters of mine, whether it's the postmistress at the Westminster Hotel or others, the grocery store people, and they're like me, the sounding board for the community. I am going to have to vote against this bill and force the government to prove that they have a simple easy way to put fairness back into the bill and to teach those landlords who broke the faith that we will not stand by and support any segment of the population that does not deal fairly in the marketplace.

**MR. SPEAKER:** The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Speaker, on this occasion I suppose I should congratulate the Member for Wolseley for his integrity. I think that what he does is obviously very courageous, giving the discipline we all work within in this House. We all respect that to break a caucus is a very serious matter and it's a decision that is not taken lightly. I would note that, as a fellow inner city representative from Winnipeg, I commend his actions and I know all too well what motivates them.

Mr. Speaker, it is very difficult indeed to embrace this particular legislation and, at the same time, say that one represents the interests of the small renter. It's just virtually impossible, Mr. Speaker, and I would note with interest, Mr. Speaker, that the Member for St. Matthews has chosen, although he was here until 12:30 this afternoon, to absent himself from this . . .

**MR. SPEAKER:** Order, order please. I would ask the honourable member to not make any comment about the absence or presence of any member in this Chamber lest he himself at some future time be recognized for similar.

The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Speaker, there are many reasons that we on this side oppose the legislation that's on the table right now. I am not going to try and exhaustively list all the reasons, Mr. Speaker, although I have a list in front of me of at least ten that I regard as primary and fundamental and then there are a host of sins that flow from them, corollary and collateral.

But, Mr. Speaker, I can say that it's indeed a tragedy that this afternoon we will witness the departure of that fundamental right of tenants, a right that was ratified and verified and brought into law by the former government, and that is the right of security of tenure. Mr. Speaker, members opposite know full well that the amendments brought into existence by this party through the 1970's did in fact establish — and it's not in existence in many parts of the world, Mr. Speaker, but it was in Manitoba — a tenant's right to shelter accommodation security. We had brought the renters of this province under the auspices and umbrella of shelter regulation and not just with respect to rent control itself, Mr. Speaker. We had provided that no tenant — and this we did in the early 1970's — could be arbitrarily evicted from a premises unless that tenant had clearly breached a condition of law. It wasn't enough for a landlord to say I don't like your face or I don't agree with the way you think. We compounded that protection, Mr. Speaker, by bringing in human rights legislation complimentary to the landlord and tenant act reforms and, in so doing, we absolutely protected tenants from that sort of arbitrary process.

Mr. Speaker, in the mid 1970's we brought in rent stabilization and, in so doing, we essentially and effectively gave tenants in this province virtually the same rights as their neighbours who were proprietors of property. We gave them true security of tenure and we are proud of that, Mr. Speaker, and I, for one, want to be on record as saying that it's something that this government can truly be proud of.

Mr. Speaker, what we are doing now, in rescinding that rent stabilization legislation, is we are exposing people to all the depredations that existed prior to the mid 1970's, and we are going back to the old ways. And that means, Mr. Speaker, that if a landlord has a gripe, if a landlord doesn't like the colour of your skin or he doesn't like your political philosophy or whatever, he can jack up the rents and out you'll go. You don't have any security. That roof over your head belongs to someone else, and you are under someone else's heel from now on.

Mr. Speaker, that's fundamental, that's pretty basic stuff. I would have thought that we had come beyond that; that we had established a level of socialization and civilization in this part of the world, and we can afford it, Mr. Speaker, because we are privileged and affluent; that we'd established certain rights as being so basic and we'd enshrined them, and we protected little people. But now we are regressing, Mr. Speaker, and we are moving back and I say that is reactionary, and I say, Mr. Speaker, that come the next election, I won't be the only one who stands at a doorstep and hears that refrain echoed over and over again.

I believe that my honourable friends will find that those viewpoints are shared by many Manitobans

and I believe, Mr. Speaker, to the credit of Manitobans, their generosity and compassion, that they will find that the owners of private property feel very strongly about the disenfranchisement, disenfranchisement effectively of the renters of this province. I don't think that there will be a lack of broad-based support on this particular important point.

Mr. Speaker, I want to once again, before we wind up this debate and this Session, I want again to note that it is the supremest of ironies that the government was willing to prefer and accord on higher income tenants, those who lived in suites whose rents were in excess of 400, compulsory arbitration. Mr. Speaker, I know that is a matter that we have spoken to which members opposite have not attempted to rebut or address, but once again, Mr. Speaker, I want to say that we regard that as being the ultimate in hypocrisy.

Mr. Speaker, there has been no proper explanation provided as to why there was this preferential treatment accorded the higher income tenant. Mr. Speaker, it's just a question of equal rights and the lower income tenant has obviously been the brunt and the victim of dogmatic prejudice, political prejudice on the part of members opposite. Again, Mr. Speaker, I don't believe that any tenant who had the benefit of the compulsory arbitration provisions of 1978 would agree that the lower income tenants should not be accorded the same right and privilege.

Mr. Speaker, we also can oppose this legislation simply because it appears to be a mechanism that will insure the means by which the slum landlord can gouge the government and the taxpayer of this province, and it's to be remembered, Mr. Speaker, that this is a government that prided itself on efficient government as being against waste and mismanagement. What, Mr. Speaker, can members opposite call a piece of legislation that will essentially vitiate a government program to provide relief to low income renters? What can they do? And they again, Mr. Speaker, have refused to participate in any debate on this subject because there is no defense. In the absence of rent controls and the way we administer the program, with ceilings on shelter allowances, there is no way that anybody on that side can stand up with any assurance and suggest that the unfair and unscrupulous minority of landlords that prey on low income tenants will not take advantage of this piece of legislation to feather their own nests and line their pockets with taxpayers dollars.

Mr. Speaker, it is incumbent on the government to provide some information in this regard. The government simply cannot have it both ways. SAFER was designed to protect people. What you have done is you have allowed —(Interjection)— You designed it to protect people on low income, and what you have done now is you have provided a mechanism by which a landlord can raise the rents and absorb the subsidy. Why is that fair? What you have done is you have just simply provided a mechanism whereby a person's cost of living can be escalated arbitrarily by a landlord, and we know who that will be. It will be the elderly that are affected and are on that program. We know from the committee hearings that they don't want to move. To say that they can find a comparable accommodation in the city is just not —

it doesn't wash and it won't work. The Minister was moved to rally to those people's support when it came to the condominium question. He immediately recognized that they had a right to some sort of security of tenure. He brought in an amendment that would provide for an equivalent tenancy period based on the number of years that a tenant had resided in accommodation, and yet, Mr. Speaker, in this regard, again differential treatment.

I don't see why we should give a person who lives in one of those very nice blocks that have become the subject of condominium conversion a privilege that we are not going to accord the same type of person on a much lower income and a more modest situation. It doesn't make any sense to me.

Mr. Speaker, again, we can vote against this bill on the basis simply of good government management and efficiency of administrative procedure.

Mr. Speaker, it goes without saying that the absence of a compulsory arbitration provision — and we have discussed this, Mr. Speaker, on the amendment of the member for Wolseley, because we do not regard the provisions respecting moving costs to be adequate — it goes without saying, Mr. Speaker, that we cannot accept any legislation that does not protect everybody affected. Mr. Speaker, it is not enough to say that the Minister may be moved, if he is moved to monitor, and if he is moved to share those monitoring reports so he becomes accountable to conduct arbitration. We simply have no assurance. There is no legislative assurance in that regard, Mr. Speaker, and I think, in fairness to the Minister, that the one statement that rings true in all of this debate is the fact that the government does not intend to imitate rent controls through the passage of Bill No. 83; that in effect the intent of that legislation is in fact to depart from that policy position and to remove the province from the rent control regime that has been in place for the past five-odd years. So, Mr. Speaker, we have stated our position on the amendment and we won't speak to that reason for opposition anymore.

Mr. Speaker, I have also discussed the failure to monitor, and I don't wish to belabour that. I cannot, Mr. Speaker, accept the provision that there will be an allowance for more than one increase per unit per year. I believe that the amendment that we provided, which some members opposite said they would support at committee and then failed to this afternoon, Mr. Speaker, was one that made imminent good sense. I believe that it was fair from the point of view of the landlord and the tenant and it was one that, if it were embraced by the members opposite, would have shown good faith. But, Mr. Speaker, again it seems that the government is ever too willing to err on the side of the landlord and ever too reluctant to ever err on the side of the tenant. I don't understand that and, Mr. Speaker, their bluff was called this afternoon in that regard.

Mr. Speaker, we also heard, and we should deal with the rationales for this, because one of the principal rationales has always been that rent controls inhibited new construction and somehow inhibited economic growth within the province. Mr. Speaker, the record shows that we had attained in the mid-Seventies and throughout, until 1978, record levels of construction in the housing industry. It is on

the record, from the HUDAM representatives, that there is a very high vacancy rate with respect to newly-constructed suburban units. Mr. Speaker, it is well known that rent controls were selective and did not pertain to that sort of housing anyway so, Mr. Speaker, the integrity of the government opposite in this regard was called into question not by members on this side but by representatives of the housing and the construction development industry at committee.

There is absolutely no reason to consider that argument as having a degree of reliability or truth, Mr. Speaker. The truth is that, under rent controls, this city has been able to attain a significantly high vacancy rate. So if rent controls are so counterproductive, Mr. Speaker, then it seems to be a completely logical inconsistency on the part of the government. They say they can now depart from rent controls because vacancy rates have ameliorated, but then they have to explain how they ameliorated under rent control.

Mr. Speaker, the only argument they can give is the outflow of population from the city of Winnipeg. That's the only argument they can give that might hold some water. If they want to stand on that plank, Mr. Speaker, I suppose we will be willing to entertain the argument and perhaps join them because we, too, believe that that has had an effect.

Mr. Speaker, speaking about the development industry, the only argument that seems to hold true, and my honourable friends again have not discounted it or attempted to rebut it, is the argument that suggests that our honourable friends are attempting to fill up their big friends' vacant units in the suburbs because, Mr. Speaker, as we all knew and as we found out during the court of cross-examination in committee, a lot of those units are indeed vacant and a lot of those units would become immediately merchantable if in fact rent controls were allowed to come off their inner-city competition.

Mr. Speaker, because of the way we designated our particular program, those units, as I have suggested, were not within the controls program and those units have been able to pass through all the rent increases that landlords have wished. So, Mr. Speaker, one has to wonder and one has to question the motives of our honourable friends. I do not believe — and it was suggested in committee — I do not believe that our honourable friends are trying to protect the small landlords. I don't believe that they are rushing to represent the position of the association represented by Mr. Silverman. I think that is very, very naive. Mr. Silverman wanted compulsory arbitration. Mr. Silverman has some common sense. Mr. Silverman has full knowledge of what this government on its mind and whose interests they represent. Mr. Silverman is concerned that the tenants from the small units in the inner city are now going to rush to fill those, what will now be very competitive units in the suburbs.

Our honourable friends, whose friends own those thousands of units, and we heard about that, Mr. Speaker, and we were shocked; we were shocked to find out that there was such a monopoly in the rental market, that people who indeed were very close to that government, Mr. Speaker, will have a very special interest in the departure of rent controls in this province.

Mr. Speaker, when the Minister tells us that his legislation is designed to assure that tenants are afforded comparable rents in comparable communities, it is laughable. It is laughable, Mr. Speaker, because the truth is, as we heard at committee, that some of the very large developers have managed to completely control and dominate markets within special neighbourhoods in this city.

We found out that in Fort Rouge and in East Kildonan and in St. James that there were significant concentrations of landlords who were able to completely control and monopolize those communities. Even if monitoring, Mr. Speaker, were to take place, we will never really be able to establish the truth anymore because now, Mr. Speaker, the individual tenant can't get behind the landlord's accounts, can't get at the guts of the matter, can't find out what the truth really is with respect to that particular landlord's thousands of units. So he can pass it on, or it can pass it on would be more appropriate, can pass on those sort of exorbitant cost increases on a broad base and never get caught. That's a fine kettle of fish, Mr. Speaker, and that's what honourable friends opposite are rushing to facilitate and a lot of people are going to be hurting as a result of that, Mr. Speaker.

Mr. Speaker, in summary, members on this side will vote against this particular piece of legislation. We will do so with a clear conscience. We do not believe, Mr. Speaker, that members opposite were candid in their intentions during the course of the last election. Only the public will be able to make that final judgment, Mr. Speaker. We do not believe that in this important manner that a proper mandate was sought. Mr. Speaker, believe you me, members opposite can rest assured that this will be a fundamental issue to be fought in the next campaign and that they will have to stand on what they have done and they will have to defend it doorstep to doorstep across this province, length and breadth, Mr. Speaker. Mr. Speaker, the issue won't die until the last ballot is in the box.

Mr. Speaker, it is our intention to stand steadfast and to stand supportive of the rights of tenants across Manitoba. We will find out in that final court, in that best court, that highest court, Mr. Speaker, who is right and who is wrong.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MRS. WESTBURY:** Thank you, Mr. Speaker. I wish to add a few comments. I am not going to be very long, because I appreciate the fact that I have had opportunity before now to express my thoughts on this bill, both sections of the bill.

However, Mr. Speaker, I have to say that I am extremely disappointed with that part of the bill which applies to The Landlord and Tenants Act. I do not believe there are sufficient safeguards for the rental tenants, for rental accommodation. There are too many loopholes for those landlords who are unscrupulous and who are gouging. We know very well that they spend a great deal of money on legal fees to find out where the loopholes are and to take advantage of any loopholes that can be discovered.

We found that with The Condominium Act in the past.

I believe that arbitration should be compulsory. I don't believe that any Minister of this or any future government can possibly adjudicate and refer every complaint that is going to come to his desk, Mr. Speaker. I just don't believe that they can do that.

Yesterday, in speaking to another bill, I read from the Conservative Policy Paper of 1977, An Urban Strategy, it was called, in which they said that before rent controls can be lifted, sufficient accommodation must be provided, and they included renovation and restoration of older apartment buildings. Mr. Speaker, we know that this is not being done. We know that nothing has been done in this area of providing sufficient alternative accommodation for those who want to rent, in order to make the marketplace an adequate decider of what rents should be. It has not happened.

The distortion of the SAFER Program is sad. It is sad, Mr. Speaker. An idealistic concept has now become a handout to slum landlords. It was a good concept but it needed control. It needed control of rents.

Now, Mr. Speaker, when one of the proposed amendments was presented, the Member for Inkster said he — or at least he couldn't seem to understand why my priorities were different from those of my predecessor in this seat, Mr. Speaker. When I first came here, I was accused of having Axworthy write my speeches. You can't have it both ways, Mr. Speaker. —(Interjection)— The Member for Inkster did not accuse me of having Axworthy write my speeches, but others did. I was rather flattered because I consider the previous Member for Fort Rouge to be a better speaker than I, so I was quite flattered by that.

Mr. Speaker, in our party, we are allowed to develop and change and disagree with the changing social and economic needs of the community. Even as a single member of my party in this Chamber, Mr. Speaker, I am not subject to, as everyone else is, caucus decisions. I have to add my congratulations to the Member for Wolseley, who has apparently broken with the caucus on this particular issue, in response to the needs of his constituency, Mr. Speaker.

But I was surprised, I really was surprised that neither the Conservatives nor the New Democrats would support me when I asked for the Ayes and Nays on an amendment, Mr. Speaker. I really believe that those concerned with knowing where their support is have a right to know who votes which way. I also believe the voters out in the community have a right to know that, and that is why I asked for the Ayes and Nays.

In denying that, I believe that they were also denying a form of freedom of expression or freedom of speech. Whenever I have been in the House, I believe this has been consistent, and somebody has asked for Ayes and Nays. Whether I have been intending to vote with that person or not, Mr. Speaker, I like to think of myself as a courteous person and I have, as a courtesy, supported them in their requests for Ayes and Nays, for the reasons that I have just enunciated. I am surprised that there were not three other people who would support me in a request . . .



**MR. SPEAKER:** Order please. I want to point out to the honourable member that it is not parliamentary to refer to voting patterns that occur in the House and reflect on a vote that has occurred or has not occurred in the House.

**MRS. WESTBURY:** Thank you for your advice, Mr. Speaker, and I will let that drop. I guess I shouldn't have expected a courtesy like that from either side of this House.

Mr. Speaker, it came to my attention yesterday that in South Africa — and I'm now referring to the condominium section of this bill — apartment buildings cannot be turned into condominiums because apparently there is a principle of British law that prohibits anything not on the ground from being sold, and this principle was used to prevent condominium conversion. I thought that was really interesting. I wish I had known about it a little sooner and could have perhaps looked into that. But I will be investigating that to see how accurate that story is because I thought it really presents some interesting alternatives, Mr. Speaker.

If we could separate this bill, as we used to be able on city council, to separate on request of one member for voting purposes, I would vote against that part that applies to The Landlord and Tenants Act and I would vote for that part that applies to The Condominium Act, accepting that it is imperfect, accepting that it does not go far enough, and of course saying again that I will be presenting in the next session, hopefully, some other amendments which I believe are vital to a successful Condominium Act, Mr. Speaker.

I would nevertheless vote for this because it does, in my opinion, provide better protection for the tenants, and I am talking now about the amended version, provides better protection for those tenants who are already there than the old Condominium Act provided. I appreciate the fact that the government accepted the suggestions that were made, mostly by people from Fort Rouge, and made those changes, and I hope that they will also support other further changes when I bring them forward in the next session.

However, taking the bill as a whole, and because apparently it is not possible to divide and separate it for voting, I will have to vote against the bill because of the lack of protection, in my view, for rental accommodation.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. GREEN:** Yes, Mr. Speaker, I feel impelled to get up and state my position because the reasons for opposing the bill have not been put by anybody who has spoken on this side of the House, and therefore I wish to put my reasons for opposing the bill.

I am opposing this bill, Mr. Speaker, because this House has not received satisfactory evidence or assurances that if rentals are permitted to be decontrolled there would not be immediate and unjustified rental increases beyond which are necessary to cover the investment and maintenance costs of rental accommodations.

I am posing it, Mr. Speaker, secondly, because the government has not taken steps concurrently with its intention to decontrol rents, to engage in a program of public housing which could provide both alternative accommodation and also create market conditions which would ensure maintenance of reasonable rents.

I am opposing it, thirdly, Mr. Speaker, because the provisions of this bill do not provide adequate mechanisms for dealing with excessive rental increases although expressing a need to do so.

Mr. Speaker, it has been said on this side of the House that the New Democratic Party in government intended to provide a tenure for tenants and intended to provide security of tenure in such a way that the tenant would not be subject to being removed by his landlord if the landlord did not wish to have that tenant.

Mr. Speaker, those provisions exist today and are not affected by this bill, because the provisions of the The Landlord and Tenant Act, and the provisions of The Human Rights Act, have not changed, and if they did not provide, Mr. Speaker, then what the member says, they do not provide it now. I have to indicate, Mr. Speaker, that the provisions in The Landlord and Tenant Act and the provisions of The Human Rights Act did not, in my view, and I would not tell a single person in the province of Manitoba, in seeking election, that he as a tenant was protected from eviction by The Landlord and Tenant Act that was previously passed, and furthermore, and more importantly, I would not tell a single Jew, a single Negro, a single Indian, that by virtue of a piece of legislation that I passed, he was not going to be discriminated against with respect to seeking accommodation.

Mr. Speaker, I said that in the House in 1970, when these Acts were passed and I say it now, and I believe that it is extremely, Mr. Speaker, misleading to suggest that the New Democratic Party accomplished, through those two pieces of legislation, what it was never suggested we accomplish. We then went into rent controls, Mr. Speaker, but we went into rent controls as part of an anti-inflation program which, Mr. Speaker, started in Ottawa and, because of very peculiar circumstances, we said that we had to control rents. But we also said, Mr. Speaker, and I believe that this was the position of the New Democratic Party and I thought until a few moments ago that it still was, that we prefer freedom of the tenant and the freedom of private landlords, and that, in order to make sure that freedom is not arbitrarily exercised by one side or the other, that we would make sure, through the real method of guaranteeing security of tenure; through the real method of not having discrimination against tenants; through publicly provided housing at various levels of needed accommodation, that people who may, in this world which is very imperfect, find themselves discriminated against regardless of how much human rights legislation you pass; that the public would not make that discrimination in fact and that there would be accommodations of a good kind, Mr. Speaker, despite the fact that human beings discriminate against one another.

Mr. Speaker, when the human rights legislation was passed, I think it should be clearly stated that there were people, and I believe still great numbers

within the New Democratic Party, who said we will pass this legislation, not because it will have the effect of turning bad people into good people, but because we wish to make a declaration as to how we think things should be handled; we hope that it would have a legislative educated effect. Mr. Speaker, I for one, said that I did not even think it would have that effect but I would not stand in the way of the legislation.

Mr. Speaker, I believe that my position is the position of many within the New Democratic Party; I believe that my position on the rental controls is that position; I believe that my position on the human rights legislation is that position; and I believe that has to be stated. If it is not, Mr. Speaker, then I state it for the Independent New Democrat, that it comes forward as a different position than what was enunciated. Because, Mr. Speaker, I am concerned with the tendency to say that we in this Legislature can provide a dream world through the legislation binding on landlords and eventually, Mr. Speaker, and it cannot be one way without the other, eventually binding on tenants, telling them when they can move and where they can move, and binding on landlords telling them to whom they can rent and to whom not they can rent and at what price they can rent. I am worried about that tendency because, Mr. Speaker, what a tangled web we weave when once we practise to deceive, and you go further and further and further. If you are intent on running society by bureaucratic control rather than basic social and economic change, Mr. Speaker, you do not create a better world, you create and worse world.

Therefore, Mr. Speaker, I give my reasons for voting against this bill which I believe are consistent with what was done in government between the years 1969 and 1977, and if new tendencies are developing to say that we should do these things because we think that the state is better able to control private landlords and private tenants, Mr. Speaker, then I tell you that I want to fight that tendency, and I fight it in voting against this bill. I do not ascribe my vote to the reasons that have been previously given.

**QUESTION put, MOTION carried.**

**MR. FOX:** Ayes and Nays, Mr. Speaker.

**MR. SPEAKER:** Call in the members.

**MR. SPEAKER:** The question before the House is third reading An Act to Amend the Landlord and Tenant Act and The Condominium Act.

**A STANDING VOTE** was taken, the result being as follows:

### YEAS

Messrs. Anderson, Banman, Blake, Brown, Cosens, Craik, Downey, Driedger, Enns, Ferguson, Filmon, Galbraith, Gourlay, Hyde, Johnston, Jorgenson, Kovnats, Lyon, MacMaster, McGill, McGregor, McKenzie, Mercier, Minaker, Orchard, Mrs. Price, Messrs. Ransom, and Sherman.

### NAYS

Messrs. Adam, Barrow, Bostrom, Boyce, Cherniack, Corrin, Cowan, Desjardins, Doern, Evans, Fox, Green, Hanuschak, Jenkins, Miller, Parasiuk, Pawley, Schroeder, Uruski, Uskiw, Walding, Mrs. Westbury, and Mr. Wilson.

**MR. CLERK:** Yeas 28, Nays 23.

**MR. SPEAKER:** I declare the bill passed.

### REPORT STAGE BILL NO. 86

#### THE MILK PRICES ACT

**MR. SPEAKER:** We are now dealing with Bill No. 86, report stage. Shall the report of the committee with respect to Bill No. 86, be adopted? The Honourable Member for Lac du Bonnet.

**MR. USKIW:** Mr. Speaker, I move, seconded by the Member for St. George,

THAT Bill No. 86, The Milk Prices Review Act, be amended by striking out section 3(5) and substituting therefor the following:

3(5) The Commission shall by order establish schedules of maximum prices at which fluid milk may be sold to consumers.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet.

**MR. USKIW:** Mr. Speaker, there has been a great deal of debate both on second reading and in committee on Bill 86 and the intention of the government of Manitoba to deregulate a good section of the dairy industry, namely the wholesale and retail portion of it.

Mr. Speaker, we recognize that the government is not deregulating the producer side of the industry and we recognize why it is not doing so, and it is not doing so, Mr. Speaker, for the right reasons, namely that I don't believe it is acceptable to the government, nor is it acceptable to the opposition that the producer side of the industry ought to be thrown back into the chaotic conditions of the past, namely the conditions that existed in the industry prior to 1932. As a matter of fact, Mr. Speaker, I believe that the measures contained in Bill 86, from the point of view of the producers, have the chance of working better than under the old Milk Control Act, dependent on the kind of role the new commission is going to play with respect to the interests of the producers and how they balance that off as against the interests of consumers and other members of society.

That, Mr. Speaker, I don't want to prejudge in advance. I believe that time will only tell. The proof will be in the pudding, Mr. Speaker, because I know that it depends very much on what kind of body the new commission will be, on what kind of terms of reference they will have, on what kind of regulations they are empowered with, and how they use their discretion in the use of the powers that are delegated to them. Indeed, I suppose it will also depend to a good measure on the attitude and the

philosophy of the government and, in particular, the Minister of Agriculture, from time to time.

I would hope that the political process as such, in its rawest form, will not be the chief motivating factor with respect to how that commission is going to function, Mr. Speaker, because if that takes place, then we do have a situation where only the politics of the government of the day will be reasoned, that is — I shouldn't put it in those terms — only the politics of the government of the day will be serviced by that commission if they are so set up and if their terms of reference, known or unknown, are such that they will want to bend with every whim of the Minister.

Mr. Speaker, I am not going to suggest that that is going to take place, but I suggest that it could take place, given the fact that they are not going to function in the same way as did the Milk Control Board, which was a pretty autonomous body and which government could not interfere with, other than through suspension of the board if the government of the day didn't agree with their decisions. This is going to be somewhat more flexible, Mr. Speaker, and therefore we will have to give it the test of time to determine whether or not they are going to function in a way that is in the best interests of all the people of Manitoba, and that includes the producers and it includes the consuming public, Mr. Speaker.

Mr. Speaker, the purpose of our amendment, however, has to do with the fact that we want to deal with the section of the industry that is being deregulated and therefore I want to state again very clearly that we have no quarrel with the Minister in his desire to continue the regulation of the producers for benefits that will accrue to producers.

It is unfortunate, Mr. Speaker, from my point of view and from our point of view here, that the Minister chose to tie the two together in one piece of legislation. I know it is a political gimmick that has been used over and over again. If you want to get something through that isn't acceptable on the other side, you tandem it with something that is desirable and therefore you have the opposition, hopefully, in a quandary.

Well, Mr. Speaker, we are not in a quandary because it is quite clear as to the position of the opposition on the principle of a regulated industry. We believe it should continue to be regulated, that is, the dairy industry of this province. So there is no argument with that insofar as the production side is concerned. Our argument is with the fact that the government is deregulating the consumer interest, the side that protects the consumers, in essence the wholesale and retail part of our industry.

Now, the Minister of Agriculture, when he introduced this bill for second reading, tried to make us believe, Mr. Speaker, that there will be benefits that will accrue to the consumers in that this will encourage the idea of loss leader sales with respect to milk or dairy products and that the consumers will receive some windfall benefits where there is fairly good competition in the larger urban areas of the province. Of course he has the escape hatch for the sort of areas where there is no competition, where he might use the lever of the commission if they deem it advisable from time to time.

So he was trying to sell this idea on the basis that there is adequate competition in the major part of the populated areas of the province and that that should suffice insofar as the need to protect the consumer interest is concerned.

Mr. Speaker, we may not want to argue with that but that is not what came out in committee. What came out in committee, Mr. Speaker, was just the opposite of that. While this Minister attempted to make the people of Manitoba believe that consumer benefits would arise out of this legislation, and by the way, which they could have under the older legislation because there were no minimum price regulations for quite a number of years, Mr. Speaker, and if there were to be loss leader sales, they could have occurred in the past. —(Interjection)— Yes, that's right. The Minister of Government Services is correct, not that we tried it, Mr. Speaker. There was a store in Winnipeg that did attempt a loss leader on milk several years ago and found, Mr. Speaker, that they were in contravention of the Act. Mr. Speaker, they in fact got in touch with me by telephone and I concurred with them that I couldn't see any reason why the consumers of Manitoba couldn't get a break as far as the milk price is concerned. Then the legal people came in and said no, Mr. Minister, you can't do that; The Milk Control Act doesn't allow you to do that, because at that time there was a control on the maximum retail price and there was a control on the minimum retail price. Therefore, following that incident, Mr. Speaker, we amended the Act and removed the provision — we didn't remove the provision, no, that's not correct, Mr. Speaker. Following that, the Act was changed and the discretion was given to the Milk Control Board in not imposing minimum prices, if they chose not to, and that's been the policy for quite a number of years now.

So the industry was free at the wholesale and retail levels to do whatever they wished with respect to discounting milk prices in Manitoba, but chose not to do so, to date. So, Mr. Speaker, the argument that the Minister puts forward that somehow this Act now releases them and they will now do so really is not a valid suggestion, Mr. Speaker, in that there is no connection between the two; they were able to do so all along.

What came out in committee, Mr. Speaker, was most revealing and reinforced our determination to oppose this legislation that is an attempt to — in fact it isn't an attempt, it is deregulating the price of retail milk in Manitoba. The matter that was revealed in committee was the fact that the Minister, when challenged on whether or not the consumers will indeed get windfall benefits through loss leader sales, refused to remove the section in the Act which empowers the commission to establish minimum prices if they choose to intervene in the marketplace, Mr. Speaker.

We moved the deletion, in committee, of any reference to the establishment of minimum prices and this Minister made the argument that we really can't go that far, Mr. Speaker, because, you know, you can't really tell; a giant in the milk industry might try to grab the whole market and might attempt to offer incentives to retailers in a way which would enlarge their share of the Manitoba market and in a way which would put under or destroy his opposition.

Therefore, this Minister, Mr. Speaker, wanted the right to say to one member of the wholesale industry that, "No, you cannot discount your product; we cannot give the consumers a loss leader price because it may be difficult for other people in the industry to compete, and therefore we will end up with a total monopoly at the processing level in Manitoba if that were allowed to happen."

Yes, that's exactly what this Minister had said in committee, Mr. Speaker, that we have to have an insurance policy here; that if they get too carried away with the idea of giving the consumers of Manitoba a break, we will have to put a stop to it. Those were his words in committee. I am paraphrasing, Mr. Speaker, and I want to make that point so that the Minister doesn't accuse me of telling an untruth.

But, Mr. Speaker, the Minister's defence of leaving references to the right of the commission to establish minimum prices, he argued on the point that it was necessary to have the right of intervention so that we don't have problems within the processing sector and in order that the industry, Mr. Speaker, would be protected and not the consumer.

Mr. Speaker, I suggest to the Minister of Agriculture he cannot have it both ways. He can't first of all say that the consumers are going to benefit from deregulation because there will be windfall benefits, even though we know that that in itself is not a correct analysis; they were able to do so in the past but didn't. But to use that as the argument and then to deny an opportunity for the trade to discount milk prices, with the threat of intervention, is further proof that there is no intention that that should take place.

So we are back to 1932, M. Speaker. Yes, the Member for Burrows was quite accurate, Mr. Speaker, when he gave us the history on how the Milk Control Board was established and what was occurring within the dairy industry prior to 1932 and what led up to the establishment of a utility board for milk and subsequently the Milk Control Board. Mr. Speaker, the Member for Burrows was right, the Minister is going back to pre-1932, or to 1932. The milk was put under the Utility Board in 1932, Mr. Speaker, not because the producers wanted a milk marketing board to set prices for them but because there were loss leader sales in the supermarkets, Mr. Speaker, that were forcing the prices down to the producers and the outcry came from the producers and from those trying to compete and stay alive in the processing industry in this province. It was the latter that was protected by the intervention of the province in putting milk under the Public Utilities Board at that time. It was not the interests of the producer, Mr. Speaker.

Mr. Speaker, we recognize that we have come a long way and over the period of years from the 1930s to this point in time, the Milk Control Board's operation evolved and improved, and gradually it grew into an agency that was protective of the producer and was protective of the distributor, and was protective of the retailer and was protective of the consumer. It became an umbrella agency that took into account all of the interests in the industry and tried to arrive at a rational approach on pricing for each sector, in order that the industry could flourish; in order that there would be not undue

monopoly; in order that there would be consumer protection. That's what it grew into, up to this point in time.

What the Minister is now doing is reverting back to 1932, with respect to that part of the industry other than the producers.

But he is doing something for the producers, while he is reverting back to 1932 he is not allowing a 1932 situation to develop again with respect to producer interests, because there he has established a formula price which is the base price for milk at its source, Mr. Speaker. Whatever competition occurs within the industry there is no way in which that milk price will find its way down and lower the price of returns to producers in Manitoba, and we agree with that, Mr. Speaker, because it shouldn't happen. But by doing so he has also withdrawn protection from the consuming public of Manitoba and, therefore, we have dairy legislation, or milk legislation, Mr. Speaker, that protects the producer and can protect the industry but does not protect the consuming public.

The only losers in this bill are the people who drink milk, Mr. Speaker. The only losers in this bill are people who drink milk and there will be variations of losses, as between one area of the province and another. We will witness, Mr. Speaker, the spectacle of milk prices varying 10 cents a quart. I wouldn't be surprised that an increase that is brought into being by the Milk Marketing Commission at the producer level, in some areas of the province may be totally passed on and added to by the other parts of the industry and charged to the consuming public. And there will be areas where the industry may absorb some increases and offer a loss leader, and so we will have quite an uneven and distorted milk pricing system throughout Manitoba; some people paying more, some people paying less, and there will be no means of measuring what the true bench mark ought to be with respect to retail milk pricing.

Mr. Speaker, I don't agree, we don't agree, that this legislation had to go this far. We do agree that we ought to have stepped up the procedures of the milk control board which could have been done by minor changes, but if the Minister isn't happy with the Milk Control Board setup we could have a milk commission to protect the interests of producers in the same way without, Mr. Speaker, taking anything away from the rights of the consuming public of Manitoba. There is no need for that trade-off. The only need, Mr. Speaker, is the fact that the government philosophically is committed to the marketplace insofar as it effects the consuming public, Mr. Speaker. It is not committed to the marketplace insofar as it concerns the producer, and insofar as it concerns the processor, but, yes, when it gets to the retail end, at that stage it is committed to the marketplace.

Mr. Speaker, I don't believe it is going to work. I think it will be a detriment to the dairy industry. I believe the result of this will be that there will be tremendous consumer demand for more control of the industry than we have ever had before; I believe it will be a reaction situation from the consuming public. And out of that process, Mr. Speaker, and I speak in a futuristic way, that it could be that all sectors may lose something because of the popularity, at some point in time, of very rigid control

of the milk industry. This is something that perhaps has escaped my honourable friends opposite or perhaps they're not going to be concerned with it, Mr. Speaker. But, Mr. Speaker, I can assure them that the political process is such in our modern time that these things have to be adjudicated fairly; we have to have in mind the interests of all groups in society when we pass laws. We can no longer sort of put one group against the other and feel that somehow the politics of doing that is not going to catch up with us at some point down the road.

I conclude, Mr. Speaker, on the note that this government will not live long enough to regret what they have done. I suggest, Mr. Speaker, that it will be a new government that will have to undo what is now being done.

**MR. DEPUTY SPEAKER:** The Honourable Member for St. George.

**MR. BILLIE URUSKI:** Thank you, Mr. Speaker. In speaking to this motion, Mr. Speaker, I want to recall to the Minister of Agriculture and his colleagues some of the words that the Minister used about this legislation when he closed debate. We have heard my colleague, the Member for Lac du Bonnet, recapitulate the history of the industry and the nature of the bill before us. We have indicated initially, and we will continue to indicate, that we are not opposed to changes in the procedure for pricing of the farm gate product, in other words, the milk. In fact the Minister during his remarks made mention that it was the Milk Control Board, the present Milk Control Board that made recommendations to change the procedure in the way the hearings would be held and to bring in a formula in which this legislation evolved, Mr. Speaker. But the question still hasn't been answered by the Minister of Agriculture as to why he wanted to do away with the present Milk Control Board. He spoke on the 22nd of July and he indicated that we, the dairy farmers of the province, asked for a change and we are moving in that direction.

Mr. Speaker, what did the dairy farmers ask for? The certainly didn't ask for a shafting of the consumers of this province, Mr. Speaker. They wanted a fair return for the product that they are selling. That's what the producers wanted. They wanted to make sure that they received a fair return for their labour, for the cost of production and recoup all their costs.

Mr. Speaker, this bill does not do that. It brings in the formula, which nobody opposes. But what it does, Mr. Speaker, and the Minister indicated that he was concerned about the consumers, and he said we are going a little further as far as the consumers are concerned because they do have an ongoing input into the price of milk and I want that to be put on the record, and the consumers of this province to know that we are protecting the interests of the consuming public. Mr. Speaker, the Minister in committee indicated the very nature of this amendment is to allow some competition in the marketplace. The Minister said oh no, we really can't go that far, because if there is going to be real competition somebody in the industry might get hurt and we really can't allow that, so that we really can't allow milk prices to drop below a level that we feel is

unfair. We are really not going to give the consumer the break that he might have been able to, had they not set the minimum price.

Mr. Speaker, the Minister of Agriculture could be characterized like the — he is protecting the consumers in a way that you would ask you neighbourhood skunk to protect the chickens, Mr. Speaker. That is our Minister of Agriculture, Mr. Speaker, that is the way he can be characterized.

**MR. DEPUTY SPEAKER:** Order please. The Honourable Member for Minnedosa on a point of order.

**MR. BLAKE:** Mr. Speaker, I don't think that's a parliamentary term, to compare the Minister of Agriculture with a skunk. I would like the member to withdraw that statement.

**MR. DEPUTY SPEAKER:** The Honourable Member for St. George.

**MR. URUSKI:** I certainly characterize the actions of the Minister of Agriculture in that light, because the actions undertaken, by not only the Minister but the members of the Conservative Party, in terms of protecting the consumers of Manitoba by this very legislation, is really like, not only the skunk, it's like . . .

**MR. DEPUTY SPEAKER:** Order please, order please. The Honourable Member for Minnedosa.

**MR. BLAKE:** I'm just waiting on your ruling on that point of order, Mr. Speaker.

**MR. DEPUTY SPEAKER:** I don't think he called the Minister of Agriculture a skunk.

The Honourable Member for St. George.

**MR. URUSKI:** You're absolutely right, I did not call the Minister of Agriculture a skunk. I called his actions, the very nature of protecting the consumers in the same manner as letting the skunk into the hen house and allowing the skunk to protect the chickens, Mr. Speaker. That is really the actions undertaken by the Tories in this bill, Mr. Speaker.

The Minister during his remarks said that this legislation, he wants to keep a proper balance, it shouldn't be weighted to the producers, it shouldn't be weighted to the producers, it should be fair and equitable, Mr. Speaker. Mr. Speaker, but he missed the one point. The very point, the very portion of the industry that the Minister is helping and the Conservatives are helping — the processing industry. He left them out, Mr. Speaker. He missed the key point of his so-called balance and equity that he wanted to bring in. I would have hoped that the Minister may have sat on this balance and maybe it would have knocked some sense into him, and at least his statements could have been more accurate than they have been in terms of closing the debate, because he has totally deregulated the industry; he has thrown the consumers to the wolves, Mr. Speaker, and that is going to be the end result of this legislation.

He could have accomplished the very essence of his amendments without getting rid of the Milk

Control Board. And what did he say about the Milk Control Board, Mr. Speaker? He didn't knock them. The very opposite, he said, and I quote from him, Mr. Speaker, on page 5910, "We didn't change the board, Mr. Speaker, because we felt they were fair and equitable".

Mr. Speaker, if the Milk Control Board was fair and equitable in terms of its dealing, then, Mr. Speaker, why is he getting rid of them? Why is he changing, because they are fair and equitable. Mr. Speaker, that's why he is getting rid of the Milk Control Board, because they were fair and equitable. He wants to make the system inequitable, inequitable for the consumers of the province of Manitoba, Mr. Speaker, and unfair to those consumers in Manitoba.

Mr. Speaker, I am using the Minister's own words. I didn't make up those words. He used that terminology when he closed debate on this bill. It is this Minister that is really being unfair and inequitable to no one else but the consumers, Mr. Speaker. That is going to be the legacy of this government. There may be from time to time some sales, but, Mr. Speaker, we will not see real true competition in the marketplace because of this legislation, this amendment that has been proposed. I believe the Conservatives who are really true free enterprisers, the Member for Emerson, who says he wants great competition, he wants to help the consumers in Manitoba; I would expect that he would want to support this amendment and other members; the Member for Wolseley; the Member for River Heights, who said they wanted to give their consumers a break. Let's see if they want to give the consumers, their constituents a break in terms of milk prices in Manitoba.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MRS. WESTBURY:** Mr. Speaker, very very briefly, the people who are going to suffer under this bill are the working poor, the parents who are conscientious about trying to feed the proper foods and balanced diets to their children and with the prices bound to go up, these are the people who are going to suffer under this bill, Mr. Speaker, and I ask that somebody on the government side have the courage to stand up and depart from their caucus position and support the amendments and to support the working poor of this community.

**QUESTION put on the amendment, MOTION lost.**

**MR. USKIW:** Ayes and Nays, Mr. Speaker.

**MR. SPEAKER:** Call in the Members.

Order please. The question before the House is the amendment proposed by the Honourable Member for Lac du Bonnet to Bill 86.

**A STANDING VOTE was taken, the result being as follows:**

### YEAS

Messrs. Adam, Barrow, Bostrom, Boyce, Cherniack, Corrin, Cowan, Desjardins, Doern, Evans, Fox, Green, Hanuschak, Jenkins, Malinowski, Miller, Parasiuk, Pawley, Schroeder, Uruski, Uskiw, Walding, Mrs. Westbury.

### NAYS

Messrs. Anderson, Banman, Blake, Brown, Cosens, Craik, Domino, Downey, Driedger, Enns, Ferguson, Filmon, Galbraith, Gourlay, Hyde, Johnston, Jorgenson, Kovnats, Lyon, MacMaster, McGill, McGregor, McKenzie, Mercier, Minaker, Orchard, Mrs. Price, Messrs. Ransom, Sherman, Steen, Wilson.

**MR. CLERK:** Yeas 23, Nays 31.

**MR. SPEAKER:** I declare the amendment lost.  
The Honourable Government House Leader.

### THIRD READING

**BILL NO. 86** was read, by leave, a third time and passed.

**MR. SPEAKER:** The Honourable Member for Kildonan on a point of order.

**MR. FOX:** After the amendment was defeated, there should have been a report received.

**MR. SPEAKER:** Pardon me, I apologize. Can we go back and receive the report?

Shall the report of committee be concurred in? (Agreed)

**MR. SPEAKER:** The Honourable Government House Leader.

### REPORT STAGE

#### BILL NO. 96

#### THE ELECTIONS FINANCES ACT

**MR. MERCIER:** Bill No. 96.

**MR. SPEAKER:** Bill No. 96, The Elections Finances Act. Shall the Report of the Committee on Bill No. 96 be adopted?

The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, I move, seconded by the Honourable Minister of Government Services, that Section 31, as printed, of Bill 96 be amended by adding thereto at the end thereof the following subsection:

Exemption for Prior Receipts.

31(4) Notwithstanding subsection (1), (2), and (3), a person who, prior to the coming into force of this section, collected or held in his possession, whether in trust or otherwise, any moneys

(a) for or on behalf of a political party; or  
(b) for or on behalf of a constituency association; or

(c) for or on behalf of a candidate in an election, whether the election took place before or is to take place after the coming into force of this section;

is not required to disclose the source of any moneys received by him prior to the coming into force of this section.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, just briefly, this amendment flows from the discussions in committee the other evening considering this bill and flows from the amendments which took place at committee, particularly one section which was deleted, which would have required a political party to file upon application for registration a statement of cash and assets.

This amendment recognizes the impossibility and impracticality, in many cases, of constituency associations, etc., or other trustees, of being unable at this stage in time to indicate the sources of the moneys which they now hold. Upon coming into force of the section, of course, Mr. Speaker, they will be required to account for it.

**MR. SPEAKER:** The Honourable Member for Elmwood.

**MR. DOERN:** Mr. Speaker, it's always good to receive your applause before you've spoken.

Mr. Speaker, I do not concur in the opinion of the Attorney-General that this logically flows from the debate on this matter in committee. I feel that there are some serious objections to the proposed amendment. I do not recall this matter being discussed in committee, although I could be mistaken, but I do not recall.

Essentially what this does is to obviate the need for disclosure in regard to trust funds that have been established prior to the proclamation of this Act. I am concerned about this, because I think that there may be an inclination, first of all, to not disclose. Well, there'd not only be an inclination, there will, in fact, be a legal right not to disclose the contributors to existing trust funds. That's point one.

Secondly, until this legislation is proclaimed, a political party can establish a trust fund and run around the province and say to people: Take my advice; make your contribution to our party now and you will not be subject to any disclosure. In other words, it's a perpetuation of the present system which we are, in fact, attempting to eliminate. I think it's a step forward on the part of the government and the legislation to require disclosure of trust funds. I think that is a major step forward. But to say that any existing trust fund and any trust fund established between now and the date of proclamation doesn't have to be disclosed, I am uneasy and uncomfortable about that suggestion because, Mr. Speaker, we don't know when the next election will be called. I myself believe that it will be in about 11 months. (Interjection)— 10 or 11 months. It would therefore be true that the government could easily establish its own trust fund on behalf of the Progressive Conservative Party and then spend the next 9 or 10 months picking up contributions and then snap it off just before the election because of the advantage of the government party in that regard.

Mr. Speaker, I think it would be interesting to know from the Attorney-General what his view is in regard to private trust funds or slush funds. I assume they're covered by this legislation, but I know in discussion with one of my colleagues, he wasn't too certain of that particular possibility. I must say that I, for one, am curious as to the contributors to the Premier's special designated fund that was established some three years ago, and I would be very interested to know who the backers of that fund are. (Interjection)— Well, my colleague from Flin Flon says it's Great-West Life. We don't know that. But not only do we not know that, Mr. Speaker — (Interjection)— Well, another colleague suggests the Power Corporation of Canada. But we don't know that, and we have our suspicions.

Mr. Speaker, the First Minister himself doesn't know, or at least he has said that he himself does not know the make-up of that trust fund. I think he might be interested in learning who some of his benefactors were at that particular point in time, and whether or not, of course, that particular fund is still going on or in what form it is going on. So I say that we're taking a step forward, but we're not going all the way, Mr. Speaker. There is some hesitancy on the part of the government, and I don't know the reason for it.

Mr. Speaker, I would simply conclude on that particular point. I want to make a few comments on third reading, but I would ask the Attorney-General if he would explain the status of trust funds established for a person, whether they will fall under the aegis of this particular bill, whether somebody could get around the legislation by dedicating a fund to an individual. I would appreciate his comments on that point.

**QUESTION put on the amendment, MOTION carried.**

**MR. SPEAKER:** The Honourable Member for Elmwood.

**MR. DOERN:** Yeas and Nays, Mr. Speaker.

**MR. SPEAKER:** Order please.

**MR. DOERN:** Mr. Speaker, to facilitate the business of the House . . .

**MR. SPEAKER:** Order please. On Division? (Agreed)  
Order please. I will call Ayes and Nays, but under Rule 88(11), I will request that the division be deferred until after we deal with the second amendment.

**MR. MERCIER:** I'll withdraw the request, Mr. Speaker. I think the point has been made.

**MR. SPEAKER:** The vote on the amendment was in favor, On Division.  
The Honourable Attorney-General.

**MR. MERCIER:** I move, Mr. Speaker, seconded by the Minister of Government Services, that Subsection 34(1), as printed, of Bill 96 be amended by striking out the word "registered" where it appears  
(a) in the 1st line of clause (a) thereof;  
(b) in the 2nd line of clause (a) thereof;

(c) in the 3rd line of clause (a) thereof;  
(d) in the 1st line of clause (b) thereof;  
(e) in the 2nd line of clause (b) thereof;  
(f) in the 3rd and 4th lines of Clause (b) thereof;  
(g) in the 1st line of clause (c) thereof;  
(h) in the 2nd line of clause (c) thereof; and;  
(i) in the 3rd line of clause (c) thereof;  
and by adding thereto, at the end thereof, the words and figures "and section 31 does not apply to or in respect of such transfers."

**MOTION presented and carried.**

**MR. SPEAKER:** The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, I move, seconded by the Minister of Government Services, that subsection 34(2), as printed, of Bill 96 be amended by striking out the word "registered" where it appears in the 2nd line thereof and again in the 4th line thereof.

**MOTION presented and carried.**

**MR. SPEAKER:** The hour being 5:30, the House is accordingly adjourned . . .  
The Honourable Government House Leader.

**MR. MERCIER:** Mr. Speaker, I wonder if there would be a disposition on the part of members opposite to continue for a little while to complete the business of the House?

**MR. FOX:** No.

**MR. SPEAKER:** Order please. The hour is 5:30, the House is accordingly adjourned and stands adjourned until 8:00 o'clock this evening. (Tuesday)