Legislative Assembly of Manitoba

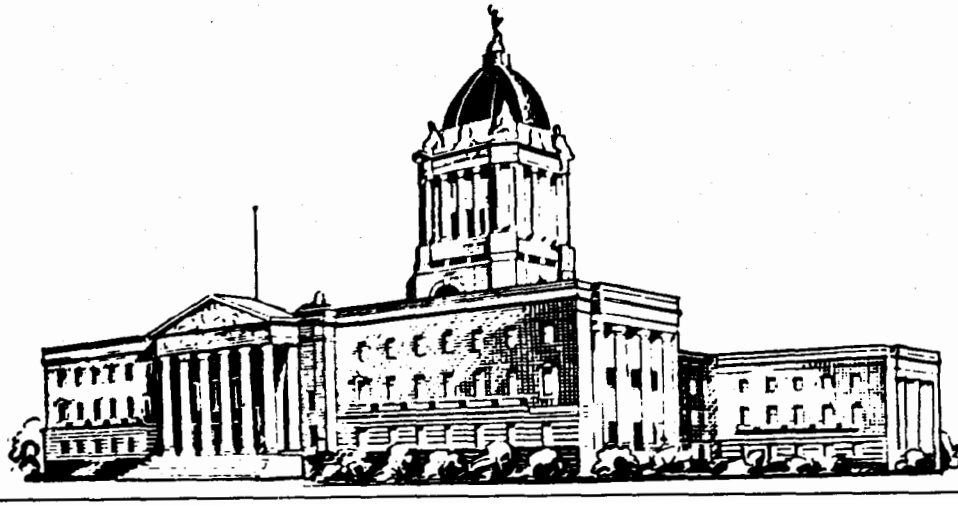
HEARING OF THE STANDING COMMITTEE

ON

LAW AMENDMENTS

Chairman

Mr. William Jenkins
Constituency of Logan



WEDNESDAY, May, 25, 1977, 8:00 p.m.

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IME: 8:00 p.m.

IR. CHAIRMAN: Mr. William Jenkins

MR. CHAIRMAN: Order please. The Committee will come to order. I will read out the bills that we ave before the Committee this evening.

Bill 2 — An Act to amend The Securities Act.
Bill 4 — An Act to amend The Land Acquisition Act.
Bill 5 — An Act to amend The Expropriation Act.
Bill 7 — An Act to amend The Provincial Judges Act.
Bill 8 — An Act to amend The Highway Traffic Act.
Bill 14 — An Act to amend The Landlord and Tenant Act.
Bill 15 — An Act to amend The Real Estate Brokers Act.
Bill 16 — An Act to amend The Garage Keepers Act.
Bill 18 — The Retail Businesses Holiday Closing Act.
Bill 20 — An Act to amend The Social Allowances Act.
Bill 21 — An Act to amend The Real Property Act.
Bill 22 — An Act to amend The Personal Property Security Act and certain other Acts relating to ersonal Property.
Bill 25 — An Act to amend The Buildings and Mobile Homes Act.
Bill 27 — An Act to amend The Health Services Insurance Act.
Bill 28 — An Act to amend The Elderly and Infirm Persons Housing and Health Services Act.
Bill 29 — An Act to amend The Snowmobile Act.
Bill 30 — An Act to amend The Highway Traffic Act (2).
Bill 33 — An Act to amend The Licensed Practical Nurses Act.
Bill 35 — An Act to amend The Highway Traffic Act (2).
Bill 44 — An Act to amend The Marriage Act.
Bill 54 — An Act to amend The Intoxicated Persons Detention Act.
Bill 62 — An Act to amend The City of Winnipeg Act.
Bill 64 — An Act to amend The Highway Traffic Act (4).

I have already filed with the Clerk one person wishing to make a presentation to Bill No. 5; one to ill No. 14; six to make presentations to Bill No. 18; and the remainder I have are all on Bill No. 62, An ct to amend The City of Winnipeg Act.

Is it the will of the Committee to proceed with the smaller ones or . . . Bill No. 5. An Act to amend he Expropriation Act. Mr. Nick Ternette. You may proceed, Mr. Ternette, if you like.

MR. NICK TERNETTE: Mr. Chairman and members of the Law Amendments Committee, robably most of you have read the article that I published in the Winnipeg Tribune of approximately vo weeks ago. I will go over that in a minute. For those of you who may feel that I know nothing about xpropriation or am not qualified to speak about it, I want to go into a little bit about the history of my ackground in this field so that people would understand that I do know something about the field of xpropriation.

In approximately 1973, I was hired by a Neighbourhood Services Centre as a community evelopment worker to work in the core area. It's a private social service agency which was involved ith social issues of the community organizing field in the core area. It related to housing, tenants' ghts, welfare, food co-ops and everything else. My main experience in the three and one-half years iat I spent as a community development worker was primarily to work in the field of expropriation. eople might think it is funny; I think that outside of one or two other people in this business, the erson who originally drafted the Expropriation Act, one of the lawyers, and a couple of other wyers and myself and one other community development worker are probably the only workers in iis field who have worked extensively in the field of expropriation.

I have been involved with three major groups of expropriation. The first one was the Sherbrook-lcGregor Overpass Group which in fact was involved in a voluntary expropriation procedure of anting to move out of the core area due to the city having blockbusted the area and wanting to move ut of the area. We were involved in trying to get the city, in this case, to voluntarily expropriate those eople because the value of their homes had gone down that they didn't want to live in the area. That as called the SMOG, Sherbrook-McGregor Overpass Group. Approximately 35 home owners volved in that particular group.

The second group that I worked with was the Brooklands Residents Association and another oup that was involved with the city. The city was expropriating for a water sewage plant there and 5 to 40 people were involved in that area. I'll talk a little about the personal experience.

The last group that I worked with — and I know Mr. Doern is very familiar with the group — it's the ogan Residents Association involving at the beginning anyway, 35 to 40 residents in relationship to

expropriation under the Provincial Government in relationship to the government buildings in t core area. So, all together, I have worked with over 110 families extensively for three years in thc periods. And while I want to read the basic article and the arguments that I set out, I want to then t about the psychological implications of those 110 families and tell you a few stories about wha happened to some of those people and the stories that I get back.

The article reads as follows — and I won't read all of it because you all have a copy of it — I will re mostly the key main aspects of the article which I present for this bill.

Expropriation was developed by governments to socialize the use of land for governme construction projects such as freeways, government buildings or water sewage system. Mr. Doe seems to accept this concept without question. Any government: municipal, provincial, federal, c take away an individual's property because that property is needed for some public good.

What has never been answered is who defines the public good? Mr. Doern, I am sure, would arg that the elected government is representative of the people's wishes and the government must deci for the people what is the public good. Unfortunately, politicians cannot possibly descri themselves as representing all of the people all of the time and, in fact, with the incompetence a stupidity which represents the political parties today one must seriously wonder if the citizens c trust politicians no matter what their stripe is to tell us what is good for the public.

Having worked in the field of expropriation for over three years, I have discovered that the proce begins in the core area, mainly because it is easier to frighten people there and expand slowly b surely into the suburbs where people are more aware of their rights and are prepared to fight t them.

The core area expropriations involved the Sherbrook-McGregor Overpass, the governme buildings and the water sewage plant as I talked, in the Brooklands area. Most of the home owne were Eastern European immigrants who had come to Canada believing that one's home is a cast Now, suddenly, they discovered that their homes are not sacred; that government agents can kno on their doors and demand that they sell their property or be expropriated. Not knowing what t word expropriation means, many are frightened and sell the homes at less than its proper valu Many think they are back in Eastern Europe and they think the knocking on the doors by governme agents implies that when a government wants their property, they have to give it to them. They a shocked because they thought they were living in a democratic country. This, as far as they a concerned' is confiscation.

As long as this country prides itself on home ownership and freedom to buy and sell on property without interference by government, expropriation becomes a moral issue concerning t right of government to take away one's property. This issue has not been confronted by a government, especially those who should be most concerned about this issue, namely the fr enterprise parties, the Progressive Conservatives and the Liberals.

The second and more serious issue, however, that the NDP ignores — and every party has in fa ignored except for the Liberal Party to some extent — is the issue of concerning people's rights unc expropriation. Expropriation takes more than two years to complete from the beginning to the end. this process, we find ignorance, lack of information and harassment of people being expropriate Contrary to Mr. Doern's impression of social animators as people who impose their ideas on grou of people — Ternettism being a deviation — we have been able to help some people to fight for th rights, withstand government pressure and receive their just due under the law.

The only problem is that in any compensation given does not in any way lessen the fact th neighbourhoods are destroyed and the lives and lifestyles of people are disrupted. All are lose because the homes cannot ever be really replaced and the compensation received is never adequa enough to cover the cost of buying another home. The key lies in appraising one's home and findi alternative housing. Many homeowners in the core area live in well-kept, clean homes which th worked hard to buy and upkeep.

If these homes were located in River Heights or Tuxedo, they would be appraised in the $40,000 $50,000 range but because they are in the core area, their homes are appraised between $20,000 $25,000.00. The reason for this is that the homes are not appraised individually but collectively as pa of the total community. Because the core is considered to be a slum area, this practice ensures th all homeowners are penalized no matter how good their homes are. No one in the core area will ev get a price that reflects the real value of the home. In today's market, where is one going to fi alternative housing for $6,000 to $25,000 maximum which is the range in which nearly all of t expropriated homes have been appraised. So what do you do? Those unhappy with the apprais value apply through the courts in order to get a couple of thousand dollars more to compensate f their loss. Sometimes you lose; it takes two or more years, lawyers, and your own appraisers a especially your time; if you are the working class, you haven't got the time to take off. The present A indicates that if you can demonstrate to the Court that the compensation being offered is n sufficient to buy another house in the whole City of Winnipeg, then the Court can award you t difference between what the expropriating body is offering and what you need to buy a similar hom

ut who has the time to search out all comparable houses and house prices in the city? This process quite complicated and seemingly the only ones who benefit from these laws when they are being xpropriated are the multi-national corporations and big business in general.

In January, the New Democratic Party Convention unanimously backed a resolution that the xpropriation procedure be amended to read that any expropriating body guarantees "a house for a ouse." That is, instead of going through the expropriating procedures and trying to define what is ' ust compensation," you ignore the financial considerations, most homeowners do not want money, ıey want a house and compensate the homeowner with a reasonable replacement home. The ossibilities of carrying out expropriation in this manner run all the way from buying up empty lots nd moving expropriated homes on to these lots, to government setting up a Manitoba Non Profit lousing Corporation — and I am glad to hear that the City is going into this business finally after ıree years — whereby the expropriating body buys up homes, renovates them to the level of xpropriated homes and hands them over to the expropriated homeowners. People should be aware f the threats of expropriations in their communities and be prepared to fight for their rights.

Now I will describe an issue, because I don't think the core area is maybe the best area to describe 'hat happens to people — Brooklands — 40 people lived in that neighbourhood, most of them were lder residents, they were people who had lived in that neighbourhood for close to forty years. An lDPer, in fact, who was a very active member of the New Democratic Party, he was 70 years old, he ətired . . . it was a self-sustained neighbourhood where people lived together and took care of each ther's needs. They didn't worry about . anybody else. If somebody got sick, everybody knew in that ommunity when that person was sick. This 70 year old person had lived there, had relied on the eighbours who lived around him. This was a completely self-enclosed neighbourhood, one of the nest examples I ever found of people still preserving a concept of neighbourhood and togetherness. /hen expropriation came about — this was the City, water and sewer was necessary and they ecided Brooklands , this neighbourhood was the area where they wanted to have this water and ɜwer in; they expropriated the homes. A couple of years later — we fought for them, some of them ot reasonable prices; I'm not putting it down, some of the prices were fair, some of them were not — ut the point was the psychological impact on this 70 year-old. He moved to East Kildonan; he lost all f his friends; he's isolated and he's lonely; his kid phones me every so often asking me what to do ecause he can't go over and watch his father constantly. His father is lonely, heartbroken, because e has not got his friends any more where he lived before; he's seventy years old and he's retired and is whole life has suffered because of the complete disruption of a neighbourhood which, in fact, 'hen we looked at the maps, the City could easily have built the water and sewer somewhere a little it up the line where there were no residential homeowners living. But the point is they decided this 'as the best place to build it.

I am just trying to describe to you — (Interjection) — I'm just talking; I know you may disagree with ıe. That's my point. But I have lived and worked with those people three years and spent a lot of time ı their homes personally talking with them. I know what the psychological frustrations of those eople are and I am just describing one incident of a seventy year-old gentleman who suffered nmensely. I think governments, whether municipal, provincial or federal, any political party tends to ɔrget that individuals do count as far as I am concerned. I am still an individualist; I always have een; no matter whether I am a socialist or not; I have always fought for individual rights and I believe ı that. I think it's tough when you see those kinds of things happening.

This bill does not do anything as far as I am concerned except streamline the efficiency aspect of xpropriation. It does not incorporate what the NDP Convention clearly demanded, because if you eard, Magnus Eliason and the former Attorney-General spoke on these issues, all of them ɹpporting the right for a house for a house and not a word in this bill about moving towards a house ɔr a house for homeowners. We're not talking about big business. We're talking about small ɔmeowners, Eastern Europeans, ethnic people, who have worked all their lives — in the core area, ortugese people, Italian people. In the area that I worked, these people have lived all their lives and ıey never get the kind of value for their homes, because you know and I know that there is a housing ıortage and you're not going to find the homes that the people have. Not a word about "home for a ɔme", not a word about changing the Expropriation Act to respect peoples' rights, and I find that ɜry very disturbing. That's why I came here today to make my case and to be open to any questions.

Hopefully this legislation can be amended because there are some good points to it; I am not ɹtting it down. I am just saying the key issue, one of the moral questions which I am not going to get to a major debate about, is the whole issue of whether you believe in expropriation or not. I suspect ıat that cannot be changed because the essence is that government needs property to build public orks and that is a necessity. I raise that as a moral issue; I don't think it's a political issue. But the ɔlitical issue of people's rights being protected on expropriations is a valid point and this bill does ɔt reflect that. What the NDP themselves, the general membership of the NDP, has indicated to the ɔvernment that they wish to change the Act in order to make it more respective of the people's rights ıd this has not been incorporated into Bill 5. Thank you very much.

MR. CHAIRMAN: Thank you, Mr. Ternette. There may be some questions that members of th Committee may have. Are there any questions? Hearing none, thank you very much.

The next representation we have is on Bill No. 14, Mr. M. S. Krahn, Ruttan Developments. Bill N 14, an Act to Amend the Landlord and Tenant Act.

MR. TOM SMITH: Mr. Chairman, I am here on behalf of Mr. Krahn. My name is Tom Smith and I a a member of the Housing and Urban Development Association of Manitoba of which Mr. Krahn is th chairman of the Multi-Family Council. I personally am with the Smith Agency which is a proper management firm in the City of Winnipeg.

I would like to enlarge a little upon a brief which was read here last Wednesday night which wa drafted on behalf of HUDAM.

Gentlemen, there are a couple of more points we would like to bring to your attention regardin the proposed legislation. We wonder if the change suggested by section 23 of Bill 14 will not brin more problems than solutions. We have been told of offices receiving misleading information fro clerks in the Rentalsman's office. I personally have been unable to speak directly to the Rentalsma on most of the occasions I have called his office specifically to talk to him. While we understand tha one man cannot see every client nor make every decision, we believe it should be required of th Rentalsman that he be very diligent in his selection of a subordinate to represent him. We also believ that a person affected by a decision or order made by a person acting under the delegated authorit should have the right of appeal to the Rentalsman itself.

Item 21 of Bill 14 deals with the matter of storage and sale of abandoned chattels. The requiremer that a landlord must store for at least ninety days personal property left by a tenant in a rente premises is a sore point with many of our members. Usually the tenant who leavs leaves unclaime items of any consequence in an apartment is already in rental arrears at the time of abandonmen The inconvenient and time-consuming process called for under the Landlord and Tenant Act seem unfair. Responsibilities rest totally upon the landlodrd. Public auctioneers seem reluctant to handl chattel sales as they usually are nickle-dime affairs. Perhaps the Act can be altered to allow th Rentalsman to shoulder responsibility for abandoned chattels. Alternately, reduction of require storage time can somewhat limit the cost and inconvenience of these actions. We suggest that rathe than ninety days, storage of abandoned chattels be required for only thirty days after the Rentalsma has been advised of the tenant's departure.

Unfortunately, Item 21 of Bill 14 broadens the landlord's responsibility for abandoned chattel Rather than having storage and sale of abandoned chattels on a voluntary basis as has been the cas to date, this will make these actions compulsory, hardly fair under the circumstances.

Our membership is also concerned with the manner of giving notice as it pertains to service c documents to tenants. Section 102 of the Landlord and Tenant Act provides for four methods c service. Standard notice is personal service to a tenant. Where this is not possible, three forms c substitutional service are allowed. Firstly, giving it to any adult person who apparently resides wit the tenant; secondly, posting it in a conspicuous place upon some part of the premise; and thirdl sending it by registered mail to a tenant at the address where he resides. We suggest that thes methods of giving notice be allowed in other actions such as under Section 104 dealing with failure t pay rent and under Section 108 dealing with application of order for possession. Presently, Section 104 and 108 are not broad enough in allowance of substitutional service.

Another troublesome area in the Landlord and Tenant Act is Section 87, subsection 5. Under thi section, it is required that the Rentalsman return the security deposit he holds because of disagreement between landlord and tenant to the tenant unless the landlord commences legal actio for the security deposit within ten days. We feel that this is worked out unfairly for the landlord. Ther have been several instances where the tenant has refused to allow documentation to be arbitrated b the Rentalsman. Even though the tenants' rebuttal to the landlord's request for security deposit relie for damages was vague, the Rentalsman found himself in a position of not being able to complete th mediation or arbitration of the dispute. When he reached this point, he notified the landlord that th security deposit would be returned to the tenant. In fairness, we believe that in this situation, th Rentalsman should make a decision to the best of his ability using the evidence that has bee supplied to him by both parties. If either of the disputing parties is not not satisfied with th Rentalsman's decision, he, be it landlord or tenant, should then commence the action. We believ that unless action is taken to correct this part of the Act, more and more sophisticated tenants wi take advantage of this loophole to wrongly regain some or all of security deposits, as a landlorc because of the size of the sum at stake, will not feel it worthwhile to take action to the Courts.

I thank you for this opportunity of enlarging upon that original brief.

MR. CHAIRMAN: There may be some questions that members have. Mr. Cherniack.

MR. CHEIACK: I did not quite follow your last point. You said that it would be better that "either have the opportunity to commence action, right?

MR. SMITH: Well, I guess what I'm trying to say is that in a situation where the Act calls fo

ediation by the Rentalsman, which I don't think we are arguing against, that's a good point. If it omes to a dispute on the return of a damage deposit, there should be a party in the middle, or a third arty, such as a landlord to mediate the situation. The difficulty is, you know, that both sides can esent their points of how they feel the matter should be decided and if either the landlord or the nant say they don't want to arbitrate, the Rentalsman is powerless and he cannot complete ediation. We just feel that it should be compulsory that the Rentalsman carry through and does bitrate the matter and then from there, if either party is unhappy, they can go to the courts.

MR. CHE Well IACK: first you said compulsory, that it was coulsory arbitration, but you don't cept that?

MR. SMITH: Well, no, I think it should be. I think there should be where a dispute arises, I believe ere should be compulsory arbitration. Right now, it's voluntary. You have to sign . . . .

MR. CHERNIACK: So you're in favour of compulsory arbitration by the Rentalsman. Then why did ou say after that if they are not satisfied then they can go to court. You mean they can appeal to the ourt?

MR. SMITH: That's right. Well, sure. Presently you see if the landlord presented a point to the entalsman . . . Krahn, d I had one case that was sent to me by Mr. as a matter of fact, one of the embers had received a letter back from the Rentalsman saying that, you know, your case is ndoubtedly correct. The tenant has been completely vague in any rebuttal to your argument but he ill not agree to arbitration. So therefore we must send the money back to the tenant. That's what the w says. And we're sily saying, let both sides present their case and let the Rentalsman decide and if ther party are unhappy then allow appeal to the court, if either party wants to start an action.

MR. CHEIACK: Then you do want the Rentalsman to be a judge?

MR. SMITH: That's right. In this particular case in a security deposit.

MR. CHERNIACK: You say in this particular case, in the case of adjudication as between landlord nd tenant, you seem to be advocating that the Rentalsman be the judge. Subject to appeal, but still e judge.

MR. SMITH: In order to get away from the problems within this section, yes.

MR. CHEIACK: But the problem you say is that a landlord has to go to court and you don't want to o to court, then.

MR. SMITH: Well the difficulty is that these security deposits can be anywhere from $40 to $60-'0 in many cases and it's just that by the time you go through all, you know, the expense and trouble volved, it's very often that you just don't take that kind of matter to court.

MR. CHEIACK: It doesn't pay you.

MR. SMITH: Well, you know, the time and trouble involved for $40 or $60 just isn't there. And yet s more of a matter of principle than anything else.

MR. CHAIRMAN: Mr. Toupin.

MR. TOUPIN: Mr. Smith, have you looked at Section 87(6)? 87(6), in my humble opinion, deals ith the problem we exposed to the Committee this evening. I'd like to quote it. It's in the proposed ll before us and this is pursuant to Section 87(5) of the existing Act. "The rentalsman has made eclaration of inability to complete mediation or arbitration, and the present location of the former nant is unknown to the landlord." It goes on to say, "(a) provide the current address of the tenant to e landlord, if it is known by the rentalsman; or (b) if the rentalsman does not have knowledge as to e former tenant's present address or location, the rentalsman may determine the disposition of the curity deposit and interest in such manner as may appear reasonable and just; and the termination of the rentalsman under clause (b) is final and binding on all parties."

MR. SMITH: That's fine. But I still believe that if the vehicle is there to provide mediation that the ople involved should use it. It should be compulsory in handling security deposits. And really that st simply says that if the tenant disappears and you know . . . .

MR. TOUPIN: Well, Mr. Chairman, we take it that if the tenant is known to the landlord that normal scussion and mutual agreement will be reached. If the tenant is not available, is unknown to the ndlord there is where we feel that the Rentalsman has a role to play and this is the reason for the nendment in the proposed bill.

MR. SMITH: Well, if in every case we could get agreement over something like this, you know, that ould be fine. But practically speaking, you just don't get an agreement on this. I must say that in ost cases . . . . You know, I can speak for the Rentalsman that when we have come to arbitration — id in most cases people do agree to this arbitration, I'll say that as well — but we have not fought th the decision. We feel that the decision is generally well documented, well taken.

MR. CHAIRMAN: Any further questions? Hearing none, thank you, Mr. Smith.

Bill No. 18. Mrs. Johannson, United Church. Bill No. 18 is The Retail Businesses Holiday Closing t. Mrs. Johannson, would you like to proceed?

MRS. JOHANNSON: Thank you. Before I read the concern we have about the bill, specifically, I ought I'd just tell you what the presbytery is and our concern on this issue. I'm from the Church and ociety Committee of the Winnipeg Presbytery of the United Church of Canada. The presbytery is

the ruling body of the United Church and it consists of members from all of the 50-odd Unite Churches in the city.

In the fall when this issue was first raised we spent considerable time looking at it and discussir it, and hearing people from the Chamber of Commerce and the Retail Clerks Union giving their viev on the issue.

At that time we passed a resolution which stated,

"WHEAS the recent entry into Sunday shopping by large supermarkets in Winnipeg will der Sunday as a day free from work to more and more families who are now able to spend the da together, and

WHEREAS erosion of Sunday as a common day of rest has considerable impact on ou community, and

WHEREAS continuation of Sunday shopping will lead to an inevitable rise in food prices becaus wages must be paid for an extra day at either time-and-a-half or double time, and

WHEAS economic competition will force other businesses to consider Sunday openings and thu make the present move only the thin edge of the wedge to Sunday shopping, and

WHEAS the expansion to Sunday shopping is needless due to the large number of convenienc stores open, and

WHEAS employees with the least seniority and bargaining power will be the ones forced to wo while senior officials who make the decisions may be more able to maintain their Sundays free thu creating an unfair situation for eloyees,

THEREFO BE IT SOLVED that Winnipeg Presbytery of the United Church of Canada commen this issue to its congregations for study and action, urge its members not to shop on Sundays and t register their comments with the Premier and their MLA.

The result of this was a considerable amount of letters sent to the government from individua registering their concerns about this issue.

Then we got the bill when it came out, we were happy that the government was putting this b forward. However, when we went over it we were concerned about Section 4. And I'll just read thi which you've got the last paper here, regarding Bill 18.

"We, the Winnipeg Presbytery of the United Church of Canada welcome the opportunity t address the Law Amendments Committee and we thank the Clerk of the Court for notifying us to th time of the hearing.

"We have serious reservations about Section 4(1) Optional opening on Sundays. Our mai conern is for a common day of rest for the community. Therefore we do not think there should be choice of closing on either Saturday or Sunday. If an employer chose to open on Sundays, all of th employees would be forced to work Sundays, which would be more disruptive to family an community life than the current practice of opening on Saturday and closing on Sunday. If a fath had to work on Saturday and the mother on Sunday, there would be no day the whole family could b together.

"There appears to be no real justification for this section. If an employer wanted to close o Saturday because it is his or her sabbath, and open on Sunday, chances are that most of th employees would then have to work on their sabbath. Also, under the present legislation, there ar many retail businesses already open on Sunday and allowing more businesses to be open would b unnecessary and would increase the already excessive commercialism and consumerism of ou society.

"Giving businesses the choice of being open on Saturday or Sunday will undermine further th opportunities that families and communities have of being free from work on the same day and bein together."

MR. CHAIRMAN: Thank you, Mrs. Johannson. I think Mr. Paulley has a question he'd like to as Mr. Paulley.

MR. PAULLEY: Mrs. Johannson, we have had the opportunity of discussing this, as you know, i my office. My question to you, as the representative of the presbytery, did you find anything in the A in reference using the terminology "sabbath"?

MRS. JOHANNSON: No, but I am saying that that is the only rationale that we could think of wh that would be there, which doesn't make sense if there is another rationale that could be presente

MR. PAULLEY: Would it be convenient, then, as far as the presbytery is concerned, that if it wa designated as Monday, rather than Saturday or Sunday, Monday not being a recognized sabbath fo anybody.

MRS. JOHANNSON: The question is not either/or; the question is having a common day of rest don't think the sabbath really enters into it. You don't want a mother working on one day and a fathe working on another day, or a mother having a holiday on one day and a father having a holiday o another day, Sunday, Monday, whatever.

MR. PAULLEY: I don't want to really pursue this, Mr. Chairman, but insofar as a day is concerne do we not have that in the ordinary conduct of industrial operations in any case? With the continuou

peration of an industry, the breadwinner — be it a female or a male — has different times off, or days ff, during the week, which may be school days insofar as the children are concerned.

MRS. JOHANNSON: I'm not sure what you're asking me.

MR. PAULLEY: Well, I'm asking you, really, there is no reference to a sabbath in Bill 18, as such.

MRS. JOHANNSON: Right.

MR. PAULLEY: And that is agreed upon and we, I believe, agreed on the general principle of ımilies being able to get together for one day a week or Sunday.

MRS. JOHANNSON: Well, then, what is the justification for that section? That's what I don't nderstand, then.

MR. PAULLEY: Yes. What if the father's day or the mother's day was off during a school day when ıe children have to, under the legislation, attend school — be it Saturday, Sunday, Thursday or riday.

MRS. JOHANNSON: Yes, but we're talking about this Act here, saying that employers can choose ɔ be open on Sunday and close on Saturday. Also that gives no rights to the employee. You know, bviously there is shift work and you know the whole society is not going to close down on Sunday. here is obviously things that are going to . . . . You know, buses run, etc. And there is all this list in ection 5 of all the exemptions.

MR. PAULLEY: That's right.

MRS. JOHANNSON: So why Section 4?

MR. PAULLEY: Because . . . . I won't answer that. Well, I will answer it, damn it all. I'm sponsoring ıe bill and there are a lot of confused people. — (Interjection)— That's right, and you voted for it.

MRS. JOHANNSON: I appreciate the bill. We all appreciate the bill and are thankful the bill is oming in to protect Sunday. The only thing that we are very concerned about is this one particular ection which we would ask to be deleted. But the rest of the bill we appreciate.

MR. PAULLEY: That's fine, Mr. Chairman. I have had the opportunity of meeting with the elegation. They know where I stand.

MR. CHAIRMAN: Are there any further questions members of the Committee may have? No ırther questions? Thank you, Mrs. Johannson.

Next we have Mr. Sid Soronow. Chaplain Burrows. Mr. Raber, Executive Director of the ıssociated Retail Grocers of Winnipeg.

MR. RABER: My name is Michael Raber. I'm the Executive Secretary of the Associate Retail ırocers of Winnipeg, representing the independent "Mama and Papa" stores as known throughout ur lives. This Bill 18, we are speaking in favour of it in certain areas, where we as small operators epend on the Sunday business to do what we would normally do in a whole week because we are ghting chain stores who are open. Where they used to be open only two nights a week, now they're pen practically every night of the week. We're fighting the convenience stores that are open until 11 nd some of them 24 hours a day and it's definitely draining our livelihood into these operations and 's very important that you consider that we must stay in business.

We've been in business a long time. We've supported the communities that we're within and it's ur only livelihood. We don't know no other professions and I don't think we want to become a /elfare case for the government to support us. We'd like to support ourselves but we need your help ɔ allow us to exist. Thank you.

MR. CHAIRMAN: Just a minute, Mr. Raber. I have Mr. Cherniack and then Mr. Paulley I believe.

MR. CHEIACK: Mr. Raber, I read all that was said last week on this bill and the one question that I ıink was not resolved was the definition of what would be a small business in relation to numbers of mployees. This bill seems to define the kind of convenience store operation that could be carried n, I guess, seven days a week — in terms of number of employees — is that right? What is your pinion as to what would be the difference between a small business operation or a large one or does ıat not matter to you from the standpoint of the people you represent.

MR. RABER: If you want to define a small business as far as we are concerned as an independent lama-Papa Store . . .

MR. CHE help, IACK: Well, but that Mama-Papa doesn't does it?

MR. RABER: It helps to — well, you've got to consider this, it's exactly two eloyees, a husband and wife. That's our staff.

MR. CHEIACK: Well then would that not be exempted from the operation of this bill? I may be rrong, Mr. Raber.

MR. RABER: Yes, it will. But there's other operations representing themselves as independents, ut they are large independents, who have about five employees. They're also an independent perator, they don't belong to no chain.

MR. CHEIACK: Well, Mr. Raber, then I misunderstood you. You accept the bill as assisting you in our . . .

MR. RABER: Yes. The only thing is we got to consider some of these other independents that are ying to represent themselves, who hire four or five people, and they should not be classified in the

same classification as we are.

MR. CHE it clarified. Thank you. IACK: Well you've helped me get

MR. RABER: Thank you.

MR. CHAIRMAN: One moment Mr. Raber, I have Mr. Sherman. Mr. Sherman.

MR. SHERMAN: Thank you, Mr. Chairman. Mr. Raber, my line of questioning is somewhat alon the same line as Mr. Cherniack's. It's a request for clarification on your position. Could I ask you wit respect to exception (d) under Clause 5 which refers to Retail Business Establishments where th number of persons, including the owner, employed at all times does not exceed three. Does this i your view, it would be helpful to have that view for the Committee and for myself sufficiently take int account and recognize the Mama and Papa Store operation that you've referred to. Now I don't mea Mr. Chairman, to be redundant in my questioning, Mr. Raber has said that in his view a Mama an Papa store is two employees. In my view, Mr. Raber, I'm not an independent grocer so I need yo direction on this, in my view a Mama and Papa store often includes a son and daughter, perhaps tw or three children and you're really looking at four or five persons. Is that not a valid position?

MR. RABER: No, I don't think you'll find very many children that are working with their fathers an mothers in the grocery store business today. I grew up in the grocery business you know and I kno we were involved going to school you see, and our parents strived to make sure we went to schoo They didn't want us to work in the grocery store. They wanted something better for us so most of th operations are run by the two individuals. It's very seldom that you get a staff of family that's going t work together and you consider that there are more than two employees. I think the Act — I don know if it defines it — if it says three or more employees, I think — I didn't read it carefully — but it' employable employees. Now brothers and sisters are not employable. This is where I think it shoul be defined as three employable employees, then it'll make a difference between the Mama and Pap store to the other type of independents.

MR. SHERMAN: Well, this is the point that I think we really need clarification on, Mr. Raber. Th clause that I am referring to in the bill reads as follows and with the Chairman's permission I woul like to read the clause. It's brief. This is one of the exceptions. "A retail business establishment wher the number of persons including the owner employed for the sale of goods or services at all time does not exceed three." Now, I put it to you for your direction whether there aren't Mama and Pap stores who employ 14 and 15 and 16-year-old sons and daughters. You say to me that the kids toda don't want to work in a grocery store. I'm not talking about somebody who is 25 years old. I'm talkin about teenage kids, many of our kids are looking for jobs and can't find them and there are lots of 1 and 15 and 16 year-old- kids who belong to families who operate grocery stores who work in thos stores. Is that not correct?

MR. RABER: They might. They might. It's not a matter of fact, but they might. Maybe the odd sma store will hire on a temporary basis 16-year-olds to help them put the stock away after school for couple of hours a week, but it's not a steady type of employment that he can really depend on thes kids. They decide not to come in today, he's got to do the work himself. So it's not really an operatio where you've got a steady staff coming in to run that little operation. I think the three employabl employees is a very important fact to consider of some independents who are big operators and i they are allowed to remain open on Sunday the other chains will follow suit and that won't do the Ac any good. And this is something you've got to consider very carefully for some of these bigge operators.

MR. SHERMAN: Thanks, Mr. Chairman

MR. CHAIRMAN: Mr. Evans.

MR. EVANS: Mr. Chairman I'd like to ask Mr. Raber a question. I don't know whether he can giv me the answer. First of all I would say that I'm very interested in his comments. I was rather confuse when I saw that full page ad in the newspaper a couple of weeks ago because it seemed to me tha while we were bringing in legislation to help a particular situation and legislation that I thought woul help this so-called small business retailer in particular I was really very dismayed to see a full page a criticizing us for doing what I thought was going to help the small business in this province particularly the retail business. So my question is of the Mama and Papa stores as you describe them that your organization represents, what percentage — I don't know whether you should calculate thi in the number of stores or in volume of business , whatever you wish to decide, but what percentag of the market or what percentage of the number of establishments does the Mama and Papa stores a you classify them represent of the total small business operations. In other words you take the Mam and Papas plus the independents that employ 5, 6, 7, 8 people, you get the so-called small busines sector of the retail food or retail outlets in the province. What percentage do these large independents represent and what percentage does the Mama and Papa stores represent?

MR. RABER: First of all, I'll answer your question in reference to that ad. That ad was put in th paper, not by an organization the way it intimated, it indicated an organization was behind it. There was no organization behind it. This ad was sponsored by one large operator in Charleswood because

e mentioned his name at the bottom of that ad and he represented himself maybe plus a few other eople in his same type of category. He didn't represent the majority of independent stores whom we epresent. Our grocery store operations in the City of Winnipeg I would say — and I'm talking about ıe smaller ones, Mama-Papa operations — I would say are close to 400 or 500 stores in the City of Vinnipeg. And all they benefit according to the information that we have is 30 percent of the gross rocery, produce, meat business turnover in the City of Winnipeg and that's not very much. We've got ɔ struggle to get that 30 percent and this is the proportion, and we're fighting right now against these hains and convenience stores.

MR. EVANS: Mr. Chairman, that's fine, I appreciate that information. But my question was — ıerhaps you believe you answered it — but my question was, of the so-called small business segment ıf the retail business, put the chains aside, so you include Mama-Papa plus the small independents, o-called, what Mama-Papa percentage does the stores represent as opposed to the so-called small ıdependents? Do you understand my question?

MR. RABER: Well, as I quoted you there is close to 500 small independent grocery stores in Vinnipeg. You're referring to a larger type of independent operation, I would say maybe 5 percent of ıe 500 small independent Mama-Papa stores are the larger type of independent grocers but they are ın a basis of hiring four to five people to make that operation go.

MR. EVANS: I see, so there's no doubt in your mind that the legislation proposed will be of benefit ɔ the legitimate small entrepreneur, small business and retail outlets?

MR. RABER: Yes, definitely.

MR. EVANS: Well, the Opposition objects to the word legitimate. Let me put it this way. I gathered rom the representation, Mr. Chairman, that the so-called independent retailers, they were omplaining is essentially one person or one small company and this is the context in which I use that ərm legitimate. As I understand it the representation we're receiving tonight is a representation of a ery major portion of the small business segment in the retail food outlet business. So this is what I anted to establish. Thank you.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: Mr. Raber, you essentially said that Sunday is a substantial part of the Mama-Papa tore's operation and that business is very important to them and to their existence. I don't want to over the area that Mr. Evans has covered but I'd like to just pinpoint a couple of things. Can you ıdicate how many stores you represented last year and the year before. In other words has there ıeen a reduction, or have in fact the numbers remained the same.

MR. RABER: There has been a reduction.

MR. SPIVAK: What kind of a reduction?

MR. RABER: I would say about 10 percent that had to close down, that couldn't operate.

MR. SPIVAK: Would you say that two years ago you had 10 percent reduce, last year you had nother 10 percent reduce.

MR. RABER: They are dwindling due to the pressures.

MR. SPIVAK: All right, now so that's one problem area. But how many of the Mama-Papa ıperations have in fact instead of dwindling attempted to expand their operations, to be able to ompete today in the marketplace with the changes that have occurred. How many of them have tried ɔ move from the position that they're at in order to compete and improve their position by xpanding, and expanding their operations so that in fact it becomes not just a Mama-Papa peration?

MR. RABER: There is other aspects facing the small grocery store. I might as well cover it now too. ears ago we had maybe five or six wholesale houses where an individual store could deal with. ialesmen used to come around to your store, take an order, deliver it, pay him in thirty days. Today, I ıink there is maybe three or four places you can deal with and they put a limit of how much you have ɔ buy. If you don't buy $800 worth of groceries then you have to pay a penalty of $32 on your bill. ıecause you can't keep up to the volume of business that they want from you and before they'll even ıake a delivery the cheque has to be sent in with your order. Now that's a hardship. So if you want to xpand you just don't have the assistance that you had years ago, of the wholesale houses carrying ou for 30 days, that you can buy the merchandise, expand the way you say would be competitive and ıen you can pay your bills. Here they want the money right on the line. That's wholesale houses that ive deliveries. who want to be able to in factstay in the marketplace rather than see their opportunity ıst dwindle, give them the opportunity to be able to carry on by expanding and by employing people nd still not be in a position to be classified as the major chains whose whole financial ability and apacity is different than theirs. And the problem that I see in terms of the presentation and I don't ıink you've addressed yourself to it, is that in dealing with the *status quo* now, which is realistically ıhat you're asking for in terms of the actual legislation, you know you're putting yourself in the osition where the opportunity for expansion that could occur in a certain way may very well not be ble to take place because you'll be prevented from dealing on the market day that is the important ıarket day for you if the Act is passed without some significant changes. And I wonder whether

really in reviewing it there isn't some further considerations to be given by the members of you Association in trying to come up with a formula that will be realistic in terms of the projections in th future for yourself. Because it would seem to me that some of your members of your association i they're going to try and stay in the business are going to have to expand. They're not going to be abl to operate as they were before. You've explained some of the reasons. It may be that several partner may have to come in. It may be more than two families will have to come in. And the difficulty in term of the classification is that you've got a problem that'll be there. . .

MR. CHAIRMAN: Order please. Now I realize that the honourable member might be gettin carried away but I'm wondering when he's going to come to his question.

MR. SPIVAK: Well, Mr. Chairman, I think the question's fairly pertinent to the whole discussion

MR. CHAIRMAN: Well, I would like the honourable member to come to the question.

MR. SPIVAK: All right, the question's very simple. Has your Association considered this? Does i understand the implications in the long term with respect to what's being proposed? Are you simpl prepared to accept the *status-quo* without realizing that change is probably important in terms of you very existence in the future.

MR. RABER: No answer. All I can say in closing, Mr. Chairman, is we must have your assistance t leave us stay in business. That's all we ask.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Thank you, Mr. Chairman, through you to Mr. Raber. Mr. Raber, do any of you stores provide a delivery service for shut-ins.

MR. RABER: Some do.

MR. GRAHAM: In a delivery seri service then you would probably require an extra employe purely for the delivery purpose.

MR. RABER: Either that or they make the deliveries after they close the store.

MR. GRAHAM: Would you consider the possibility because the delivery person works outside th store rather than inside the store with maybe some exemption in that respect that he would not b classified as an employee.

MR. RABER: No, he wouldn't because it would be on a temporary basis. If you had any orders o any consequence you would phone a delivery service and send out these two or three orders that yo couldn't handle yourself. But most stores would deliver after they close up. They make the deliverie themselves.

MR. GRAHAM: Well, I also know some young boys, 12, 13, 14-year-olds that like to pick up a dolla or two doing different delivery work of that nature.

So, Mr. Chairman, I would like to ask — not Mr. Raber but perhaps the Minister — if he woul consider making amendments in that respect.

MR. CHAIRMAN: You can ask the Minister that when we are in consideration of the bill.

MR. PAULLEY: That would be the time for consideration of amendments, I would suggest, Harry Not when we're directing questions to a representative.

MR. GRAHAM: I just bring it for your consideration.

MR. CHAIRMAN: Mr. Minaker.

MR. MINAKER: Mr. Raber, I'm sorry I missed who you stated you were representing. It's th Mama-Papa stores, is it? Is this an official body?

MR. RABER: Yes, we are a chartered organization.

MR. MINAKER: And what is the criteria to be a member? It has to be a straight mother and fathe owned store completely?

MR. RABER: That's right.

MR. MINAKER: Okay, now I just wanted clarification because we did have representation fro other independent owners presumably family-owned units that maybe had three or four or five bu they are not in any way associated with your association.

MR. RABER: No. they're not. No.

MR. MINAKER: Thank you very much.

MR. CHAIRMAN: Mr. Bilton.

MR. BILTON: Mr. Chairman, I was very interested with what the witness had to say and rathe fascinated with the fact that a grocer today, an independent grocer places an order and the wholesaler will not talk to him unless he buys $800 worth of goods. Having selected the $800 worth o goods the wholesaler demands that that be paid by cheque on the spot. What is the reasoning behind that?

MR. RABER: That's the method of the operation today and I'm referring to Merchants Consolidated. You see most stores pay a membership to belong to the wholesale. And the conditions of buying is you have to submit a cheque with your order and there's a limitation. If you don't come up to that limitation they put a penalty on the order of $32.00.

MR. BILTON: Yes, I noticed that. It wouldn't have anything to do. . . You did mention that 10 percent of the stores are passing out of business each year. It wouldn't have anything to do with

ankruptcy would it?

MR. RABER: No.

MR. BILTON: Nothing at all eh? Thank you very much.

MR. F. JOHNSTON: Mr. Raber, you mentioned you hadn't had time to peruse the bill all that ıoroughly. I would like to ask you, do you realize that under Section 4 of this bill, if Dominion Stores ecided to close Saturday, they could remain open Sunday? And if Safeway chose to remain open ıaturday, you could have Dominion open Sunday and Safeway open Saturday under this particular ɛgislation. Do you think that would be a desirable situation for your organization?

MR. RABER: My personal opinion and the opinion of most of our members, they will not close on a ıaturday. They'll open for Sunday. Because right at the present time, I am sure they're faced with — s far as wage factors are concerned — and I don't think they'll close on a Saturday if they stay open ıunday. I don't think it's worth it to them because Saturday is a good day of business for them.

MR. F. JOHNSTON: Yes, but the bill says that it can be done.

MR. RABER: They have a choice, I know, but I don't think they'll choose it.

MR. F. JOHNSTON: Thank you.

MR. CHAIRMAN: Any further questions? Mr. Sherman.

MR. SHERMAN: Thank you, Mr.Chairman. One further question. Mr. Raber, you have addressed ɔurself very intensively to the question of size of store and size of operation and the difficulties of the articular size of operation that you represent in terms of Sunday business, but have you considered ıe bill in total? When you take the position as I infer from your remarks, of support for the bill, have ɔu considered the bill in total? Are there any aspects of it that concern you beyond that one rovision having to do with protection of Sunday business for the Mama and Papa operator? Maybe I ɔuld simplify the question, Mr. Raber. Have you considered section 10 of the bill dealing with ɛgulations and the power that it would place in the hands of the Cabinet of the Province of Manitoba ɔr determining and fixing hours of operation and days of operation for retail business throughout ıe province?

MR. RABER: We want regulations.

MR. SHERMAN: You want regulations in the hands of a provincial government?

MR. RABER: That's right. Right. With due consideration to us, as independents. You know, keep ɜ in mind. We want regulation hours; we don't want to work for 12 hours a day to compete with the ɔnvenience stores — and seven days a week, we don't want that. We want to go back to these good ld days of twenty years ago when we closed at seven or eight o'clock at night and everybody closed : that hour. But now it's a disaster.

MR. SHERMAN: Keep us in mind, you say, but that's what everybody says. Keep us in mind. I am ɔncerned with your view with respect to that kind of power in terms of regulating the hours of ɹsiness, which puts you in a position where this government could say to you, "You will operate six ɔurs a day four days a week period." That's what the regulation say.

MR. RABER: Provided the other ones are on the same basis, it will work just beautiful. We'll all get fair share of the business; that's the key.

MR. CHAIRMAN: Order please. Mr. Evans.

MR. EVANS: Mr. Chairman, one further question, and that is for the information of myself and ɛrhaps the Committee. What is the so-called "independency" referred to, other than the Mamas and ɑpas, those that have six, seven, eight employees etc. You referred to the matter of dealing with holesale food chains for the food wholesalers. Is it the typical case for the small medium-sized ores, the Payfairs, the Solos, I think these are the categories — large independency you are ɔncerned about, or I have mentioned — is it not the case that they buy entirely from one food holesaler, and therefore are in a sense a franchise dealer for that wholesale company?

MR. RABER: Some might be, but most of them are independents and they have to buy on the same ɑsis that we are buying.

MR. EVANS: Payfair or Solo, for example.

MR. RABER: They're independents. They are a group, but but they are independently owned. ıey might have one central buying agency for their stores, but they still have to buy from that same ɔurce that I have referred to before. There isn't too many that you can deal with today. Here just cently, Weidman Bros. who have been in business for over 40 years were bought out by James ɔhneider and Company, have closed their grocery operation. Two or three years ago, they refused deliver to independent stores because they weren't giving them enough business. And now they've ɔsed the complete operation , so now if you had a choice of doing business with them, that's gone ɔ.

MR. EVANS: So at any rate, while this bill may not be the answer to all of your problems, it's a step the right direction.

MR. RABER: Of course. Right, right. We'll take one thing at a time.

MR. EVANS: Thank you.

MR. RABER: We'll be back next year.

MR. CHAIRMAN: If there are no further questions, thank you, Mr. Raber.

MR. RABER: Thank you.

MR. CHAIRMAN: Mr. Porhownik.

MR. PORHOWNIK: I have to comment on the previous speakers. I hope I represent the Mama ar Papa of today and not of his generation because he is painting himself into such a corner that he going to stay there. You'll also have to excuse me if I follow my notes quite closely because it's at lea seven years since I last had to make a presentation before a group like this and when I finished I lo my job, and that puts me here today.

Mr. Chairman, members of the Committee, ladies and gentlemen. My name is Lawrenc Porhownik and I am an independent store-owner and operate in the Village of Garson. Let me say the very outset, I am personally not in favour of Sunday shopping although I keep my store open 3(days out of the year. Now this personal conviction aside, I hope to persuade this Committee and th Minister of Labour in particular, to let Bill 18 take its rightful place on the shelf between Purex ar Delsey.

From 1966 to 1971, my wife and I lived in Winnipeg , and because my work involved travelling rural Manitoba and Saskatchewan, my wife and I frequently found that we were forced to shop c Sundays. When you get home late Saturday afternoon or even Sunday evening, you just have r choice. I am sure that today, with the growing number of people and families where both husbar and wife work, that the number of people that are forced to shop on Sunday is increasing daily

To close the medium-sized stores Sundays and holidays, leaves a large number of thes consumers at the mercy of the convenience stores and the Mama and Papa stores. I represent th Mama and Papa store, at least I feel I do. Last Wednesday, spokesmen for the Retail Clerks Union ar the Manitoba Federation of Labour both endorsed the idea of letting these Mama and Papa stor stay open at all times. Well, just how long do you think Mama and Papa can stand on their feet? Sure if Mama and Papa are kept occupied full time looking after their store, then they require at least tw more people to spell them off, give them a chance to have their meals, to have a little time with th family or even to go out and leave the store in the hands of someone else for a change.

Now while we are on the subject of Mama and Papa stores, let's examine some of these so-calle stores a little closer. How many of the true Mama and Papa stores exist today? Mr. Raber said th these Mama and Papa stores account for 30 percent of the business. I don't believe that is quite right believe that the independents in total have 30 percent of the market. the large chains — Loblaw Safeway, Dominion — have 70 or 71 percent. Now the Mama and Papa stores, if there are an represent a very minor fraction of that 30 percent and it is going down every day. Mr. Raber said that was so much easier a few years ago to get credit to expand — why did you let the chance go by? Ha we all been forced to take this measure? I think if you look closely at these Mama and Papa store you'll find that if there are any of them exist, it usually means that one or the other is working out they have other investments and their Mama and Papa store is a simply a way of living wholesale. I se this at the Carry and Save, any one of the three that are in existence almost every time I go here — th same — people and they are buying the quantity of goods that isn't more than what the average fami takes home in a shopping cart from Safeways on a weekend. So how can they account for any larg percentage of the market?

Now before making Bill 18 a law, I ask the members of this Committee to look at some of th reasons why consumers have switched to shopping at the larger stores. Examine some small stor as defined by Bill 18 and Mr. Raber and ask yourself these questions: Are these stores attractive ar inviting to prospective shoppers? Do they offer a reasonable variety of produce, meats, frozen foo and groceries? Are the operators good examples of personal hygiene and are the premises neat ar tidy? How about this one. Do you feel welcome in the store? Mr. Chairman, members of th Committee, if you find one store that meets these four very basic ideals for any store, then I ca assure you this store will very shortly have to have more help than that allowed by Bill 18 and th owner will be forced to close on Sunday its most profitable day.

Now let us take a look at these chain and convenience stores. These stores usually meet the fo basic ideals I have mentioned before but have a basic flaw as far as most consumers are concerne That basic flaw is their pricing formula, which, to put it bluntly, is to charge as much as possible. Th cost of an article is almost irrelevant. After all, if the people don't buy it from this present owner, of th franchise, someone else is soon found to invest his or her savings in the same location or maybe another store just around the corner. An important area where Bill 18 fails in its present form is in th allowance for differences in conducting business in the rural areas as compared to Metropolita Winnipeg. As a matter of fact, I think you'd find a lot of more people criticizing this bill if people didn have the mistaken idea that it only applies to the City of Winnipeg. On this past long weekend, I talke to dozens of my customers coming in, both from the city and the country. They all say, "What do yo have to worry about? It only applies to Winnipeg." But it doesn't; it's province-wide. It only looks

Winnipeg and tars the rest of us with the same brush.

My store is located along Highway 44, and because of this location, I presently enjoy fairly equent deliveries. Five years ago, there were even more deliveries. But with each increase in fuel rice, labour cost, any other cost of delivery, means fewer deliveries to my store and always one or vo of the stores that are off the highway on some of the smaller roads get dropped off for deliveries. lany of these stores have closed already and a lot more are closing. This, in turn, puts more pressure n my business. The more little stores that are closed, I have more of these people coming to my lace because I am on the highway and I am able to get the deliveries of the fresh produce and the ozen foods that these people expect to be able to get in the store. In addition, there is quite an xodus of people who have lived in the city now moving out into my trade area. These people expect ozen foods and produce in the cooler just as naturally as walking into Safeway's. Now the only way I an keep that stuff in my store is by keeping the that store open and selling the bulk of it on Sunday hen my traffic in the store increases considerably.

Here is something for the United Church, and I belong to the United Church myself. The busiest me in my store on a Sunday is right after church is out in the neighbouring community. It doesn't eem to bother those people to go to church and then stop in at the store on their way home. They eem to have no objection to buying groceries and going to church on the same day.

Now, I am well aware of this Section 6 in respect to exemption permits that it mentions. I am on lighway 44 where they get a lot of late traffic and so so on — I could probably qualify under that and ouldn't have to be here. But let me tell you what it's like dealing with the Lieutenant-Governor-in-Council or a member of the Executive Council so designated. In 1972, I applied for appointment as a endor to sell fishing licences. The lady stopped — she said, "You are 50 miles from the nearest shing ground." End of argument. But the next year, something happened. A ray of light shone into ne Norquay Building and all of a sudden there were quite a few vendors appointed for fishing cences. I sold almost 500 licences that year. Came the fall, I was asked to return all licences because nat was the policy. I said, "What about all the ice fishermen that go out now that want licences? She aid, "Oh, they can come to the Norquay Building and get the licence." Well, if they are out in Garson, alfway to the lake, there may be be three fellows in the car, two have licences, one doesn't, they don't o back to the Norquay Building to get a licence; they go out and fish without a licence, especially as ne Norquay Building is closed from 4:00 o'clock Friday anyway.

Now, evidently my arguments finally got through because I got the licences, and this past winter I nally received — now this is five years later — I received a letter asking about my hours of operation ecause they would like to compile a list to inform people where they can buy the licence on the reekend. What took them five years? I won't bother this Committee with the problems involving btaining a Liquor Commission vendor. Enough to say that it took two and a half years. And what I ollect in taxes for this government alone on that would pay the salary of both the Minister of Labour nd the Attorney-General.

MR. PAULLEY: Pardon? I wonder, Mr. Chairman — I am sorry I didn't hear that remark; I am omewhat interested.

MR. PORHOWNIK: It took me two and a half years to get a liquor vendor. Now there are a number f arguments; I know that you can't appoint one every two miles down the road and so on, but it took wo and a half years of arguing. When I finally got it and set up, the taxes that I collect for this overnment on the liquor sales alone, I am sure — it's quite common knowledge that the Liquor ommission works on 100 percent markup, taxes and all this — that what I sell pays the wages both of ou and the Attorney-General.

MR. PAULLEY: You get a little cut out of it, don't you?

MR. PORHOWNIK: A pretty small cut, let me tell you.

MR. CHAIRMAN: Order please. ORDER PLEASE. I would now ask the honourable member — ou're straying off the bill. We're not dealing with the liquor bill, we're not dealing with fishing cences, we are dealing with The Retail Business Closing Act and I would ask you to please contain our remarks to that bill.

MR. PORHOWNIK: I am almost finished, Mr. Chairman. I just have something here. Now with Bill 8, I can increase the nine pay envelopes I filled this past weekend to twelve or fifteen. With Bill 18 as aw, I will be forced to reduce those pay envelopes to three. In my area, outside of one part-time girl at ne local restaurant, I am the only employer of students and women in roughly a ten-mile circle. If Bill 8 becomes law, who do I let go? And these are, right now, only part-time workers; most of them are. I ave an unwed mother who will have no choice but to apply for welfare as soon as I let her go. An 18-ear old high school graduate with top grades, and no other job prospects despite numerous pplications and interviews. A 17-year old high school graduate who has been working for me since he was 14 to save money to go to university, she's counting on a job next summer. If Bill 18 passes, I an't hire her back. I have a university graduate working at a lower paying research job for experience nd helping me on the weekends to earn extra money. Let him go? Or shall I let go the married lady

that has worked for me the longest, who turned down a job in Winnipeg at double her present p because the extra income tax, travelling time and other expenses involved getting to Winnipeg a back just didn't make sense to her. Do I let her go?

Mr. Chairman, I could go on to more criticism of the effects of Bill 18 in its present form. I ha chosen to end the battle, but not the war, by asking you to return these forms to the Honourat Minister of Industry and Commerce pertaining to these jobs and small business, and it's yo business. There was a quote from the mayor: "One of the major thrusts of the Manitoba Departme of Industry and Commerce is the active promotion and development of business and industry witt the province. Because of the preponderance of small business on the Manitoba economic scene, \ believe it is important for us to assist potential and existing owners and managers of small busine by providing certain information they need to build and maintain strong and profitable enterprise:

Well, I can't make use of this. If I have to live by Bill 18, I have to let go the workers that I have don't need $3,000 to hire more employees. The teenagers will sit on the front window ledge when t store is closed, and I don't have to pay them. Thank you.

MR. CHAIRMAN: Just a moment, Mr. Porhownik. There may be some questions members of t Committee have. Any questions? Mr. Evans.

MR. EVANS: Mr. Chairman, perhaps you indicated a number of employees, but I didn't hear i wonder if you wouldn't mind indicating what is. . .

MR. PORHOWNIK: Well, just recently, I was one step ahead of your department. I ha incorporated my business for one full year now, so I'm counting nine envelopes, my wife and myse And let me say, I have to give the wife maternal leave this summer, I have to hire at least thr employees to replace her.

MR. EVANS: You operate in a small town?

MR. PORHOWNIK: It's a small town? There is roughly 280 people.

MR. EVANS: Garson, you say?

MR. PORHOWNIK: Garson, yes.

MR. EVANS: Is there — I'm sure the answer is no, but I'll ask you anyway — do you have a competition with large retail stores in your. . .?

MR. PORHOWNIK: No' but I'd rather swim with the sharks.

MR. EVANS: You'd rather have a big Safeway in your community?

MR. PORHOWNIK: The way the wages have been going up, and all the other expenses, there room for the independent operator who is shrewd to work in that margin now. And it's only because the last few years this has been the case, some of these smaller stores have grown, that this bill can up. If Billi18 passes the way it is now, in effect, what you'll have is the chain convenience stores op on Sunday and the chain stores open during the week, and that will be it.

MR. EVANS: Do you have any competition with the large chains in any nearby community such Beausejour?

MR. PORHOWNIK: I compete with myself. Family Fair there is supposedly independent. I' never been able to really affirm that or not. I know that the store was purchased by Merchan Consolidated in the first place, and turned over to someone or something like that. I deal wi Merchants Consolidated too, and I have to send my cheques in ahead of time. As a matter of fact send 13 cheques four time a year, and they make them out on the day they make out the statemer

In addition, there is a one percent surcharge that is held up to an average of two weeks purchase I believe it is, and that is held interest free, and anything above that is deducted , they give us son interest on it, but they can use that to operate the big stores like Family Fair, and so on, and I real can't get the exact details on whether they do use that money or not. But I would like to know tha

MR. EVANS: But, as I understand, knowing your location, and from what you've said about t approximate competition, the competition in your regional area, you really don't have a competition with major chains as we know them, Loblaws, Safeway, Dominion. You don't have Dominion store in Tyndall, you don't have a Safeway in Beausejour. You're really not competing wi the large chains, not in your region or your market areas.

MR. PORHOWNIK: We're looking after our market area and we have to expand. If we get painte into a corner with this bill, then there's people that are going to go back to shopping in Safeway Selkirk or in Winnipeg, or on Saturday in Beausejour' and the local people will not be able to get t service that they do now.

MR. CHAIRMAN: Any further questions? Hearing none. Thank you, Mr. Porhownik. Th completes the presentations we have on the other bills. Now all the remaining presentations are c Bill No. 62. Mr. Ole Bejzyk.

MR. BEJZYK: Mr. Chairman, I am presenting this submission from the Residents' Advisory Grou of St. Boniface community. Mr. Morris Prince, the co-ordinator of the Residents' Advisory Group the community has some copies for the Committee members — we don't have sufficient copies include everyone — but he'll pass those out, and after the presentation of my submission, I will fie any questions from the members of the Committee, and I will ask Mr. Prince to assist me where I fe

ıat his knowledge will be helpful.

Mr. Chairman, and members of the Committee, the 1977 Resident Community Advisory Group of ıe St. Boniface is pleased at having this opportunity to express its opinions and to set out its views ɔr your consideration with respect to several of the matters dealt with by the Taraska Review ;ommittee, and Bill 62, An Act to amend The City of Winnipeg Act, which is now being considered by ıe Manitoba Legislature.

Of course we are cognizant of the fact that the bill, as currently drafted, reflects the political ɜalities as the government side perceives them. Nevertheless, we are profoundly disappointed at the ɔrm the bill has taken. We regret the fact that popular participation in City government has been ıiminished in favour of some yet unproven bureaucratic efficiency; that the existing communities, in ʏhich a sense of identity and integration was beginning to be evolved will be shattered by this bill and ıat, once more, there will have to be reintegration. We fear that, as a result of the changes in the rganization of the City government as proposed in the bill, there will be much dislocation and ewilderment amongst citizens who have slowly come to understand the organizational structures of ur City's government.

In preparing this submission our own Committee studied carefully the briefs which have been ıade to the Taraska Committee by the following groups: the Chambers of Commerce of Winnipeg, ıe Additional Zone Municipalities Groups, the Resident Advisory Groups, and even several ıdividuals. Naturally, we have focused particular attention on those recommendations of the ˈaraska Review Committee on which we comment and in regard to which our own recommendations re pertinent. In many instances, the opinions and recommendations presented here, in our ubmission, have been frequently expressed if in a different language, in other submissions to the ɭeview Committee. Thus, our position on many of the matters dealt herein is supported by others.

From the beginning, let me say that we are in favour of many of the Review Committee's ɜcommendations. However, where, in our judgment, the recommendations appeared to be ontradictory to the stated intent of improving the government in the City of Winnipeg, or where, in ur opinion, popular democracy and responsible government were endangered, then we have not esitated to recommend alternative structures or procedures.

As you may well appreciate, our principal concern was and continues to be our interest in the ontinued existence of the 12 Community Committees and the Resident Advisory Groups in any ɜvised City of Winnipeg Act.

We are of the firm belief that the existing 12 communities and their Resident Advisory Group are emocratically sound and a popular concept of government in a large and heterogeneous ıetropolitan region like Winnipeg. Therefore, we urge that they be retained in their present form. We ispute the logic of the view that enlarging the area of representation of each councillor would nhance closer communication between the citizen and his representative. Our perception is that the resent number of councillors is not too large for a truly representative democracy. We are of the pinion that the present system of representation based on 10,000 to 12,000 residents per ward ssures a higher degree of familiarity and a more frequent contact between the councillors and the ɜsidents. The present size of the wards makes it possible for councillors to have easy access to vital, ɔcal opinion and information. We cannot agree to the presumption that enlarging the size of the ;ommunity Committee areas will improve the quality of debate by the opposition at Council ıeetings. We think that for the ordinary citizen the existing 12 communities are a more easily nderstood community of interest and concern than the six enlarged ones which are based on the resent engineering districts.

From our own experience and from the opinions expressed by the majority of the groups we have ɜferred to previously, we can say that the Resident Advisory Groups have been instrumental in lacing before City Council much local information which dealt with the immediate and real needs of ıe ordinary citizen (through the intermediary of the councillors of our Community Committee). If, as ome have suggested, there has been a failure in City Council to make overall policy, and we can gree to that criticism, that cannot be construed as proving a failure of the 12 communities and the ɭesident Advisory Group concept. The fault, in our judgment, lies elsewhere for, clearly as the Act ow stands, the responsibility for policy-making and its execution has been the duty of the Executive ˈolicy Committee. It was this Committee which was to have drafted such overall policies and was to ave seen to it that they were made widely known and accepted by citizens and councillors. It was the uty of the councillors to have faithfully informed and convinced their communities of the merit of uch policies. Unfortunately, such has not been the case.

This submission was written in reference to the recommendations of the Taraska Report. Those ɜcommendations in the Taraska Report with which we are in complete agreement, we shall quote ɜrbatim and give their location in the Report by referring to their page and item number. Those of ur recommendations which alter the wording of a Taraska recommendation or which are entirely ur own will appear without quotes and and cross-reference numbers.

The first recommendation is a quote from Taraska, item 2, p. 362. "Single-member wards should

be retained as the basic electoral constituency."

Item 2 from our own presentation refers to Taraska item 3, p. 362. "The three-year term of office o the Council should be continued."

The third item we are in agreement with, and it is a quote from the Taraska item 5, p. 363. "The mayor's primary function should be to head the government, that is, the executive. He should also be the chief link between the council and its executive. He should not chair council meetings."

Item 4 is our own recommendation. We recommend the creation of the position of speaker from amongst the councillors for a term of three years with the option that such a councillor continue to hold the position, if re-elected as councillor, until a vote of non-confidence by Council terminates his tenure of office as speaker. We envisage this role as being non-political and concerned chiefly with parliamentary procedures. A mayor elected at large, in our opinion, would fulfill more effectively the public relations and ceremonial role than would a speaker or chairman as you call it in the Taraska Report.

Item 5 of our own is: We recommend the election of the deputy mayor by Council.

Item 6 is a quote from the Taraska Report, item 23, p. 366. "No councillor should serve on more than one committee, except for those councillors who are also members of the executive by virtue of the fact that they are Chairmen of Standing Committees."

Item 7 of our recommendations are those taken from the Taraska Report, item 24, p. 367. "The departments of the City's administration should be grouped together on the basis of related functions to form a smaller number of functional groups, or administrative divisions, in the same way that, under the present arrangement, there are three such groups, each under a commissioner and each corresponding to a Standing Committee."

Item 8 is a quote from the Taraska Report, item 25, p. 367, which we are in agreement with of course. "The numbers or types of such administrative divisions should not be specified in the Act, but should be established by by-law of the City. The Act should be amended to empower the City Council to establish these administrative positions by by-law."

Item 9 is an item from Taraska, item 32, p. 368, and we are in agreement with it. "To assist the board of management in its policy advisory role, there should be a research unit established to perform this function."

Item 10. We are in agreement with item 33, p. 368 from the Taraska Report. "There should be no elected councillors included in the membership of the board of management, whether *ex officio* or otherwise."

Our own item 11 is in agreement with item 35, p. 368 of the Taraska Report. "The office of the independent city auditor should be continued."

No. 12. We are in agreement with item 38, p. 369 of the Taraska Report. "The Act should delegate appropriate powers to council, as well as to the executive and to the officers of the administration."

Number 13 is our own item. The 12 community committees should be made responsible for the preparation of the district plans and action area plans, and should be involved in the amendment of the Greater Winnipeg Development Plan.

Item number 14 is our own. In order to carry out the planning responsibilities, the 12 communities should have adequate staff resources. They should be provided with a local planning office staffed by at least a district planner, a technician-draftsman and a clerk-typist.

Our own item 15. The present 12 communities should be retained.

Item 16. The basis of election of representatives should should remain at one representative for every 10,000 to 12,000 residents. In our opinion representation based on electors would be inimical to the best interests of those wards where a large percentage of its population consisted of families with children. In a system of election based on electors, rather than residents, a councillor might be influenced to consider the desires of his electors rather than the needs of his non-voting child residents when proposing the establishment of recreational programs.

Furthermore, for one reason or another, there are often a number of city taxpayers who may not qualify to vote but are nevertheless users of community facilities and deserving of being counted amongst persons whom a councillor should represent.

Number 17 item is our own. We recommend the retention of the present single member ward system as being the more equitable.

Number 18, our own item. The Residents' Advisory Groups should be retained.

Number 19 item, 20 and 21 are our own. No. 19: The role of the Residents' Advisory Group should be specifically to assist and advise the 12 community committees in all matters pertaining to the community and city government at large in addition to the original intent of the Residents' ADvisory Groups, namely, to establish communication and rapport between councillors and their electorate.

20. The composition of the Residents' Advisory Groups should not be enlarged from their present membership to include representatives from any organization in the community which wishes to participate in the planning process. The system of election of Residents' Advisory Groups is in keeping with democratic tradition. In our opinion the present system permits all interested

ıdividuals to serve their community without special privilege.

21. There should be established an information office as part of the city administration. For dministrative purposes this office should be part of the city clerk's department. Physically, however, should be located not exclusively in city hall, but also within the 12 Community Committees in xisting buildings or if these do not yet exist, then in appropriate civic buildings to be built for this urpose.

Item 22 we lift from the Taraska Report, Item 53, Page 372. "It should be possible for candidates or election to residents' advisory groups to be nominated in advance of a community conference; ominations should be accepted up to two days in advance. It should also be possible for the andidates to be elected without attending the conference if absence is for sufficient reason."

Item 23, our own. A special study should be carried out by an appropriate committee on the uestion of access to information and the flow of information, as well as the establishment of a udget to cover dissemination of information to the residents' advisory groups.

Item 24, our own. Zoning variance committees should not be appointed. We prefer the election of embers of this Committee and we wish them to continue to make their recommendations to the 12 ommunity Committees.

Item 25 we take from the Taraska Report, Item 62, Page 374. "The administration, as well as an pplicant should have the right to appeal a decision of the zoning variance committee, as should any esident of the community directly affected by the decision."

Item 26, our own. Appeals from decisions of the zoning variance committee should be to an ppropriate environmental committee.

Items 27 and 28 are our own. The appropriate Environmental Committee should be responsible or the management of the quality of the city's environment. The committee should therefore consult ith the community concerned before making a final decision.

Number 28, the last item in our presentation is: We recommend the retention of the appeal role of ıe Municipal Board.

Thank you, gentlemen, for giving us this opportunity for stating our views.

MR. CHAIRMAN: Thank you, Mr. Bejzyk. There may be some questions members may ask. Are ıere any questions? Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, I would just like to ask Mr. Bejzyk, in his brief he talks of the role f the Resident Advisory Groups. I would like to know your opinion as to how you think the activity nd the effectiveness of the Resident Advisory Groups would be affected by switching it over to a six ommittee system, enlarging it in other words. In your area that would include three Resident dvisory Groups that are now operating, I would take it.

MR. BEJZYK: I believe, as the Bill now proposes, that St. Vital would be included within the St. oniface area and it would be called some new name.

MR. AXWORTHY: What difference do you think that would really make to the functioning then of ıe Resident Advisory Groups?

MR. BEJZYK: It is our feeling and it's my personal opinion, it's going to have a tremendous effect n the ability of a local resident to respond to the local concerns, to the local information present in nother area. Most people who are not politicians, as a rule, have limited knowledge of their eighbourhood. Their knowledge, in detail, is quite limited about other parts of the city and to espond to recommendations or to the needs of people in some ward far removed from the particular ard that I live in, St. Boniface, would be difficult. So I think that would destroy my ability to respond ıtelligently to the local needs. It would certainly make it more difficult, if the wards are enlarged, for a erson to gather information, to come into contact with people in his small localized area.

MR. AXWORTHY: In your present Community Committee RAG system, you have three wards or it four wards?

MR. BEJZYK: Four wards.

MR. AXWORTHY: That covers a fair amount of territory. That would cover a population base of hat, 60,000 or 70,000 people?

MR. BEJZYK: Maybe 50,000, I would say, optimistically.

MR. AXWORTHY: What difference would that make extending it up to 70,000 or 80,000 under the resent proposal? You already have a fairly large population to draw the resident advisors from; ould it make much difference to extend that another population base of 30,000 people?

MR. BEJZYK: Yes, as we have made in our presentation, we would like to retain the single member ard system of election so that in fact a particular councillor is elected from a particular area so that ıe local Resident Advisor is living within the area of that councillor and he communicates with him. le also — that is, the resident advisor — is elected in our St. Boniface community from his ward. He's ot elected from another ward, so that we have equal representation from each of the four wards for ıe committees that are set up within the Community Committee. So in fact it would make a great

deal of difference by reducing to three ward the four-ward system by enlarging, as the bill suggests enlarging it to electors rather than residents.

MR. AXWORTHY: I guess the other question I would have is you state that you would like to see the retention of the number of councillors that we have now, so obviously from the point of view of your Resident Advisory Group you do not accept the argument that 50 councillors are too many or that it leads to confusion or problems and that we could easily get along with the same number of councillors as is under the present bill. Is that correct?

MR. BEJZYK: Yes, that is our argument. We think that democracy is better represented by having many people representing fewer electors or residents — in our case we argue for residents — than a smaller number of councillors.

MR. AXWORTHY: Thank you, Mr. Chairman.

MR. CHAIRMAN: Are there any further questions? Hearing none, thank you. Mr. John Hilgenga

MR. JOHN HILGENGA: Mr. Chairman and Members of the Committee, ladies and gentlemen. It's getting late tonight and I'm 70 years of age but I couldn't help but come here tonight to give my views One of the things, the area that I live in, it will affect it very much.

May I remind you that in 1969, Mr. Saul Cherniack and Sid Green came out to our community to sell the concept of the City of Winnipeg. I helped them. They gave us the assurance at that particular time that under the Community Committee System, the people of our community would be able to shape their own destiny. I'm sorry to say that didn't altogether come to pass.

First of all, let me explain to you — I'm representing Charleswood. I shouldn't say I represent Charleswood; maybe the Leader of the Opposition will represent Charleswood in the next Legislature. But anyway, I got many a call when this new bill came out and they asked me, what can we do about it? I said, I think very little but I will make an effort to point out some of the shortcomings that we have in this present bill.

We have in Charleswood an area of approximately 37 square miles as against the old City of Winnipeg 22 square miles. In 1949 when I first made my home in Charleswood, we had 2,800 people We have there now something in the neighbourhood of 21,000 or 22,000. We still have one councillor we have one ward. All the deliberations that are made in our Community Committee is this Charleswood has one representative, Tuxedo has the other, and River Heights is the third one.

Now we have problems in our community as far as zoning and development is concerned. We want that area developed according to our taste of life. We were promised that. Now we find, Mr Chairman, that as developing goes on, they take no account of what the community wants. Big developers come in. We have, as I already stated, an increase in population of something in the neighbourhood of 18,000. No provisions are made to cope with that.

Now, we were promised under the first City of Winnipeg Act a district plan. A district plan, Mr Chairman, means a blueprint for that area and that blueprint was going to be decided by the voters or by the residents of our area. Yet, Mr. Chairman, I have been before the Community Committee, I have been before the Municipal Boards, we have asked over and over again for a district plan. We are reasonable people, willing to give and take, but there is no district plan. Today we come to the conclusion that again — it says in here that the district plan is now changed to community plan — and it says again, they may, the Minister may order the City of Winnipeg to develop a community plan

Up until now, Mr. Chairman, and I'm going to be very very brief in this affair, we agree with the reduction of the councillors. We would have liked to see just exactly what position Charleswood would be in. They are now in with Fort Garry and we are in exactly the same position as we were before. We are going to be outnumbered four to one. There are no boundaries set out in this particular thing. I would have liked to see just exactly how we shape up.

Now, we have been able to some extent to save our community from being delivered to the speculators, to the developers on a wholesale scale and that was for the simple reason that if we did not concur with what the Community Committee did, what the so-called Environment Committee did — and they should use the dictionary to find out what the word "environment" means — and what the City Council did, we had a way out. We could appeal to the Municipal Board. And I . . . and I'm standing up here today and regardless of what the City of Winnipeg councillors or Mayor Juba may say, that was one of the most independent, fair-minded committees that I ever appeared before. would be quite willing, if we are in disagreement in Charleswood, to let an independent committee again decide whether or not that's what they have in mind should take place in Charleswood.

Mr. Chairman, we always pat ourselves on the back as being in favour of democracy. May I say to you that if this bill goes through, with zoning decisions by the City Council and we have no appeal democracy goes out of the window. We don't control City Council; we control one member of the City Council and we don't even get our views through in the Community Committee because we're in a minority in the Community Committee.

Our school board tells me that for years, on account of not having a district plan, they don't know what to plan as far as schools are concerned. All at once they find they need more places, more land for schools, more lands for areas where kids can play, and they must buy it at a price that the rezoning

as put on it and I may tell you whenever rezoning takes place in Charleswood, the price of the land oes up three or four times or maybe more. But in the meantime we are short of schools, and I'm not laming the school board. I was a member of the school board for 12 or 13 years myself and I know xactly what they have to cope with. They have got to go through a long rigmarole of red tape in order o get what they want and maybe rightly so otherwise they would spend our moneys maybe too reely, I admit all that. But the thing is this, that I would suggest that any reference that we have no ppeals, that the last word as far as a community plan is concerned and the area action plan is oncerned — before that comes into effect, we should have any decision made until such time as that s settled, we should have an appeal to an independent committee and I would like to see it the Municipal Board.

Mr. Chairman, of course I'm a stranger in this country. I came in 1930 and I've been here now 47 ears. I spent almost 30 years in my community. I worked for that community free of charge. I was ayor for a few years and got kicked out because my ideas were a little too advanced for the people at hat particular time. I spent my time, 12 years, as a school trustee. I'm still active even if my age is reeping over me, but, Mr. Chairman, I would impress on you people, don't let democracy go out of he window in enacting this particular zoning regulation. I thank you.

MR. CHAIRMAN: Thank you, Mr. Hilgenga. There may be some questions honourable members ay have. Any questions?

MR. PAULLEY: I just want to make one observation if I may, Mr. Chairman, to Mr. Hilgenga. At 70, ou're not at the end of the rope yet. I have known you for a number of years and I don't think that will ver happen to you.

MR. HILGENGA: No, and I hope that you people let me live the way I want to live in an area the way want to see it develop.

MR. CHAIRMAN: Thank you, Mr. Hilgenga, Councillor Al Skowron. Professor Phil Wichern, Community Planning Association, Manitoba Division.

PROFESSOR PHIL WICHERN: Mr. Chairman and Members of the Committee, ladies and entlemen. I have a rather brief brief here and I'm appearing for the Manitoba Division of the Community Planning Association of Canada.

Since its founding in 1947, the Community Planning Association of Canada has established itself s a public forum for non-partisan and non-governmental dialogue between the public, the planners nd policymakers on human settlement issues. The national membership includes 6,000 Canadians nd there are 450 Manitoba members. The Manitoba Division has been active in organizing public orums on such subjects as the Habitat Settlements Conference, mobile homes, and citizen articipation in planning and other topics. The Board of the Manitoba Division represents private itizens, municipal and provincial officials, and professionals involved in community planning.

The Manitoba Division has had a particular and special interest in The City of Winnipeg Act and specially in the provisions that apply to citizen participation in it, that is the Community Committees, Resident Advisory Group sections. Initially the CPAC provided directories in 1972 and hen in 1976 another directory for the Resident Advisory Groups and the Community Committees. A tudy was undertaken by the division of the Community Committees and Resident Advisory Groups hich was published by the national office in 1974 and a series of workshops was undertaken for esident Advisors and the interested public. Finally, a brief was presented to the Taraska Committee nd because of the short time since the announcement of the contents of Bill 62, most of the ollowing comments which I have are based on this previous experience and are not my own views or the views of all of the membership whom we have not had an opportunity to canvass.

Now here are a few brief comments: First of all, we do endorse the proposed changes in the Act hich allow for nomination in advance of the community conference to the Resident Advisory roup. This is Section 21, Clause 2.2 and Clause 2.3, as well as the addition of clause (c) to Section 23 hich calls for the community committee "to make the fullest and best use of the resident advisory roup . . . in providing advice and assistance to the community committee in its consideration of lanning and zoning matters." We indicated to the Taraska Committee that we thought the roles of he community committees and resident advisory groups should be defined individually and with espect to each other and that together they should be allowed to plan the environment, their own nvironment, through structured input into the various planning processes of the city. The above ited provision appears to be a step in the right direction, however we believe more clarification ould be required in order to ensure the smooth functioning of these provisions. We suggest a niform date for community conferences in order to generate more public interest and we notice that his is not one of the proposed changes that you are making.

2. We endorse the inclusion of the community committees and resident advisory groups in the lanning process as described in Part XX, Sections 569 to 656 and especially in Sections 579 to 583 hich is the creation of community plans. We are a bit concerned over the replacement of district lans and the district planning process which were integral parts of the original Act, with a totally roader and a new set of expectations but we endorse the idea of making planning coterminous with

community boundaries and establishing procedures and requirements for getting on wit community planning.

Now I just have a few concerns and suggestions for possible changes.

1. We would recommend that the Community Committees should be allowed more powers i dealing with local matters, especially in zoning and planning matters. Our reading and my reading c the amendments to the planning section, suggests that the community committees are still only th bodies for consultation, though the Executive Policy Committee is instructed to refer the plans whatever they be — community plans, Greater Winnipeg Development Plan, etc. — to the communit committees involved before First Reading. Still, there is no mention that the community committee and resident advisory groups would be involved in the preparation of the plan. The stand of th Community Planning Association has been that these groups should be involved in the preparatio of these plans. We think the Act should provide for the communities to prepare or at least participat in preparing the community plans.

2. Our studies, as well as virtually all others, indicate a paucity of resources available to Residen Advisory Groups and this problem doesn't seem, as we read it, to be rectified by the changes in th Act. We think the references to the community expenditures and budgets in Section 22, Clause 3 an 27 should contain specific provisions for Resident Advisory Group allocations. Now there are number of other problems with citizen participation which we and others have identified, but whic have remained outside the scope of the proposed changes namely, the lack of information availabl to Resident Advisory Groups, the tendency of some Resident Advisory Groups to become les representative, and the common frustration of Resident Advisors that their work and recommen dations tend to go unrecognized and tend to get lost in the centralized operations of the larger city that is, downtown.

3. While we recognize the need for reducing the size of Council, we are very concerned about th reduction in the number of communities and the modification of the community boundaries especially in the case of the community of Fort Rouge where a great deal of effort has been exerted t build a community setting in the last five years. The proposed changes in fact, in our view, call in t question the purpose of the communities as described in the White Paper and subsequen government pronouncements. Furthermore, the new size and the reduced roles of communit committees may further erode citizen participation in the new city structure at the community leve

4. Some of our members have expressed strong reservations regarding Section 654, removal o the Provincial Government and its agencies or persons, or statutory corporations, or institutions tha it may specify from city decisions "where the Lieutenant Governor in Council may deem it advisabl and in the interest of public convenience and welfare". That is a broad clause, very broad sort o concept.

5. Concern has been expressed over the removal of the environmental iact review for major publi works by the City. That is the proposed amendment to Section 653 which is going to be repealed an a provision substituted which says Council "may" require such a review, may specify the procedures etc. The concern of some members is that on major public undertakings in the city there should be a environmental impact review before it's undertaken .

This is respectfully submitted by myself. I would be glad to answer any questions.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Mr. Chairman, I was just wondering if whether Professor Wichern had a copy of hi submission.

PROFESSOR WICHERN: I'd be glad to leave you the original. I don't have enough to pass around I'd be glad to leave the original.

MR. MILLER: You read very quickly. It's very difficult to follow all these . . .

PROFESSOR WICHERN: Oh, I'm sorry.

MR. MILLER: That's all right. So if we can get a copy, I'd appreciate it.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, two items Professor Wichern referred to. Firstly, the paucity o the resources available to the Gs. How do you recommend their resources should be, well I was goin to say enriched but they don't have any resource at all, I believe, right now.

PROFESSOR WICHERN: Our specific recommendation here is that there could be som reference to including these as among the items that are listed in that provision, that is Section 2 clause 3 and 27, as to the items that the community committee is to give attention to. I think it list libraries and other things.

MR. CHE. I'm IACK: Pardon my interrupting you with you now, but what is there to prevent th City Council today in providing those resources?

PROFESSOR WICHE: Yes. Now I'm speaking from my own personal — as a professor rather thar as the Community Planning Association. In my own personal opinion, what prevents this is th reading — there has been as you know a very legalistic reading by some councillors of these section of the Act. In other words, they have not interpreted these sections of the Act to give them the right t

› ahead, rather they have interpreted this as the ultimate that they have to do. In other words, ɜction 23 that deals with the Resident Advisory Group was as much as they had to do and they had › responsibility to give; in fact, they have said that Resident Advisors are the only group that cannot ɔeive assistance.

MR. CHERNIACK: It is your impression that they are barred because of their interpretation of the gal aspect, that if they could they would. That's your impression?

PROFESSOR WICHERN: I don't think it will guarantee it, but I think that it would enforce the ɔsition or give more substance to the position of the Resident Advisors and Resident Advisory roups in asking for resources. They need some basis, some legal basis for asking for resources, I ould submit. This is my personal . . .

MR. CHEIACK: Well, then I move to another question. You've recognized — I think you said you ɨcognized either the need or the advisability of reduction of Council.

PROFESSOR WICHERN: Yes.

MR. CHERNIACK: But you seem to deplore the reduction of the number of community ɔmmittees.

PROFESSOR WICHE: Yes.

MR. CHERNIACK: Could you please elaborate on what you think ought to be, not what you like or ɔn't like but what ought there to be and you give Fort Garry as a . . .

PROFESSOR WICHERN: Fort Rouge.

MR. CHEIACK: Fort Rouge as an example. Well how do you then deal with Fort Rouge to the ‹clusion of the other parts of the city.

PROFESSOR WICHE: First let me speak with regard to the stand of Community Planning ssociation, that is Community Planning Association endorsed the original Act with the nderstanding of the White Paper that the communities were designed on a cultural as well as a olitical basis and to continue. Now we are finding and we started finding with this boundary ıanges in 1974 in Fort Rouge and in other communities that these were being eroded and we had nderstood the White Paper and the original Act as building in the community as a social and ɔonomic and historical entity and in this sense, why would these suddenly be abolished? Why ould these suddenly be changed? In my understanding of it, and I believe I'm speaking for the PAC, they supported the community committee concept and still do. That's what I'm saying.

MR. CHERNIACK: Well then are you saying there ought still to be 12 community committees?

PROFESSOR WICHE: When you ask me what should be done, I have to speak for my own self. I ıink that if you are to maintain the integrity of these communities at a minimum and again, speaking ɨth the understanding that this Bill has already gone through Second Reading, I would say that you ave to maintain the integrity of the communities that you have already established. In other words, I ɔould say that to abolish Midland, to abolish Centennial, to abolish Fort Rouge, is to abolish the ɔmmunities as originally defined and to group them all together creates virtually a non-entity. You ɜe. . Why wasn't it defined originally if that's the community that should exist.

MR. CHERNIACK: How do you do that and still reduce the number of councillors?

PROFESSOR WICHE: Well, all right. I would say it involves retaining the communities as they ‹ist today and the allocation of councillors would have to be as many as you want — I'm not iscussing how many there should be right now. But the number that you want should be allocated etween those communities in order — all I am talking about is the preservation of what was stablished in the first Act as historic, cultural, social sort of community. If you want to retain that ɔncept, it seems to me that you have to go ahead and build on it. Now if you want to reduce the size f council, then it is necessary to say these communities are not the historical, social, the entities nvisioned by the White Paper. We are abandoning that; they are now convenient, smaller, ɔnsultative bodies. Something like that. You see? You can go to that concept. You can combine ıem obviously in whatever way, shape or form you see fit, but to call them communities is to go gainst what we had understood was the original intent of the Act. Now maybe there's good reasons, ıere may be well a good reason. I'm not trying to suggest that you should not do that, I'm just trying › point out the problem with the communities as they exist today.

MR. CHEIACK: Thank you, Mr. Chairman.

MR. CHAIRN: Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, to Professor Wichern. Do you believe that the present system of ɔmmunity committees has worked to bring about good planning in the city? Has it created the kind f district neighbourhood, community-type plans that were originally envisioned over the past five ears?

PROFESSOR WICHERN: This again is my own personal reply and not CPAC. I would say that a tart has been made in various communities toward district plans. A start has been made toward ction area plans as far as I know. A start has been made I would say.

MR. AXWORTHY: Well, is it the position of the CPAC or yourself for that matter, that the present

system as it is now constructed, the ward arrangements, the community committee arrangement the best system for bringing about that continuation of an effective planning process or are ther changes that you would like to see to make it better?

PROFESSOR WICHE: I believe the stand, as I say, of Community Planning Association, not m own stand, Community Planning Association stand on that would be that there was hard endorsement of the original concept and they would like to see that continued. Give it a chance t work out. Give the communities a chance to work on their district plans. I believe one has bee completed in north St. Boniface, one was underway in north Fort Rouge. There are others that hav been underway and I suppose the concept, as I understand it, of CPAC is to allow this citize participation in planning to continue.

MR. AXWORTHY: Mr. Chairman, how does the concept that you've expressed about havin community committees represent social, economic, cultural areas reconcile with the fact that th city has gone already to a six district administrative arrangement which has not relationship to thos historical, social, economic boundaries and in fact where most the decisions are made already?

PROFESSOR WICHERN: You see, the way I can respond to this is the Community Plannin Association has taken a supportive role and has not taken a position on the administrative side of this So I think it would not be proper that I would comment. I would have to give you my own opinio about that. The Community Planning Association has simply supported the efforts that have bee going on and, as far as I know, still takes that stand and, as to the administrative divisions, as yo know that is a bit broader and a more complex problem. I think, personally, it has eroded th community committee and Resident Advisory Group operation and all that this Act does is to legall recognize, legitimate, what is already a centralization of power. That's my own personal, in th downtown downtown. In this case, the community committees and the Resident Advisory Group, a many Resident Advisors have found out, have little power. The community committees have n power. All the power shifted downtown and now resides, to a large degree, in the districts. The Ac does little to tie the districts to the administrative, to the community committees. In other words, i does little to re-establish the power of the community committee, in my opinion.

MR. AXWORTHY: Okay, Mr. Chairman, I think that's the point I want to raise. If your assessment i correct that in fact there has been a centralization of power, that the RAGs have not been particularl effective and the community committees have no power, then presumably what this Act is doing, a you say, is just legitimizing what is already a fact and we're not making any big changes. Th organization is simply is putting *de jure* what is already a *de facto* situation. Is that correct?

PROFESSOR WICHE: With the exception of crossing across the boundaries of Fort Rouge. That' the one exception. Fort. Fort uge is divided up, as you are well aware Rouge community committee i in District 6 and at that point you have a conflict between the six districts and part of Fort Rouge i lumped in with this side of the river. District 6 is the other side of the river, so with the exception of tha case, all that has happened is that the six administrative district lines are now recognized b communities.

MR. AXWORTHY: Mr. Chairman, I should say that I have always treated Fort Rouge as a exceptional area because I have to. But I . . .

A MEMBER: Because you have to or you want to?

MR. AXWORTHY: . . . and I want to. But I was going to ask that in those circumstances you woul simply recommend then that the community committees be revised to pull Fort Rouge out of th central city and set up an additional one or two community committees to — so that we may not b stuck at the nu six er but we may go to seven or eight or something like that. Is that acceptable withi your terms of reference?

PROFESSOR WICHERN: I think that the terms of reference of the CPAC, as I understand them are to retain the communities as they are now structured. I would say, speaking personally to you point, a minimum is to make sure that those communities are coterminus with administrativ boundaries.

MR. AXWORTHY: Just one final point, Mr. Chairman. I just want to make clear that the position o CPAC is that these amendments, as proposed, will not help and in fact may hinder the cause of CPAC in encouraging greater participation in the planning process. Is that a fair statement?

PROFESSOR WICHERN: That is correct.

MR. AXWORTHY: Thank you, Mr. Chairman.

MR. CHAIRMAN: Any further questions? There are none. Thank you, Professor Wichern.

Next we have a group from the City of Winnipeg. Mr. Roy Darke, Mr. Robert Ward, Mr. Doug Kaldsics, Mr. Len Vopnfjord, and Mr. Matthew Kernan. I understand that Mr. Vopnfjord and Mr. Kernan are going to present the brief from this group.

MR. VOPNFJORD: Mr. Chairman, my name is Len Vopnfjord. I'm Chief Planner with the City Planning Department. self and my colleagues are here pursuant to a resolution passed by the Committee on Environment which gave sanction to the appearance of civic servants, as individuals, before this committee on the basis of their actual or alleged expertise and we're here in that capacity.

I personally would like to direct my remarks to what I perceive to be the imminent imposition of a nd of a straight-jacket on the planning and growth and development of the city in the form of the escription of three types of city plans in a fairly rigid and prescriptive way, and these plans that I eak of are the Greater Winnipeg Development Plan, the Community Plans and the Action Area ans.

The previous or the existing City of Winnipeg Act deals with three levels of plans, namely the evelopment Plan, the District Plans and the Action Area Plans, and I have no quarrel with the ncept of those three types of plans. The Greater Winnipeg Development Plan deals at a very broad id general level with city policy and applies to the city as a whole. The District Plans apply to an area mewhat smaller than that and Action Area Plans apply to a very smaller specified neighbourhood ea and prescribes prescriptive measures for the improvement of that particular small area.

The amendments retained this hierarchy of plans, this three levels of plans, and at first glance to e layman it would appear that nothing dramatic has been changed but in fact, on closer readings, ere are some dramatic changes in the application of these three levels of plans. The amendments o very little to the Greater Winnipeg Development Plan. They broaden its scope somewhat but enerally in terms of its definition the amendment leaves it alone. It does add something, and that is e ability or the power of the Minister to actually require the city to have a development plan epared within a certain period of time and if that's not done, he can prepare it himself and, in fact, dopt it himself. I'm not going to deal with the ramifications of that particular addition to the section i City plans and the Act, I'm sure someone else will touch on that.

The existing Act deals with district plans and leaves the definition of a district open. It says that, listrict plans should be prepared for each district in the city as soon as is practicable." It leaves the efinition of what a district is, flexible, and it leaves the order in which they should be prepared and dopted if necessary flexible. It enables the city to prepare and adopt action area plans. To date the dministration and the council has not deemed it necessary to use that particular provision of the xisting City of Winnipeg Act. So mainly we've been dealing with the Greater Winnipeg Development an and District Plans. Now what the amendments do is change the definition of district plans, ubstitute the word community for district and require that community plans be prepared for the ntire community area, that is, we'll have six of them. In other words, it defines the area to which a ommunity plan shall be prepared and adopted which the previous Act does not. It also requires their eparation to be unquestionably mandatory. It says, the City shall prepare community plans for ach of the six community areas and, just in case there is any doubt, the amendments impower the inister to order the City to prepare community plans for each of the six district areas in their ntirety. So it leaves little flexibility there. It requires that the community plans conform to the evelopment plan. The previous wording in the existing Act was "have regard to." There is not much a difference there but I think there is a subtle difference in tone. It now enables the City to prepare ction area plans. Now the definition of an action area is left open but it implies that an action area an is to be prepared in order to implement a component of a community plan. In other words, the cations to me is fairly clear that you have to have a community plan in place before you can begin ealing with action area plans and you have to have your general development plan in place before ou can deal and prepare and adopt community plans. So the introduction of this rigidity is omething that is of concern to me. The previous Act allowed for some flexibility. The kind of exibility that I think is absolutely essential in planning a city and I'd just like to go very briefly with ou through a quick exercise and indicate to you what happens when an attempt is made to define in fairly rigid way what I call Master Plans or In State Plans. I think one of the previous speakers ferred to these kind of things as a blueprint for the future. No plan ought to be prepared and dopted with the intention that it be a blueprint for the future because growth and development of a ty changes quite dramatically and quite short order of time and to adhere rigidly to something alled a blueprint or a master plan, I think, especially in this day and age is kind of foolish.

Now I would like to go through, very quickly, an exercise and indicate to you what happened in id around the time period of 1968 when the general development plan of the city was prepared and dopted. The general development plan was adopted by City Council in 1968. It's still the one that is effect, it's still the city's official plan. Now at that period in time there was still in existence 13 area unicipalities under the old Metro system and it was decided that as one of the components of the evelopment plan that detailed area plans be prepared, that the general plan was just that, it was a tle too general to make day-to-day decisions and developments and that something in between the evelopment plan and rezonings and subdivisions were necessary and it was deemed necessary to epare detailed area plans.

About nine or ten of them were prepared for the area municipalities and I have with me a map that a composite of each of these detailed area plans and bear in mind that these detailed area plans ere prepared as recently as 1972 approximately. So that some of them are really no more than five ears old and I would like to show you this composite to show you the results of what would have appened had these detailed area plans been adopted by by-law as would be required under the

amendments to this Act.

I apologize for the quality of the graphics. It was done in kind of a hurry and the tape is n intended to cover up holes in the plan, but they are in the form of Xs and indeed they are, if you want call them, mistakes. The areas where the tape is placed over the underlay are areas where there a fundamental differences between the detailed area plans that were prepared as short a time ago a five years and what is actually happening on the ground today, or what has, in fact, already occurre These are fundamental differences between the detailed area plans and what is now on the groun

The message of this is that I implore this group to consider the necessity of maintaining some kir of flexibility in the use of these tools. These kinds of plans are very very useful and we've put distri plans to good use in many parts of the city, but the Planning Department needs, the Reside Advisory Groups need, Council needs, Environment Committee needs or the designated committe need the kind of flexibility to use these tools in a sensible way and in an order in which the resourc available in the Planning Department, the issues happening on the ground dictate.

I guess my message is that we're not particularly unhappy at all with the existing Act, its definitic and its prescription by which district plans and action area plans and the general development pla can be prepared and adopted.

I'll finish up my part of it and then, if you like, I can call my colleagues. Mr. Kernan.

MR. CHAIRMAN: I think there are some questions with your plans. Do you want to answer the now or later?

MR. VOPNFJORD: I may as well deal with them now because the substance is . . .

MR. CHAIRMAN: Mr. Cherniack and then Mr. Johnson, Mr. Axworthy. Mr. Cherniack.

MR. CHEIACK: I'm afraid that I am going to have to ask you to elaborate on what you were tellin us. I assume that we have now have a Greater Winnipeg Development Plan. Is that rigid?

MR. VOPNFJORD: No, and the amendments to the Act really don't affect the definition of th general development plan at all so we have . . .

MR. CHERNIACK: Well is there flexibility with that?

MR. VOPNFJORD: There is flexibility with that.

MR. CHERNIACK: What is the nature of the flexibility? Is it that Council can change it?

MR. VOPNFJORD: Council can change it. Also the subject matter that is to be dealt with. Thos things that Council must consider, shall consider in reviewing or adopting a development plan. In th present Act and in the amendments they prescribe a certain number of subject matters and the leave it open ended. So that there is some flexibility in the subject matter and a degree of detail i generality.

MR. CHEIACK: there I looked and I moved to the community plan, and what you used to know as district plan, and you say now that the amendment requires preparation. How much of the prese city does have a district plan or a community plan?

MR. VOPNFJORD: In terms of percentage, land area or . . .

MR. CHEIACK: You tell me.

MR. VOPNFJORD: There are about 12 district plans that have been prepared. Not very many c them have been officially adopted but about a dozen or so that have been prepared or are now in th process of preparation.

MR. CHEIACK: But that doesn't mean anything unless we know . . .

MR. VOPNFJORD: How big they are.

MR. CHERNIACK: Yes. Are they large? Are they half the city, are they a quarter of the city, are the . . .

MR. VOPNFJORD: One of them is applicable to the Rural Municipality of East St. Paul. That about the largest one we've got. The smallest one is about the size of a neighbourhood of about 5,00 people. We generally, in operative terms within a department, we are comfortable with a notion of district plan being something no smaller than a neighbourhood and possibly encompassing two c three neighbourhoods. Anywhere between 5,000 and 15,000, 20,000 people.

MR. CHERNIACK: Well, when I look at the definition of a community plan, it looks like it's reasonable thing to have. It may not be a blueprint or a plan for the future, a master plan, but at least seems to me it is a description of what council feels is now the expectation of the development of thi particular area or neighbourhood. That's advisable to me.

MR. VOPNFJORD: We have no quarrel or take no exception to the definition of the content c either a district plan or a community plan. It's the area to which it applies.

MR. CHEIACK: Well then suppose the area, it says, means a plan for the whole area of th community. Suppose it said, means a plan or plans for the whole area of the community. Would tha help you? You see, I want to understand your problem and see whether, if I agree with it, can I hel you adapt to it. If you feel that the whole community, and we now mean the six of the cit approximately, is too large an area, then suppose you had 12 or 15 or 20 but still covered the whol city. Would that make it easier for you somehow?

MR. VOPNFJORD: It sure would because . . .

MR. CHEIACK: Why?

MR. VOPNFJORD: . . . there is no way that we could really practically get around to covering the ıole city and quite frankly, it's really unnecessary to have a district plan or a community plan for ver Heights unless you want to colour it just simply . . . It's fixed. There are many many portions of ɜ city that are quite stable and they're not subject to change or redevelopment; there's no need to .

MR. CHEIACK: What problem would you have of preparing a plan for River Heights if you don't ɜd one and obviously it's just there. It's so simple. All you have to do is picture it.

MR. VOPNFJORD: Well, the process that we have incorporated in the preparation and adoption of ɜtrict plans, we like to ensure that resident involvement is a part of this problem. So if you are ɪtroducing extraneous areas to those in which, you know, there is a real requirement to rationalize ıat is happening, then why introduce extraneous areas into consideration. In other words, what ıd of citizen participation can you get in preparing a community plan that is applicable to an area ıcompassing 70,000 people?

MR. CHE Yes, IACK: but I just postulated the possibility that you could have 14 of them, or 5,000, if y . . .

MR. VOPNFJORD: 14 community plans?

MR. CHEIACK: If my arithmetic is right then 14 in that 70,000 would give you 5,000 each but you id you could go between 10,000 and 20,000. So I'm still trying to get your definition. Suppose then ıu were asked to prepare a community plan for the neighbourhood of River Heights. You could to at easily?

MR. VOPNFJORD: Yes.

MR. CHERNIACK: Then you would have to bring it to the community for review. Would you ɜsitate to do that? Is there anything adverse to your doing it? Well then why wouldn't you do it? Is it st too much work? No you said extraneous so I'm . . .

MR. VOPNFJORD: Well I think it would tend to confuse the issue. If we're dealing with a district an for a part of Charleswood that is subject to change and redevelopment and the development of e back lands and the need to define certain new rights of way and prescribe land use and density, ıy ask the folks in River Heights to come out and participate directly in that issue?

MR. CHEIACK: Well, now, you're back to talking about the whole community dealing with a part the community. That's what you're objecting to then, is that it? You don't mind Charleswood being volved in Charleswood development.

MR. VOPNFJORD: No, you see, the kinds of community plans or city plans that are most effective a level of generality less than the Greater Winnipeg Development Plan, in other words, the most fective types of plans in dealing with rationalizing land use and change in development, are those at apply to smaller areas where you really have to get down to some degree of detail and deal with al property ownerships and immediate neighbourhood concerns.

MR. CHERNIACK: What you are then describing is still larger than an action area plan, is it?

MR. VOPNFJORD: Yes.

MR. CHERNIACK: We are at cross purposes because for argument's sake I have conceded to you at we could say — I mean I have no right to say what we could say — I'm suggesting that we could ıve a community plan covering a neighbourhood area of 15,000 people. You have agreed you could ɔ it?

MR. VOPNFJORD: Yes.

MR. CHERNIACK: My question was, what is the objection to doing it everywhere? River Heights ıd Charleswood. What's the objection to having plans for each of them?

MR. VOPNFJORD: It's the manner in which you deploy the existing resources that you have ɜailable.

MR. VOPNFJORD: It doesn't say you will be fired if you don't do it within three months, does it?

MR. VOPNFJORD: It implies that somebody else at a higher, more senior level of government ight put a little pressure on.

MR. CHERNIACK: Yes, might put a little pressure. And what's wrong with that? Are you saying at there are large sections in Winnipeg where you don't think it advisable to have a plan at all?

MR. VOPNFJORD: I think there are large portions of the city where it's unnecessary to prepare a strict plan — what we now know as district plans under the existing Act — yes, I agree with that.

MR. CHERNIACK: Do you find something wrong with having it?

MR. VOPNFJORD: It does take time and it does take resources and it does divert those resources ɔm the real needs at hand.

MR. CHERNIACK: So it's a budgetary matter.

MR. VOPNFJORD: That's partially that and it's partially a confusion, I think, of the issue.

MR. CHERNIACK: That's what I want to get at. I'm sorry, Mr. Chairman, in what way is it a ɔnfusion of the issue? You have a district that is pretty well planned now that may be threatened with

multiple housing, that may be threatened with small industry. I think anybody who has lived Winnipeg any period of time thinks of — is it Armstrong Point where there is all sorts of concern abo a change — what is wrong with saying well now, we will describe what is in such a way that a chanç has to be something that is reviewed, considered by the community with proper hearings? I dor understand your objection other than a question of resources.

MR. VOPNFJORD: How do you structure a process that involves 70,000 people in the preparatic of a community plan?

MR. CHERNIACK: I just agreed with you, that we could be talking about 15,000 or 20,000, so wh are you talking 70,000?

MR. VOPNFJORD: Are we now talking about 15,000?

MR. CHERNIACK: I postulated that the old city could be split into 15,000 or 20,000 for a reasor don't understand but which you suggest is good.

MR. VOPNFJORD: What I'm asking is for the amendments to be amended so that we retain th flexibility in the definition of what was known as district plans and is about to be known as communit plans.

MR. CHERNIACK: The only interpretation I have of what you said is that you think it's too large t have one whole Community Committee area in a plan and that's all I've gotten out of . . . is tha unfair, that interpretation of what you said? That if it were smaller it would be acceptable?

MR. VOPNFJORD: No, that's what you've gotten out of what I said.

MR. CHERNIACK: But it's not right. I'm sorry.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Chairman, on a point of order. I wonder if I could just have the Committee' attention for a moment in terms of trying to facilitate people. There are approximately five or six Cit of Winnipeg briefs. I am of the opinion that members would not want to work beyond midnight. Ther would be five or six briefs from the city; there are many people on the list.

What I would think is that the people beyond the city can now use their judgment as to whethe they want to stay or come back to the next Committee meeting which would probably be some tim on Friday, but we would inform you. So that if we had the city representatives — I'm not suggestin that other people go home — I'm suggesting that they may find that they're staying until twelv o'clock and then not being able to put their briefs.

I would think that if the Committee wants to quit at twelve, which is something that I've sort c gathered only by assumption, that people beyond those who are representing the City of Winnipe should feel free to leave or stay , but it's not likely that they would be heard tonight. Is there an member of the Committee who wants to deal with that question?

MR. CHAIRMAN: Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, speaking to the point of order, I only suggest that if we're askin people to come back, that we give a very clear indication when the next Committee might be held s there would be no confusion on that point.

MR. GREEN: I would say that the most likely time would be Friday night , but if there ar opportunities in the House on Friday afternoon or Friday morning we could meet at that time too. I will likely be Friday night but in any event, the Clerk will inform the people on the list. I am telling th people who have presented briefs that they of course are welcome to stay if they find it interesting but it's not likely that we will get beyond those people who are here from the City of Winnipeg.

MR. CHAIRMAN: Yes. Mr. Johnston.

MR. F. JOHNSTON: Thank you, Mr. Chairman. The map that was held up before us there, am correct in saying that that is an indication of the difference that has come about from the district? I other words, your district plans you have here now, the Xs or the cross-outs on your map there are th differences in those plans. Is that correct?

MR. VOPNFJORD: There are differences between what has happened or what is happening or the ground and what was indicated ought to happen in the detailed area plans that go through.

MR. F. JOHNSTON: In other words, the detailed area plans that you are speaking of there are a form of planning which we seem to have thrown away quite a while ago because we cannot stick with rigid plans; there is no way obviously that we can stay with it. We have to have flexibility.

MR. VOPNFJORD: That is correct.

MR. F. JOHNSTON: In the flexibility of the plans, what would you suggest as far as community lands are concerned? You just are saying, as you said to Mr. Cherniack, that you want to get tc smaller numbers. You want to deal with the particular community or smaller district rather than the whole district?

MR. VOPNFJORD: We want to be able to define those areas where a rationalization of what's happening in terms of either change or development or redevelopment , where there is an actual need to rationalize the forces of change.

MR. F. JOHNSTON: In other words with your experience and presently in the city, it seems to be — well, I'll use the word — it's an "archaic" thing to do to lay down zoning firmly for a large area.

MR. VOPNFJORD: It's an archaic concept to adhere rigidly to a notion of master planning, that ou can at one point in time prepare a plan for a fairly large area and expect that plan to hold true for a ɔng number of years.

MR. F. JOHNSTON: When you mentioned there are areas of the city that don't need planning — Ar. Axworthy mentioned his earlier — my area of the city is Sturgeon Creek area, not Assiniboine, ıat's further out. I couldn't really see any reason for a firm community plan to be laid in there at the ıresent time. I don't know of any place they can go in that area at the present time. You are saying we re going into a lot of administration and time for our present planners, that it can be completely ınnecessary.

MR. VOPNFJORD: That's what I'm afraid of.

MR. F. JOHNSTON: The Act states that the Minister can tell you to do it or he can amend it, so you re in the position of having to do it even though you may not think it's necessary.

MR. VOPNFJORD: The potential is there for that to happen.

MR. F. JOHNSTON: Just one more question. Was there any discussion with your department with ınybody from the province regarding the writing of these amendments?

MR. VOPNFJORD: Not to my knowledge during the time of the preparation of the amendments hemselves. There was some during the course of the Taraska Commission but not after its ɔnclusion, to my knowledge.

MR. F. JOHNSTON: There was discussion with the people who were doing the Taraska Report. 'here has been nothing to your knowledge in discussion with the people of the province regarding hese amendments, no discussion with the city or your department?

MR. VOPNFJORD: Not to my knowledge. I've been back with the city now for just a month but ɔrtainly not in that time.

MR. F. JOHNSTON: Fine, thank you.

MR. CHAIRMAN: Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, my questions to Mr. Vopnfjord I think are different from those of Ar. Cherniack. He seemed to be concerned that you were suggesting it was just the size and scale of he planning. As I understand it, you had a much different concern and that is that under Section ɔ(9)(7) of this Act, that you in effect can't do an action plan unless it conforms to a community plan ınd you can't do a community plan unless it conforms to a Greater Winnipeg development plan. The ɔnclusion I would draw from that is that we can't do any planning because you couldn't do any ɔlanning in a local neighbourhood action area unless all the other plans were in place. Is that ɔrrect?

MR. VOPNFJORD: That's almost the way I read it. The implication is there. I don't know if that was he intention but if it wasn't, I would like for somebody to tell me that it's not.

MR. AXWORTHY: Okay, Mr. Chairman, the point then is that from a planning point of view, you vould see that — I'm not trying to put words in your mouth — you would see that as almost being ɔreventative of the City of Winnipeg of initiating small-scale plans in certain neighbourhoods that lesperately need them unless all the other plans were in place and if they weren't in place you ɔuldn't do any planning in those areas. Is that correct?

MR. VOPNFJORD: It could be construed that way and it could be used that way and whether it be ɔn the part of the province or on the part of some resident group or on the part of the developer, it ɔuld be used that way.

MR. AXWORTHY: You mean that if this Act was passed as presently stated, and your planners vanted to do a small plan, let's say in the north Fort Rouge area which does need it — we've been vaiting a long time — and there was not yet a community plan for the whole new central Winnipeg ırea and there wasn't yet a development plan, that some local resident or builder or something could ɔme along and take legal action and say it's not a legitimate plan?

MR. VOPNFJORD: He might have a case. Whether he does or not, I think he might be successful in ıalting the process, in halting things happening for some period of time. So I just want to avoid those ɔtentialities. I think the kinds of definitions and the kinds of tools available under the existing Act are ıdequate. They are flexible and I really don't see any need to doctor them.

MR. AXWORTHY: That's right. I think, Mr. Chairman, that was the point I was trying to draw. I think that going back to the previous questions, that it was not the size or scale, it was the fact that one is dependent on the other and that you couldn't get your small-scale plans unless all the other higher level plans were in place.

Now, let me ask you this, Mr. Vopnfjord, if that's the case that you couldn't get a small neighbourhood plan or an action area plan going, what's the normal timing say, to do a Greater Winnipeg development plan? You are presently involved in doing one. What's the time scale for that kind of plan to take place?

MR. VOPNFJORD: The previous or the existing Greater Winnipeg Development Plan I referred to earlier which was adopted in 1968, I think it was given first reading in 1966 and I think its preparation

was commenced probably some five years or so prior to that. So we are looking at seven year There's almost two years between first and third reading alone. I don't know what happened in ther

MR. AXWORTHY: So if we were to follow the law as it is written in this Act, it would mean that effect we couldn't do any small neighbourhood planning for six or seven years in the City Winnipeg, after it was passed, in effect?

MR. VOPNFJORD: A literal interpretation of the amendments would lead one to that conclusio

MR. AXWORTHY: Okay, thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Minaker.

MR. MINAKER: You indicated in answering Mr. Johnston's question that you had had som communication with the Taraska people when they were preparing their report. I wonder if you cou advise the Committee of the different recommendations that were put forward by your departmen Were any of them included in the Taraska Report as recommendations?

MR. VOPNFJORD: I can't respond to that because I wasn't with the department at the time. I wa with the department a year or so prior to now and I've just been back for a month. So during that time wasn't with the department , but I believe that one of my colleagues who is here was involved in tha process and could probably answer that question.

MR. MINAKER: Would they be able to advise the Committee of that question?

MR. VOPNFJORD: Yes.

MR. MATTHEW KERNAN: I think it would be fair to say that for the most part . . . Perhaps I shoul clarify first of all there wasn't a departmental brief submitted to the Taraska Commission. A numbe of individuals submitted them separately and as one of those individuals who submitted one, I foun precious few of my individual recommendations among the Taraska recommendations. That's reall all I can say to that.

MR. MINAKER: If I understand you right, very few were included?

MR. KERNAN: That's correct.

MR. MINAKER: Then could I ask you, Mr. Kernan, did any of those particular recommendation end up in the bill that we are looking at the present time, amendments?

MR. KERNAN: No, I would say that Bill 62 is farther again away from my personal position than th Taraska Report was.

MR. MINAKER: So that of the general presentation by your colleagues from the city, it woul appear that very few were included in the Taraska Report and little, if any, were included, in you opinion, in the amendments that we are looking at at the present time.

MR. KERNAN: That is correct.

MR. MINAKER: Thank you.

MR. CHAIRMAN: No further questions for Mr. Vopnfjord? Mr. Kernan, do you wish to speak to th committee?

MR. KERNAN: I should explain at the outset that notwithstanding my acrobatics with the map, I'm not really representing departmental opinion here. I'm here in my own capacity although I do wor for the city's planning department. What I would like to do is address in some more focussed deta some of the points connected exclusively with Part 20 of the Act and the parts of Bill 62 that speak t that.

It's unfortunate that Mr. Cherniack doesn't appear to be sitting at the moment , but perhaps for hi elucidation later on I think the point he was trying to elicit from Mr. Vopnfjord was what utility, if any the community plan would have . I think the point there is that at the scale at which it is envisioned that is, a sixth of the city, it would be of such a general level — if it were practicable to do it at all — tha it would be so general as to be fairly useless and not only that, but that document itself would be condition precedent to doing any more detailed area planning, as I believe Mr. Axworthy just pointe out.

But that aside, the first issue that I would like to address — and again this is focussing in som detail perhaps — if one looks with some care at the various adoption processes that Bill 62 sets out fo processing a development plan, a community plan, rezonings and subdivisions and so on, there is curious divorce set up which is not found in the current legislation. The current legislation provide that both the Committee on Environment and Executive Policy Committee are involved in both – what I could call micro-planning issues — the rezoning and subdivisions and what not, and the large issues, the development plan and the district plan adoption which to me makes sense. You don't en up with a divorce with familiarity with the local issues in context to with the city-wide ones.

But Bill 62 would propose that Executive Policy Committee have no formal role whatsoever in th small-scale issues and conversely that Committee on the Environment would have none whatsoeve in a macro-scale planning. So effectively you've got the two committees which are currentl conversant with both levels of plannings I believe are interrelated. You'd have a divorce set up them.

The second point that I'd like to make relates to the community plan itself. Mr. spoke briefly abou his conception of the utility or lack of same of the plan. I'd like to focus in detail on the adoptio process.

Bill 62 sets up a paradigm whereby as a general rule, in those cases of adoption where the ɔvince is no longer mandatorily involved.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Chairman, . . . I interrupt the delegation, but on a Point of Order, there parently has been some misunderstanding about what I said earlier. When I referred to the city ople I was talking about the official delegation from the City of Winnipeg. There are also many city uncillors here, and others, but I was talking about the group that was here on behalf of the city to ake representations. I was talking about the list that you have of planning people, etc. I am not ggesting that other people should leave, but I think that the length of time that those people will ke will bring us pretty close to 12:00 o'clock. So as long as everybody understood what I meant nen I meant that we would probably be able to hear out that group of city representatives — and I dn't include the councillors who have indicated that they want to speak for themselves. As long as at is understood.

MR. KERNAN: I was referring specifically to the new concept of the community plan which is the termediate level plan that is contemplated by Bill 62. I mentioned that as a general rule, in those ıses where the province is now to be eliminated, presumably in order to streamline the process, the ɔmpensation for what now exists as a right of appeal to the Minister is the institution of a second ɜaring. That rule is followed consistently with respect to every single adoption process except the ɔmmunity plan which, for some reason, has both provincial involvement and the second hearing. I ɔuld argue that that's inconsistent with the philosophy that is espoused in the bill and that either the ɜcond hearing, the logic escapes me, the necessity for a second hearing in the a community plan, ıd yet one hearing seems to suffice for the government plan. But I'll get into the arguments about e two hearings in a moment.

Focusing specifically for a moment on the rezoning and subdivision adoption process which we ave now. Again Bill 62 contemplates the removal of the Minister and the Municipal Board from those ·ocesses where they are apparently involved, and sets up, presumably in compensation for the right appeal, the second hearing. Presumably, one of the justifications for that is this attempt to reamline the approval process which is much maligned of late. . I think that bears closer scrutiny.

I think if we look at it, it turns out, in fact, that about 60 percent of the applications that are received ɔw go, objections are made to them and they go to the Minister. So that in 40 percent of the cases the inisterial involvement doesn't constitute a delay now. It seems to me there would be little served in iminating that non-existent delay. In the 60 percent of the cases where the Minister does become ıvolved the length of time that his involvement adds to the process is, on , an average month. So I ıink we have to look at the new process since it proposes to save us a month 60 percent of the time. he question is will what's added more than compensate for the time that's saved, and it is impossible ɔ say with any certainty, but my guess would be that in all likelihood, more time will be added than ill be subtracted. So that on a pragmatic basis, instead of partly streamlining the process, it may ıdeed end up lengthening it. On a theoretical level I personally can find no justification for the ɜcond hearing, inasmuch as with the two hearings the first hearing at the community committee ıvel becomes somewhat of a charade, given the fact that the body that hears is not the body that ecides. So that my own personal view is that one hearing, as is currently the case, is sufficient and ıat that hearing should be held before a committee that is representative of the whole council, which ·ould be presumably the designated committee or Executive Policy Committee. The earlier hearing an really only have meaning if the committee that's hearing it has some power, and I don't see any rovisions in Bill 62 for actually centralizing power to the community committee level, therefore, the ɜcond hearing becomes to me somewhat specious.

Early speakers have touched on the issue of the erosion of local autonomy that is contemplated in ill 62. I'll leave the general argument to others, but specifically with respect to what I have been peaking about, the rezoning and subdivision approval process, it's quite commonly known that ection 654 as proposed would exempt the province automatically and any other agency, person or ıdividual that was exempted by the province after a hearing, from city by-laws and plans. The bvious beneficiary of that amendment would be the Manitoba Housing and Renewal Corporation. resumably the amendment is inspired by an attempt to relieve what is perceived as being a ottleneck at the city. I think again that bears dares close scrutiny.

One finds it difficult to argue that the city has become a bottleneck, given the fact that last year MHRC did its most prolific year of construction ever. So that the existence of the bottleneck itself is omewhat at issue and secondly, even if it were conceded to exist, it is questionable whether or not ıe proposal is the most expedient means of removing it. It certainly would destroy any shred of local utonomy. I think if the Provincial Government does perceive a civic reluctance to approve MHRC ıojects, I think that can be traced back indirectly to local popular opposition to several of them, hich finds voice in, naturally enough, in the elected representatives of the city council. It seems to ıe that that popular opposition could reflect itself just as easily at the provincial polls, where a ıoject that is locally unpopular to be imposed from without as contemplated under the bill.

And the final issue that I'd like to touch on, which was addressed earlier by Prof. Wichern is amendment to Section 653, the Environmental Impact Section which, as many of you may familiar, has been successfully eroded over the past four or five years by legislative amendment the point where it is now a fairly pale shadow of its origin itself, and the amendments proposed in I 62 would complete that job and completely render the section, in my own personal opinion, tota inoperative. The current Act reads that the incorporation of an Environmental Impact Review mandatory, given council's consideration that if a project is sufficiently of amajor scope. Bill would change that. Environmental impact would become only necessitated in cases where coun sees fit, and furthermore, unlike the present time where the courts were free to step in and questi the validity of the completeness of a Civic Environment Impact Review. The bill contemplates t review being beyond the reach of the courts.

Those are the detailed issues that I wanted to address and if there are any questions I'd be pleas to attempt to answer them.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Firstly, I want to get clear on the two hearings. You are objecting to t hearings?

MR. KERNAN: Well, what I . . .

MR. CHERNIACK: That's for the community plan or for the zoning changes?

MR. KERNAN: Both.

MR. CHERNIACK: You object to two hearings?

MR. KERNAN: Well, actually, fortunately you just reminded me of an argument that I forgot earli which is that ideally my argument would be that one hearing is sufficient, and I recognize that t government is trying to balance the twin goals of expediency and allowing the right to be heard recognize that.

MR. CHERNIACK: One hearing, where would you have it?

MR. KERNAN: Well, I would have it at the level of a committee representative of the whole, committee representative of the whole council rather than a . . .

MR. CHERNIACK: Then you would not have it at the local level?

MR. KERNAN: That's correct, but my fallback position, assuming that the original argument is n smiled upon, would be that the second hearing, in those 40 percent of the cases that we current have where there is no opposition at the community committee level, would seem to me entire superfluous to have the second hearing. So I would say that if two hearings, fine, the second or should become conditional on objections based at the first one.

MR. CHERNIACK: All right, so you are saying you favour , or your fallback position is that yc would accept the first hearing at the community committee level, and then if there is a appeal of sor kind or an argument or a dispute, then a central committee may hear it as an appeal or a re-hearin

MR. KERNAN: That's correct.

MR. CHERNIACK: But you are saying that there ought not to be the need for a second hearinç

MR. KERNAN: Ideally, I try to phase the issue as — if the government really is serious abo devolving power to the peculiarly local level, that's one issue, then the community committee hearin could have some validity because the community committee itself could decide the issue. But give the untouched portions of the original Act, community committee's function, as you know, is large advisory, and to hold the hearing at that level seems to me to be, if nothing else, conjuring u expectations that are rather spurious.

MR. CHERNIACK: Is that your experience now?

MR. KERNAN: I would say it is, yes.

MR. CHERNIACK: All right then, on the question of the environmental impact study. Is it yo views that a court shall have the right to decide the validity or evaluate the quality of an environmenta impact study? Do you agree with that?

MR. KERNAN: The traditional experience so far would suggest that that's precisely what th courts have tried to do.

MR. CHERNIACK: I'm sorry, I'm not asking you for your opinion of what happened. I want yo opinion as the planner of what ought to be the case. Should a court be able to judge the quality of a environmental impact study . . . ?

MR. KERNAN: I was attempting to address that question.

MR. CHERNIACK: I am sorry.

MR. KERNAN: The most recent Court of Appeal decision concerning the Beaverhill bridge issue it was pointed out that if the Municipal Council acts with due regard and has some colour of a decen consideration of the issue, I would accept the implication that the courts had no right to intervene i that case. In that case, the point was made that council's consideration was not scrupulous, was no as complete as it might have been, and in those cases, yes, I would say it is within it to introduc judicial review which is the way it is now, and I am saying that the problem, as I see it, with Section 65 is it would close the door to that.

MR. CHERNIACK: I happen to agree with you that there shall be a report, but I would insist that elected people, the people elected for that purpose, have to decide as to the quality of the review I they come to a conclusion , and be accountable to their electorate for having done what a court ght consider to be inadequate. But you are saying a court has a right to step in and interfere, to iew what would . . . pardon?

MR. KERNAN: I am sorry to interrupt. If it is manifestly obvious, that the . . .

MR. CHERNIACK: Well, manifestly obvious to a court . . .

MR. KERNAN: Yes.

MR. CHERNIACK: But a body of a majority of elected people, be they 28 or be they 50, you say is sufficient to have that responsibility. You and I are differing on that.

MR. KERNAN: Well, as a theoretician , I would agree with you but my experience is that that body ds not to be.

MR. CHERNIACK: You would therefore rely on a court to have that . . .

MR. KERNAN: Reluctantly, yes.

MR. CHERNIACK: Thank you.

MR. KERNAN: Are there any other questions?

MR. CHAIRMAN: Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, I just wanted to come back to some of the points raised by Mr. rnan. On this question of what he suggests would be an extension of the planning process by nning for two hearings. I take it you don't have any particular objection to the first hearing being at community committee level, if in fact, the community committee was given proper powers to be a nning body and a decision-making body.

MR. KERNAN: That's correct.

MR. AXWORTHY: But at the present time, it isn't in the Act, therefore the hearing shouldn't be re.

MR. KERNAN: Precisely.

MR. AXWORTHY: Is that the reason for it?

MR. KERNAN: Yes.

MR. AXWORTHY: I wanted to follow through then, another point that you made about the fact that ns are made by different groups in council under these amendments. I wanted to follow that ough, it suggested to me that one group of the executive branch is making plans on a macro level d another group of committee is making it on a micro level and the two of them never get together. that a correct assumption?

MR. KERNAN: I didn't mean to sound so conspiratorial about it. What I meant in my reading of Bill is that I like the current situation where both the Committee on Environment and Executive Policy mmittee are both formerly mandatorily involved in both macro and micro issues, macro being the velopment plan, even a district plan, and the micro being an individual rezoning or subdivision der the current Act they are both involved and I think that those planning issues are interrelated d therefore should both be funneled through the same body. Bill 62 contemplates a divorce of ose two and removes EPC from the micro, and conversely removes the Committee on Environment d its successor from the macro issues. And to me, that is an untenable divorce.

MR. AXWORTHY: How does that deal with the criticism that has been heard that part of the oblem with Executive Policy Committee is that it tends to get bogged down with minutia and small ning variances, and therefore, it is so busy looking at the trees it never sees the forest and doesn't ke the kind of policy decisions that we would all like it to be making.

MR. KERNAN: Well, as an observation, I can sympathize with that, but how do you relate that back my earlier point.

MR. AXWORTHY: Well, I presumed that one of the purposes of this would be to free up Executive licy Committee for the big picture and leaving the smaller application of that to another committee necessary.

MR. KERNAN: Yes, I can see the thrust of that argument but that again begs an even more radical structuring that I didn't address tonight, although I did in the submission to the Taraska mmission, which would be that you'd . . . Well, I think it is beyond the scope of what I have been king tonight that it would basically see linearis decision that were agreed to have a peculiarly local pact decided at that level. So EPC, under this scheme EPC would continue to be involved in the icro issues but, in that circumstance, when some authority had been devolved for the community mmittee level, then I could see it. Yes, they can divorce themselves from the micro issues. But the y it is now where there is not devolution of power, that divorce makes no sense to me.

MR. AXWORTHY: actually though, really in one way, your criticism of this Act is also a criticism of old Act, and that is that there isn't a devolution that has sufficient powers to the local level to give it apacity to decide local matters, and that that would be a much more constructive way of changing Act than the one that we are pursuing. Is that a fair statement?

MR. KERNAN: Yes, that's a fair comment, yes.

MR. AXWORTHY: Okay. Mr. Chairman, further to the point, you mentioned that the amendm that would re-institute the province having right of Crown, meaning right to exempt itself fr planning decisions if it so decides, has been based upon the argument that the city is a bottlen and has not been kind of disposed towards the efforts of MHRC and the Department of Public Wo to engage in its provincial projects.

MR. KERNAN: That is the only presumed justification . . .

MR. AXWORTHY: And Health and Social Development. Okay. Now you take issue with that fr the planning point of view, without going over to the realm of politics. Can you give us more evide to support your case that, in fact, that is not a problem? Can you cite, sort of chapter and verse, ab the number of applications asked for, the number approved, within a period of time to determ whether in fact . . . and by the way, the province has made the claim in many cases that that i problem. —(Interjection)— Well, I've been asking the witness, Mr. Chairman.

MR. KERNAN: Well, I am not really either experientially or statistically equipped to give a answer to that. The only thing I can say is that I have some difficulty accepting the validity of the c bottleneck argument, given the fact that, according to the figures that I have before me, this past y MHRC constructed 22.3 percent of all residential units constructed in the city, which is statistica by far, their best showing in five or six years. So that if the bottleneck exists, it seems somewl incompatible with that.

My second point was, even accepting the validity of the argument, that the bottleneck exists this in fact, the best way to obviate it?

MR. AXWORTHY: So you are saying, I gathered then, that where and when there are objectio they are objections arising from the local community of which the councillors are expressing whi is a legitimate channel for political activity to take place, and that. . .

MR. KERNAN: Well, legitimate or not, it certainly exists and it would presumably be equa objectionable were it imposed by provincial interests.

MR. AXWORTHY: Do you not say that in the provisions of the Act that provides for a certa number of hearings or something, that that would provide sufficient protection for local interes

MR. KERNAN: Protection against?

MR. AXWORTHY: Well, against the kind of imposition that you talked about.

MR. KERNAN: Under the current Act, what one person would call protection another, of cour would argue is obstructionism, but those mechanisms are in place. Certainly Bill 62 contemplat their entire removal *vis-a-vis* the province. So whatever mechanisms if you want to use the te "protection" the protection disappears.

MR. AXWORTHY: No. What I was talking about, Mr. Chairman, is the fact that under the Bill t that when the Minister or the Provincial Government decides to exempt themselves, they have to hc a hearing, appoint an official. Now is that not sufficient protection in your mind to protect the loc interest that might be objecting to it.

MR. KERNAN: Perhaps I should clarify that point. The province in its own Crown agencies automatically exempt so that if we are using MHRC as an example, they are automatically exem The province under the bill can, after a due hearing, exempt presumably any other corporation individual. That hearing could be construed as being adequate protection, but it doesn't apply in t case of, for example the Public Works Department or MHRC.

MR. AXWORTHY: Mr. Chairman, one other line of argument that you also made a case, as h another delegation, about the Environmental Impact Assessment Program. Let me ask you this, hc valuable has the existing program been as a planning tool in the City of Winnipeg or what potenti have you seen in it as a planning tool that we should now be getting rid of it? Has it been working fact?

MR. KERNAN: That could be the subject of several books. I'd say that assuming the initi experience with it wasn't encouraging from an environmentalist's point of view. Let's say that the ci didn't embrace the opportunity provided by the legislation to conduct such reviews, but I think t more recent experience with it has been motivated either by ultraistic environmental concern or sta terror. There has been a much greater commitment . . .

MR. AXWORTHY: Stark terror on the part of whom?

MR. KERNAN: Civic entities.

MR. AXWORTHY: Okay. That's a Diefenism.

MR. KERNAN: I think there is an increase in commitment on the part of both I think civ politicians and civic administrators to try and make the section work, and so I would say that th experience even of the past 12 months in terms of the quality and the scope of the reviews that hav been conducted has improved markedly so that it's to me somewhat lamentable that this sectio would be virtually . . .

MR. AXWORTHY: Well, if there has been a warming of the idea by City Council towards usin environmental impact statements, would that be in any way affected by simply now giving them th

right to impose their own environmental impact statements as opposed to having it required der the statute? I mean this Act 62 as I read it, doesn't say you can't do environmental impact tements, it just leaves it up the initiative of Council to do them.

MR. KERNAN: Well, if the process of, if you like, enlightenment that I described, continued . . . I'd ee with you, Bill 62 in that section wouldn't provide any problem to the degree that perhaps some zens or environmental concerns don't feel the city is enthusiastic enough in embracing this tion. I would argue that Bill 62 is a discouraging piece of legislation.

MR. AXWORTHY: So you mean that the advantage of the existing legislation, which is to say the nnipeg Act, giving certain individuals who feel that there should be impact statements undertaken challenge the city when they don't do it? Is that the advantage that the present Act would have?

MR. KERNAN: One of them, yes.

MR. AXWORTHY: Okay. Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Mr. Chairman, I just want to be sure that I heard correctly. Did you suggest that the ocedure with regard to community plans, or any planning really, that it would be first heard at the mmunity Committee, and then the facts would have to go to a designated committee of council for econd hearing, that that would prolong the existing situation or prolong the period that now exists the adoption of any of the plans, let's say of. . .

MR. KERNAN: No. I was speaking specifically to the subdivision. Empirically, of course it's possible to say whether it would or it wouldn't. My personal speculation is that it's at least arguable at it would prolong it.

MR. MILLER: Well, as I understand it, you said that 40 percent of the applications to the mmunity Committee are not objected to, and they simply pass through.

MR. KERNAN: That is my understanding.

MR. MILLER: Well are you not aware that in fact, although it does go to another designated mmittee, that the designated committee will only hear those who have made an appearance at the mmunity Committee, and therefore, there has been no hassle over it. There's nobody to hear it, d therefore, it will take all of two minutes.

MR. KERNAN: Well, that wasn't my reading of the legislation, but that certainly would be nsistent with what I've argued.

MR. MILLER: Yes, well I think if you look at section 93, subsection 615(1) I think you'll see what I'm tting at.

You indicated something like 2,200 hundred units of housing by MHRC in 1976. Were you not are that the majority of that was by proposal call through the private sector?

MR. KERNAN: That figure wasn't the one I mentioned. Yes' I'm familiar with the proposal calls.

MR. MILLER: And it was through the private sector, that made the application. Thank you.

MR. CHAIRMAN: Mr. Johnston.

MR. JOHNSTON

MR. J. FRANK JOHNSTON: In the section that exempts the province from the by-laws of the city, e mention has been made about housing but it doesn't just pertain to housing, it pertains to almost ything that the province would want to put there wouldn't it?

MR. KERNAN: That's correct. Any city zoning by-laws or the provisions of any city plans, that's rrect.

MR. F. JOHNSTON: In other words, they could put in the middle of a residential area anything ey saw fit to if it was under the Crown.

MR. KERNAN: That's correct.

MR. F. JOHNSTON: Thank you.

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

MR. GREEN: The Federal Government can put in the city anything and anyplace that they want to the present time can they not?

MR. KERNAN: Yes, that's true.

MR. GREEN: And the Province of Manitoba could always do that prior to the City of Winnipeg Act ssed by this government.

MR. KERNAN: That's also true.

MR. GREEN: When the Member for Sturgeon Creek was a municipal councillor, and the Roblin overnment was in power, they could put a building anywhere they wanted to, because of the erogative of the Crown, and that is also the case in most cities in the country.

MR. KERNAN: That's correct. That's my understanding.

MR. GREEN: Would it be a surprise to you that the province had difficulty establishing 32 units of ublic housing in an area which was zoned for 56 because it was the conditional type of zoning which quired a development agreement, and the province could never get that development agreement here private people could get it without any difficulty.

MR. KERNAN: Well, I'm not familiar with that case, but it . . .

MR. GREEN: It happened in St. James.

MR. KERNAN: My only inference about that . . .

MR. GREEN: No, I was involved in it. A private developer could build 56 units without a difficulty, the province couldn't get 32 units because it was public housing, and that was the rea that was given and that's the reason that the residents posted. I can certainly sympathize with w underlay section 64 and the frustration with what was viewed as the city's obstructionism. But, only argument was that perhaps the same opposition which is felt politically locally now would be provincially and that perhaps there are avenues open to the province.

MR. GREEN: But it is a fact that the Federal Government can build anywhere in the city; they c go into a residential district in River Heights and build an abattoir if they wanted to, and that Province of Manitoba had that right prior to this government enacting the City of Winnipeg Act. (Interjection)— No we couldn't do it, we couldn't stop them.

MR. CHAIRMAN: Mr. Minaker.

MR. MINAKER: Mr. Chairman, I'd just like to make the record clear. What Mr. Green s happened in St. James actually happened in St. James-Assiniboia.

MR. GREEN: I accept the correction willingly.

MR. CHAIRMAN: Any further questions? Are there any other members of your group of five t wish to make a presentation?

MR. KERNAN: There were five names listed amongst the group and there is one subsequ addition which is further on down your list. In lieu of the three who aren't appearing, if we could h Mr. David Palubeskie come up and pinch hit through . . .

MR. CHAIRMAN: I'm sorry I have about 25 people here that are on the list, and have been on h you know, it would seem highly unfair now to substitute someone for someone who should h been here.

MR. GREEN: Mr. Chairman, I would suggest that we go in order of the list. We may get down that name, because some of the people may have gone home.

MR. CHAIRMAN: Social Planning Council of Winnipeg. Mr. E.T. Sale; Mr. Don Ayre, V President, HUDAM; Mr. Steele, Assistant City Solicitor; Councillor Evelyne Reese; Raymond .

MRS. REECE: Could I ask to be postponed until the next hearing?

MR. CHAIRMAN: Fine.

MRS. REECE: Thank you.

MR. CHAIRMAN: Raymond Poirier, Societe Franco-Manitobaine; Councillor Rebchuk; Boniface Chamber of Commerce, Jae Eadie. either Mr. Farrell or Mr. Wes. Rowson;

MR. PRINCE: In the absence of Mr. Rowson and Mr. Farrell who was here just shortly and just l would like to put this to the next hearing for the Chamber. Thank you.

MR. CHAIRMAN: Jae Eadie.

MR. EADIE: Mr. Chairman, I will be brief and say at the outset that I appreciate the opportunity express to the Committee some of my views on Bill 62 and I appreciate the opportunity to addre you here in your own personal sauna. It's been a long night.

Mr. Chairman, and members of the Committee, I've been involved with this new form of lo government that was given to the people of Winnipeg for the past four years as a member of t Citizens Advisory Group with the St. James Assiniboia community, and I can say to you that it's be quite an educational experience. I want to say to you right here and now, that I am not speaking f the St. James Residents Advisory Group. I'm here just making a personal presentation. But m involvement with the Residents Advisory Group has given me the opportunity to meet with and talk many people in my community area, and I think I can probably safely say to this Committee that t vast majority of the people of St. James Assiniboia were not happy with amalgamation in 1971. Th aren't happy with the City of Winnipeg structure today, and the proposed amendments contained this bill are not going to make them any happier.

But just to make a couple of points, Mr. Chairman, and I had to have to prepare this in a bit of has so I may ramble a little, but I notice that Bill 62 if passed will now allow a candidate running f Council in a ward to also run for mayor at the same time. I suggest that this is an interesting ne proposal and I personally don't have any objection to that. I could not find in the bill, Mr. Chairma any provision as to what that candidate must do if he is elected in his Council ward and also elected the mayor's office at the same time. Will he be required to resign his Council ward or will he be able be both a councillor and mayor at the same time? I think that the government should clarify th situation, because if the section remains as is, I would suspect that the government's intention elect the mayor from amongst the Council, as was expressed in their 1971 White Paper, may b achieved in a round about way by this particular amendment.

Mr. Chairman, although the Minister of Urban Affairs didn't dwell at length on the proposal reduce the size of Council when he introduced this bill for second reading, it seems that this sing aspect of Bill 62 has caused the most fanfare in the media and probably for all of the wrong reason

ıce the inception of Unicity in 1971 the newspaper editors and open line radio moderators have ver ceased to rail against the 50 member Council. They have compared our Council to those in ıer city's all over the world whose populations are similar to ours and whose Councils are smaller ın ours. Apparently that sort of argument is supposed to prove something but I don't know what. As ə taxpaying citizen of this town, Mr. Chairman, I have never objected to a 50 member Council. I agreed with the remarks contained in the Government's 1970 White Paper that effective ıresentation would be obtained by having one councillor for every 10,000 to 12,000 people. I still ree with that principle today. Apparently the government no longer agrees with that point of view ich they vigorously defended in and out of this Legislature in 1971. Now in order to justify a drastic luction from 50 seats to 28, the government proposes, and in this case so did the Taraska Report, ıt City Councillors will no longer represent people like other elected representatives do. ıuncillors will now represent a mutation called an elector. People won't count for anything ymore, just electors. The government is therefore telling us in this bill, that if you have just moved the City of Winnipeg from another city and you encounter a problem with your local government, ll you can just keep quiet about it because until you become a City of Winnipeg Elector you just n't count for anything at City Hall.

In this country elected officials at any level of government are elected to represent people and all the people. The duties that an elected representative performs in his public office, affects all of the ople, voters and non-voters, citizens and non-citizens.

The government's proposal to establish Electoral Wards based on voter population is wrong, and ould not be condoned. Despite the assurances of the Minister of Urban Affairs that this new ɔresentation proposal would retain the responsiveness of councillors to the concerns of their ɛctors, I suggest that he is mistaken.

In my community, the bill proposes that our Community Committee will be reduced to three ɛmbers from the present six. Using 1974 voting statistics each councillor will therefore represent out 15,300 electors. In reality, however, each councillor will be representing about 25,000 people. ıe population, approximately, of St. James right now is about 75,000. The 25,000 people is more ople than many members of this Legislature represent.

City Council is considered by most people as a part-time job, and given the nature of the problems councillor has to deal with, 15,000 electors or 25,000 people is too much for a part-time presentative to look after properly.

Furthermore, Mr. Chairman, a Community Committee of three members is not a reasonable size ıd many problems are encountered. Examples of these have already occurred in the existing three-ɛmber communities in Winnipeg. If one of the members of the Community Committee is absent for committee meeting, many items of business can be stalemated because the two remaining ɛmbers have taken opposite sides of an issue, and nobody is there to break the tie. I would ask this ɔmmittee to give very favourable consideration to adding at least one more ward to the proposed . James-Assiniboia Community Committee. If the number of councillors in that area is raised to ur, each member would represent about 12,000 electors, which is not too far from your proposed tio of one councillor for every 14,000 electors. By giving the St. James-Assiniboia community at ast four councillors, we could at least be assured that the Community Committee meetings would ə able to function without having the problems that were experienced by Fort Garry, West Kildonan, ɛsiniboine Park and Transcona with their three-member committees.

I am pleased to note that Bill 62 proposes to remove some of the administration detail now ɔntained in the present Act. I believe the fact that City Council has been bound by such rigid rules ıs been the cause of many problems. The more flexibility Council has in running its own house, in y view, the better the administration of government in this city will be.

Prior to amalgamation, the various councils now making up the City of Winnipeg had the ıthority to establish the numbers of their standing committees and the composition of each. This ıthority was taken away from the new City of Winnipeg in 1971 and I believe it is only right that the ıthority for the city to set up its own committees is being returned in this bill. It should not have been ken away in the first place.

Before concluding I would just like to state my own personal displeasure at what I call the "Father ıows Best Attitude" that the province takes towards the city, especially in the fields of urban anning and capital borrowing. This attitude ie exemplified in the Minister of Urban Affairs' remarks at the Provincial Government will not be bound by city zoning by-laws. He states that, "Provincial overnment programs and policies cannot be rendered ineffective by municipal action or inaction. ıe province cannot be frustrated in delivering its programs just because of a city zoning by-law." r. Chairman, those are his words, not mine. But in other words, it does not really matter what the ɛsidents of a community or their elected councillors want. The province, if it chooses, will ignore the ishes of the residents and do what it pleases because the province knows best.

Then in the field of capital borrowing the province will not allow the city to pass a borrowing by-w until the Minister of Finance first gives his wise nod of approval. I interpret this as saying that the

province does not trust the elected members of the City Council with the handling of public funds the government on Broadway will handle this matter for them with all their infinite knowledge a wisdom.

Mr. Chairman, if the province wants to exercise this type of control over the Winnipeg Counci matters such as planning and finance, then why don't the . go one step further and run the whole ci Why not dissolve the whole Council and run the whole show from the Cabinet room on Broadway the government feels that City Councillors are not competent enough to be responsible in th budgeting procedures, then can these same councillors really be trusted to run the affairs of the c at all?

Furthermore, what has possessed the Provincial Government into thinking that their o management of the public dollar has been handled so perfectly that they have the competence advise the Council on the proper management of the city's public moneys?

In conclusion, Mr. Chairman, I do not believe that this bill provides any improvements to t existing structure. The Mayor will become an official hand-shaker and not much else. The reducti of Council seats is nothing more than a window-dressing measure aimed at pleasing the newspa editors in an election year. The move to have representation by electors rather than by populatio the only way that a reduction of seats on the Council seems to be justified. The province will exerc so much control over the city that the Council itself will almost be rendered ineffective.

Mr. Chairman, I think the government could have used this bill to make so many much-need improvements in our city's government and I'm really disappointed that they have chosen to ma none. That, Mr. Chairman, sums up.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Eadie, I want to confine myself only to two items about which you ma points with which I have some sympathy and understanding. Firstly, on the question of capi borrowing, the City of St. James-Assiniboia, I believe, was always under the Municipal Board whe came to getting approval of capital borrowing. Did you approve of that or did you think they shou not have been?

MR. EADIE: Mr. Chairman, through you to Mr. Cherniack, I may be one of those rare animals this point in time in this town who is beginning to believe that large urban centres such as the City Winnipeg should be given the authority to be, well to use the phrase "masters in their own house. don't believe that whether it's a member of the Provincial Cabinet or an appointed body such as t Municipal Board should really be saying to another level of government that they know better th the elected members of the city's government what their borrowing capacity should be. I have faith the people that I would elect to City Council, I have faith that they are resposible enough to know th limits.

MR. CHERNIACK: Until now, and even today, the City of Winnipeg must go to the Municip Board for approval of capital borrowing. Are you aware of any frustration or inability for the city function because it found it necessary to appear before the Municipal Board?

MR. EADIE: Not from any personal experience, no, Mr. Chairman. It's just that I, as I say, I' beginning to believe that those sort of restrictions should be lifted . . .

MR. CHERNIACK: You are aware that we do have a parliamentary system in the Legislature a that when we need to borrow we have to clear a Bill of Capital Borrowing through the Legislatu where the government presents a bill and it is debated, discussed and dealt with. Is there comparable situation where you can believe that in the City Council there will be that kind of revie of capital borrowing intent? In other words, who is responsible for a decision in the city to borrov

MR. EADIE: Mr. Chairman, obviously the Council is going to be responsible for that. Maybe c that point I might also like to add that I'm also not opposed to a parliamentary form of government f a city this size. I think that would make for much better government than we have now.

MR. CHERNIACK: Now that stops me from going further. I want to get the opinion of the S James-Assiniboia residents, that you are, on this question: You point out the three wards as being tc small a Community Committee and since the St. James-Assiniboine district that was established t City of Winnipeg is substantially smaller than all the other wards — and that's why there are on three allocated to them — smaller in terms of population — would you agree with a suggestion I hav to move the boundary eastward. That it is now, I think, on St. James Street?

MR. EADIE: Yes.

MR. CHERNIACK: Would you agree that it could be moved eastward so that the Communit Committee area of St. James-Assiniboia would become larger and therefore automatically entitled t a larger representation, more wards, and correspondingly the city centre would be reduced i population and would therefore have a smaller representation?

Let me preface this by saying I am one who agrees that there need not be a substantial reductio of councillors , but accepting that the decision will be made that there will be 28 councillors as i proposed, could you accept the thought of that boundary being moved and that way creating a mor equal population size of Community Committees?

MR. EADIE: Mr. Chairman, to be quite frank, the thought has never occurred to me and I don't ›w whether it would bother me one way or the other. The proposal that is now contained in Bill 62, I an, if you're concerned about sticking to 14,000 electors per councillor as your basis for designing wards . . . the number of electors that we will have in St. James-Assiniboia into the three ıposed wards is going to number over 14,000 now, is going to be over 15,000. I'm suggesting it's particularly necessary to extend the boundaries of the St. James-Assiniboia Community mmittee area, it could be very easily done simply to create another ward within the boundaries that st now using perhaps a smaller ratio of electors to representative. The original Act suggested that ə representative for every roughly 10,000 to 12,000 people was the ideal ratio then but we know that re's a number of wards in this town right now who have populations of 7,000 or 8,000.

MR. CHERNIACK: But if you now would like to accomplish a closer representation by population, ın wouldn't it be more logical to move a boundary than to create an uneven representation because existing boundaries and possibly a reluctance to change the boundary?

MR. EADIE: What is your definition of an uneven representation to . . .

MR. CHERNIACK: Well I say that if one ward has a population of 20,000 people, another ward of 000 people, that's uneven. Either way it doesn't . . .

MR. EADIE: That's not the case in your proposed St. James-Assiniboia community now. It uldn't be the case.

MR. CHERNIACK: Then you would rather not discuss what I'm postulating?

MR. EADIE: Mr. Chairman, I'm not hard and fast on whether or not the boundary should be ended but I still think it could be quite well done in the current existing boundary with perhaps cepting just a slightly smaller ratio of electors to representative than what the Act proposes.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Eadie, I gather that you feel that the bill ignores local community involvement in ms of planning because the Provincial Government is the ultimate authority. Did I correctly derstand that?

MR. EADIE: No, I didn't say that. I said my objection was the fact that another level of government uld come waltzing into a community — this is what I gather also from the tone of debate I heard and ıt I've read in Hansard — that another level of government could come into, for instance, my mmunity area regarding a public hearing and even though the residents of my community have pressed a desire say not to have say a particular project thrown into their area, the elected uncillors have expressed that desire — my objection is that your level of government can ignore all those wishes and all of those feelings expressed by the people who have to live there and say sically, " To hell with you; we know what is best for you and we are going to build such-and-such a ›ject in your community."

MR. GREEN: That can't be done with the existing law.

MR. EADIE: Yes, I'm aware of that and I don't agree with it even then.

MR. GREEN: No, I'm talking about the City of Winnipeg Act, unamended, the Province of ınitoba is not permitted to do that. Is that correct?

MR. EADIE: Yes, that's correct.

MR. GREEN: And you're objecting to the amendment?

MR. EADIE: I'm objecting to that principle, Mr. Chairman, . . . what I objected to as well was rhaps the tone that the Minister of Urban Affairs took when he introduced this bill, the sort of ggestion that "we know best" and "we will not be frustrated."

MR. GREEN: But you said when you started that you, as a resident of St. James, were opposed, ll are opposed and would have preferred if the Unicity Bill wasn't enacted.

MR. EADIE: Was not enacted?

MR. GREEN: That's right.

MR. EADIE: That's the feeling, I think still, Mr. Chairman, of many residents of our community.

MR. GREEN: Yes, but prior to the Unicity Bill being enacted, not only did the government have the ıht to do that, but local communities had no say whatsoever in planning. It was ten councillors ›resenting 50,000 people or 20,000 electors, whichever way you want to put it, that had complete thority with regard to planning. So that situation prevailed before this Act that you objected to and u would prefer to go back to that system?

MR. EADIE: No, Mr. Chairman, I have a feeling that what I said is getting twisted around. I merely ve raised an objection, perhaps on a matter of principle, to the fact that I don't like the idea of other level of government coming into a community and saying, "We know what's best for your mmunity. We're going to plunk such-and-such a building in your area even though we have heard ıt your residents don't like it, they don't want it there. We don't really care what your people think cause we know what's best." I object to that kind of attitude. That's the kind of objection I'm raising re, Mr. Chairman. I'm not trying to go back to bygone days. That's water under the bridge.

MR. GREEN: But that procedure was only stopped by virtue of the City of Winnipeg amalgamation

which you call it, and I call it unification of Greater Winnipeg, that situation prevailed before terrible statute that you say you objected to. The same law exactly prevailed prior to . . . and it's law, the principle that the young man is objecting to . . . —(Interjection)— Mr. Chairman, I say t we apply nicer than did the previous Conservative administration. The delegate has not talked ab application at all. He talked about the principle of the law and the principle of the law prior to Uni was exactly that type of thing that you find so objectionable.

MR. EADIE: That doesn't mean to say I would have liked it then, Mr. Chairman, either.

MR. GREEN: As long as we understand that your objection to Unicity did not include an object to planning becoming more officially involved with Community Committees, which was not the c before Unicity, and the province being subject to these rights of zoning. At least that part you agr with in principle.

MR. EADIE: Yes.

MR. GREEN: All right, so long as I have that understanding. Now, you are aware and this is re something which I don't have very definite views on myself but I know the theory. The theory is t municipal debt is ultimately provincial debt and therefore every municipality, before they can in debt, has to go to the Municipal Board. That has been a principle of Manitoba Government as long I can remember, no matter what administration was in power.

Do you think that there is anything in this? For instance, the Municipal Act provides that municipality defaults on its debt, the province has to put in a trustee and the province is ultimat responsible for payment of that debt. They can try and get it from the ratepayers but ultimately th will be responsible. Do you think that there should be any provincial authority that protects you, a taxpayer, when another jurisdiction, let us say, Brandon, decided that they want to borrow as mu as they can possibly borrow because ultimately it's going to be paid for by the entire province? Wo you want some protection in that connection?

MR. EADIE: I don't know exactly how to answer that, Mr. Chairman.

MR. GREEN: That is the theory. I'm not hard and fast on it but that is the theory of the provir having some supervision of municipal debt, that ultimately the province is responsible.

MR. EADIE: We can go one step further and say then who would be responsible for the provinc debt?

MR. GREEN: Well, if the province defaulted on its bonds, which has happened, not to the Provin of Manitoba, I believe that the Province of Alberta defaulted on its bonds in 1935, and they just ma arrangements with their creditors to wait until they paid. As to who would ultimately be responsibl suppose it could be said that legally the creditors would be in the same position as anybody else; th would have to exercise what authority they could. But that doesn't apply with a municipality, t province would be responsible because the municipality is a creature of the province.

MR. EADIE: Yes, I realize the methods that municipalities have of raising revenue are very ve limited. Perhaps it would take a whole book, something like that, to get into discussing other ways f municipalities to raise revenue other than the property tax base which in this City of Winnipeg certainly not paying all the bills.

MR. GREEN: Mr. Eadie, I really agree with you. I'm really asking for some tolerance on your pa Would you agree that this program is founded in something that is a little bit more that than she paternalism or that we know best on the part of the Provincial Government, that there is at least sor semblance of reason behind it, despite the fact that you might disagree with it.

MR. EADIE: Well I'd like to believe that there is some reason behind it, Mr. Chairman, but the ki of attitude that has seemed to prevail in the presentation of this bill doesn't leave me with that .

MR. GREEN: Well he is a very nice guy. Were you here when he presented it? He was really.

MR. EADIE: I have read Hansard, Mr. Chairman, and I understand that he is a very nice guy an am not trying to blacken his character or anything but it just seems that that attitude seems to ha prevailed.

MR. GREEN: : Well, anyway, in any event, would you concede that?

MR. EADIE: I wouldn't question you.

MR. GREEN: Would you concede the fact that this is being done not really with regard to the Ci of Winnipeg, that it is a long-standing practice of the provincial governments, probably prevails most parts of Canada, that it is not merely a demonstration by we New Democrats to say to our citi that, "We'd know better than you," that that is not the position that we are taking.

MR. EADIE: I do concede Mr. Chairman, that this method of control, if you will, is a long-standir fact. I am just saying to you that I, as one citizen of this particular city am coming to the view that, yc know, perhaps it's time for another look at that, it may be time for a change.

MR. GREEN: I think you said that large cities such as Winnipeg don't need this type of protectio any more. How about large cities like New York?

MR. EADIE: Mr. Chairman, I am not conversant with what happened in the City of New York c how they got into the position that they did, but . . .

MR. GREEN: It's because they over-borrowed.

MR. EADIE: They over-borrowed. Irresponsible public office holders, too, I don't think we have ıt here in this city.

MR. CHAIRMAN: Mr. Johnston.

MR. F. JOHNSTON: Thank you. Mr. Eadie, on the subject of the three councillors for the St. mes-Assiniboia area, are you aware that the MHSC, the Manitoba Hospitals Services Commission, ıpulation for St. James-Assiniboia was 77,000 in 1976, which works out to one councillor for every ,000 people?

MR. EADIE: Yes, I believe I made that point.

MR. F. JOHNSTON: Are you also aware that in all the other five areas that have been mentioned in e bill, have a ratio of between 19,000 and 21,000 people which are represented?

MR. EADIE: No, to be honest, Mr. Chairman, I hadn't had the opportunity to . . .

MR. F. JOHNSTON: . . . St. James-Assiniboia councillors will represent 5,000 more people each ıder this particular bill. Under those terms, Mr. Eadie, would you think we would have to expand our ɔundaries or have one more councillor, at least?

MR. EADIE: Well, as I said before, Mr. Chairman, I am not hard and fast on the boundaries now. If s felt necessary to extend the eastern boundary from St. James Street further farther east, that's ıe, but I am saying if the boundaries are going to remain the same as they are proposed in this Act, at a three-member community committee is a very unworkable structure. The workload on the ree members of council from an area as large as St. James is going to be extremely onerous. It's not ıy longer going to be a so-called part-time job, it's going to be full-time work. The kinds of phone ılls, the kinds of complaints that members of the local government get — I am sure members of this ouse and the City of Winnipeg don't get nearly a quarter of the kinds of phone calls that their ɔunterparts in City Hall get.

MR. CHAIRMAN: Mr. Axworthy.

MR. AXWORTHY: Well, Mr. Chairman, because our time's getting short I won't prolong it, but I am ıterested in the statements by Mr. Eadie. It seems to me that what you are really suggesting, if you ırried the logic of your argument a little bit forward, when you use examples like masters in our own ɔuse or *chez maître nous,* — or however you pronounce it — that what you're really asking for is a ɔrm of home rule, city-state and ' that that would really require a major constitutional amendment in ıis country as we are presently constituted. Is that something you are proposing, in effect?

MR. EADIE: I think, Mr. Chairman, I'd like to see that. I think it's going to happen. It certainly won't appen with Bill 62 and it isn't going to happen within the next couple of years, but I think that is going ɔ happen in this country and on principle, I don't really object to that. I know that it is far too ımplistic to say that we can go ahead and do it now but . . .

MR. AXWORTHY: Well, Mr. Chairman, again, it may be not the right hour for it, but why, in articular, do you think that a city of half a million people should be given total autonomy as a ɐparate political entity without any dependency upon other levels of government? What would ıstify it?

MR. EADIE: Well, why shouldn't it be? You know, I can throw that back at you, why shouldn't it be?

MR. AXWORTHY: Well, Mr. Chairman, as we get into that question, as relating to the separation of ther political entitie what would the City of Winnipeg gain that it doesn't now have in terms of bilities to do things by that kind of a total independence?

MR. EADIE: I think, Mr. Chairman, for one thing' it would be . . .

MR. AXWORTHY: . . . corollary, what it would it gain and also what would it lose?

MR. EADIE: Insofar as gain, I think one thing it would gain perhaps is the opportunity to run its ɯn house completely; it won't have to come cap in hand to this place when it finds that it meets a ɔadblock in The City of Winnipeg Act, that is causing some inefficiencies, causing a lot of problems ɲ providing efficient government to the people of this city, they won't have to come cap in hand here sking, "Look, we're having a terrible problem with this Act, can you amend it?" and then having to ıope that you in this Chamber will agree with them and bring some amendments into the Act, or to heir Constitution, whatever you wish to call it, that will free them of that roadblock. This may be too implistic, you know, at this hour to just sort of talk off the cuff like that. Mr. Chairman, there is a lot of ɔlanning, a lot of study that has to be put into that sort of a proposal. It is something that I, in principle, ım beginning to agree with when we're dealing with large urban centres such as this city, such as Toronto, or Hamilton or Victoria or Vancouver. I think that the Provincial governments have to ecognize that urban government is the most important level of government, the most important of he three in my view, and that they should be treated in that manner.

MR. AXWORTHY: Okay. Mr. Chairman, I won't query that because I think that it could end up in an nteresting debate that we may want to get into. I want to come back to your questions about ɔoundaries. You seem to be much concerned about the issue of the allocation of boundaries. It ıtrikes me in going into the Act that one of the things is the arbitrariness of setting out in the bill with ıifferent divisions and boundaries that we have, would you have preferred to see something like an ndependent boundaries commission like we have provincially which would set boundaries

according to those rather than having it established by the Legislature? Is that a preferred method you as opposed to this, rather than trying to finagle on a pencil how many councillors should sit the end of a . . . or something.

MR. EADIE: Yes, I have no objection to that. I have always agreed with that principle no ma what level of government you are looking at, that an independent committee . . . I was under understanding that it is an independent body that will be re if this bill passes drawing the w boundaries in its present sense. If I am wrong, then I'll stand to be corrected.

MR. AXWORTHY: No, no, that's right but not the community committee boundaries wit number of seats allocated to each community committee.

One other question, Mr. Chairman, to Mr. Eadie. I wasn't sure whether you were just reporting the mood in St. James-Assiniboia in terms of their antagonism towards Unicity or whether that v reflecting your own point of view. It struck me that you were arguing for a greater degree of pow and authority by the community committee to administer its own affairs. Is that a correct statem and would you say that from your reading that's a desired end by the residents of the area?

MR. EADIE: That would be correct, I think, Mr. Chairman. I explained or expressed to Committee what the people that I talked to in my involvement in the community tell me that thei been a loss of community autonomy. It seems to me that in 1970 during the public hearings arou town with the government's White Paper on urban reorganization that one of the big selling points the suburbs was that you will still retain some local autonomy and some local authority over lo matters. But as events have borne out, Mr. Chairman, that has not happened. Commur committees virtually have no authority to do anything. I was even surprised to learn at our meetin year or so ago, Mr. Chairman, that in the community committee offices in our area, the councill couldn't even determine or allocate office space. That had to be determined by a department of C Hall. That sort of thing is ridiculous that there is no community autonomy. I don't know whethe ever really was intended that there should be, but it certainly doesn't exist today and I know that fr the people I talked to in my community — I can't speak for any of the others but I can speak for people I hear in my area — that they are very upset with that loss of autonomy.

MR. AXWORTHY: Mr. Chairman, we used this word "autonomy" with a great deal of frequen How does that get translated into practical things in terms of the way the garbage is picked up or t sidewalks are maintained. Has there been a discernible change from the old days of St. James to t new days of Unicity on the delivery of services . . .

MR. EADIE: Definitely, definitely. There has been a reduction in the quality of service; at the sa time there has been an increase in the cost of providing it, but there has been a reduction in t quality of service. Sometimes you get the impression that there are people in the community who a responsible for providing that service may be, you know, with this large administration having to and where they receive their orders from City Hall rather than from the local community, maybe th don't care anymore. You know, it's not like it used to be. There has been a reduction in the quality service and I'm probably not going too far off the mark when I suggest that has been the same in ma of the former suburbs.

MR. AXWORTHY: Thank you, Mr. Chairman.

MR. CHAIAN: No further questions? Thank you, Mr. Eadie.

MR. EADIE: Thank you, Mr. Chairman.

MR. CHAIRMAN: The hour being 12:00 o'clock, the Committee wish to rise? We thank t members of the delegation for your indulgence.