



Legislative Assembly of Manitoba

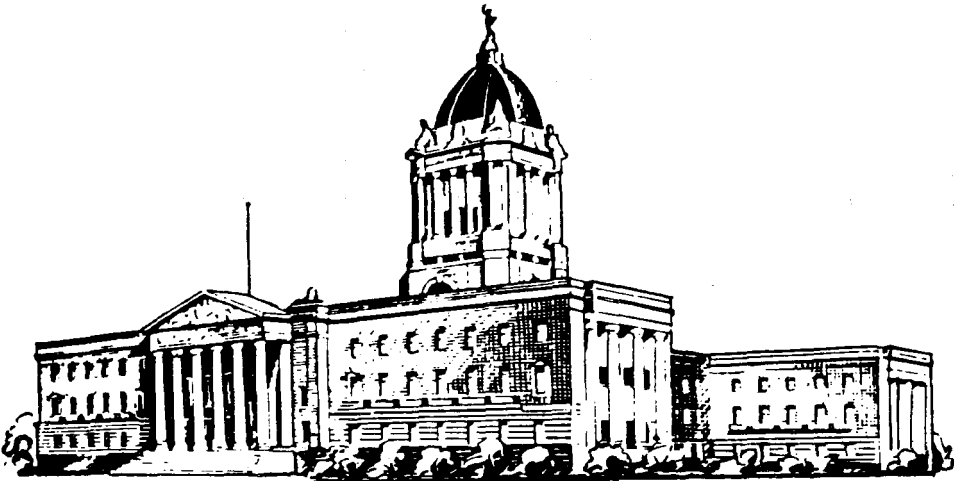
STANDING COMMITTEE

ON

MUNICIPAL AFFAIRS

Chairman

Mr. Arnold Brown
Constituency of Rhineland



Tuesday, June 22, 1978 10:00 a.m.

**Standing Committee
On
Municipal Affairs
Tuesday, June 22, 1978**

Time: 10:00 a.m.

CHAIRMAN: Mr. Arnold Brown.

MR. CHAIRMAN: The hour being 10 o'clock and we have a quorum, so we should proceed with these bills in Municipal Affairs Committee. We have Bill No. 8, Bill No. 12 and Bill No. 18. What is the wish of the committee; which bill would you wish to proceed with first?

MR. MILLER: Mr. Chairman, I suggest that we start with Bill 8 and then 12 and 18.

MR. ADAM: Mr. Chairman, are there any presentations on any of the bills? There are none?

MR. CHAIRMAN: To the Member for Ste. Rose, the presentations on Bill 18 were made at the previous meeting. I would like to caution all members to speak directly into the mikes when you speak. We are picking up interference on the line over here from some radio station and it makes it very difficult to hear the tapes unless you speak directly into the mike. So if all members would remember to speak directly into the mikes.

So we will deal with Bill No. 8 first, An Act to Amend the Portage la Prairie Charter.

Section 1—pass; Section 2—pass; Section 3—pass; Preamble— —pass; Title—pass; Bill be reported—passed.

Bill No. 12, An Act respecting The City of Brandon.

Section 1—pass; Section 2—pass; Preamble—pass; Title— —pass; Bill be reported—pass.

Bill No. 18, An Act to amend The Brandon Charter.

The Honourable Member for Seven Oaks.

MR. MILLER: Mr. Chairman, having heard all the delegations the other day, I recognize that there is a need — and that was, I think, the term used by the delegation — that there is a need for this. I recognize this. At the same time, I am troubled by the suggestion — and not suggestion but the fact — that there is already an application in to the Province for a change in the town planning scheme whereby a strip along the highway of the existing mobile park is to be classed as commercial. So that in fact within 20 months of our sitting here a part of the existing park could become a commercial area and deleted and removed for housing of trailers.

I'd be much happier if somehow we could get an assurance from the department — and I was hoping the department would be here today — that in fact some mechanism could be arrived at whereby there would be no rezoning, no change of use for ten years. I mean, if it's a human need, I recognize it, but two years from now we may be faced with another human need because somebody is now being moved out because it is commercial, as is happening elsewhere in the City of Brandon, and again we're being asked maybe to annex another few acres because human need exists. The department is not here; I was hoping they would be here in order to suggest how what I am suggesting could be achieved.

Now, with those few comments I will leave it at that and hear what other members have to say.

MR. CHAIRMAN: The Member for Brandon East.

MR. LEONARD S. EVANS: I pass for the Minister of Corporate and Consumer Affairs, who would like to respond to the item raised by the Member for Seven Oaks, and then I would like to have the floor, please.

MR. CHAIRMAN: The Minister for Co-operative Affairs.

Municipal Affairs
Tuesday, June 22, 1978

MR. EDWARD MCGILL: Mr. Chairman, I thought it would be appropriate to respond to the Member for Seven Oaks, because he is concerned about the zoning of this property and wanted a report from the Department of Municipal Affairs to eliminate some doubt as to the actual zoning.

The Attorney-General could not be here today but he did leave me a memo which he has received from one of his officials, and it relates directly to the point which the member raises. The memo indicates that the highway frontage under consideration is presently zoned RMHP, mobile home park, and the proposed Brandon Development Plan has the same zoning of the property in question. If the provincial Land Use Committee approves this development plan as submitted, this will, in fact, commit the land for some time to mobile home park subdivision.

MR. MILLER: That's different than the information we had the other day.

MR. MCGILL: That's correct. And this should satisfy the R.M. of Cornwallis in respect to this particular problem. So that it would need positive action on the part of someone to rezone it, in order for it to change and become commercial property. So the status now is that it's mobile home zoning and it will continue to be so under the new development plan, when and if it is approved, and that that zoning and useage could not change without positive action.

MR. CHAIRMAN: The Member for Seven Oaks.

MR. MILLER: Mr. Chairman, I am pleased to hear what the Minister of Consumer Affairs is saying, because that isn't the information that Mr. Mercier got that day when we were in committee. It was that in fact the Brandon planning scheme was being amended to show this as commercial. And now you are saying that somebody made an error. In fact, no part of the existing mobile home park is being rezoned, the plan is not being changed. It is going to remain as RMP, whatever you call it.

MR. MCGILL: RMHP, mobile home park.

MR. MILLER: RMHP, mobile home park. So that the only way there could be a change — because the Mayor of Brandon in his comments, he sort of kept talking about five years is too long and maybe two years, and that's why I got the feeling something was happening — but if what you are saying is so, then no change could take place unless the City of Brandon itself decided to apply to change the scheme and then once a change took place somebody would have to ask for rezoning. The provincial Land Use Committee, you are saying, is in fact prepared to approve the scheme, indicating that this would be a mobile home park. That's the message you are giving us from the department, I gather. t

MR. MCGILL: Mr. Chairman, I am not in a position to say what the Land Use Committee will approve but the development plan, as submitted, maintains the present zoning — that is for mobile home park on the frontage strip, and that if that development plan as submitted is approved then it will remain that way. But it is presently zoned as Mobile Home Park and not commercial.

MR. CHAIRMAN: The Member for Emerson.

MR. DRIEDGER: Mr. Chairman, I want to apologize for not having been able to attend the other day but certain things are not clear in my mind. What is to avoid the people involved to start application for rezoning the moment this thing is through? I think the argument, if I'm correct that the R.M. of Cornwallis used was that they wanted some guarantee that it would possibly for ten years remain as a mobile home park. I think they appreciate the need, but their concern has been I think all along and their negotiations with the City of Brandon about this frontage strip which they anticipate, and even if it is zoned for mobile home right now, there's nothing to prevent them the moment this bill is through to start proceedings or rezoning again. I think probably through the normal activity, but if this could be cleared up in my mind what is to control that application for rezoning? They can make that immediately the bill is passed and this is Cornwallis' argument.

MR. CHAIRMAN: The Member for Brandon East.

MR. EVANS: Thank you, Mr. Chairman. I confirm the statement made by the Minister of Consumer and Corporate Affairs. I had discussions yesterday with Mayor Box and he had consulted with officials and stated that it was part of the development plan or the master plan, and that it is zoned RMH8P. It is described as that.

I also asked the Mayor, and I've also consulted with the owner of the Brentwood Village Mobile

Municipal Affairs
Tuesday, June 22, 1978

Home Park, Mr. Hall, — who incidentally I might add is here this morning in case anyone had any technical questions to ask of him — regarding this ten year problem, if you want to call it that, raised by the R.M. of Cornwallis and the City of Brandon through the Mayor. The Mayor has said categorically that they have no problem with having an amendment to the bill which would say that this land would stay for the use of mobile home facilities for a ten year period.

I have an amendment here — I'm just indicating this by way of general discussion, Mr. Chairman, which would in effect cause the land which is now used as a mobile home park, Brentwood Village Mobile Home Park, shall stay that way for ten years. Also reference is made in this amendment to the 37 acres that is proposed for annexation that that also remain for ten years for mobile home purposes. I think therefore, this meets the objections of Cornwallis because when it came down to it, those five conditions — you know, four were really agreed to and it was the fifth one which was the ten year deal and that is being provided for here, so that really meets all the conditions that R.M. of Cornwallis seemed to impose.

There is the other problem and that is the question of Mr. Hall being able to exercise his option for the land with Mr. Anderson and Mr. Hall advises that his lawyer has checked the option agreement and as far as the 83 acres is concerned, there is no question that he has a clear option to that land. That's the total amount.

With regard to the 37 acres — we could call it parcel 1 and parcel 2 I guess, parcel 1 let's say is the 37 acres — with regard to that, there may be some difficulties, but he advised me this morning that he's prepared to exercise his entire option of 83 acres, and if this bill went through, some of which would be in Cornwallis and would be in use for mobile home purposes, the other portion would be in the City of Brandon. However, in order to provide some guarantee about this, the suggestion is that we have another amendment to the bill which says that the Act comes into force on a day fixed by proclamation. In other words, it's not by Royal Assent but it's by royal proclamation, meaning by Cabinet once the Cabinet is satisfied that the land in question has been legally transferred to Mr. Hall, the party in question. In other words, once the Cabinet was assured that that legal transaction had taken place, that Mr. Hall had legal title to the property in question.

So it seems to me that those provisions to this bill, would I hope, therefore allay any fears or any concerns that members of the committee would have. Number one, the ten year problem to make sure because of the confusion about the exercising of options, etc. between Mr. Hall and Mr. Anderson. Number two, to ensure that that land is legally transferred to Mr. Hall and that once the Cabinet is satisfied then they can by proclamation then say that this Act shall come into force. In other words, it will not come into force, even though it passes third reading, would not come into force until the Cabinet proclaims that it shall be enacted.

MR. CHAIRMAN: The Member for Emerson.

MR. DRIEDGER: Mr. Chairman, are the members from Brandon suggesting that both the R.M. of Cornwallis and the City of Brandon are agreed on the information that you presented here today, that there isn't going to be a ten year freeze on the rezoning of that aspect of it. This I think is the stipulation that the R.M. of Cornwallis has been using. Are you suggesting that this is what's happening because then they could have resolved it outside of the House, we need not have come into the House with a bill to this effect. I am not in my mind convinced at this stage of the game that this is meeting what the R.M. of Cornwallis has requested and based on that unless somebody can clear this up in my mind, I am not prepared to go along with it.

MR. CHAIRMAN: The Minister of Co-operative Affairs.

MR. MCGILL: Mr. Chairman, the point that the member makes is a good one and I've just been aware this morning through the Member for Brandon East that the agreement has been reached with respect to the ten year protective clause. It seems to me now that if indeed we have eliminated all the points of difference between the City of Brandon and the R.M. of Cornwallis, it would be preferable to see the two by mutual consent agree to this rather than the passage of this bill, and that would be final proof positive that indeed all of the difficulties had been removed. If the Member for Brandon East is able to give that assurance to the committee, I would think we should give the two jurisdictions an opportunity to again meet and to by mutual consent, ask the Government of Manitoba to approve this rezoning or annexation of this piece of property.

MR. CHAIAN: The Member for Seven Oaks.

MR. MILLER: Mr. Chairman, I concur that if in fact the scheme does call for the strip of land to be maintained as a mobile park home that this is an assurance that Brandon is not planning to

rezone. It bothers me though that the Mayor got up here and very emphatically made the statement that he didn't want to see a five year freeze on it, two years was adequate etc. , but then he did indicate that was his own personal feeling. Now he did d indicate, and I think this is valid, he indicated that his Brandon legal council advised him that no present council could guarantee what a future council might do, and this is true. We know that, a future council may change their minds. So I'm looking really to the Provincial Government's Land Use Committee to use their leverage because if the planning scheme that has now been put forward by Brandon, does indicate a zoning for mobile park homes, then I'd like the assurance that a) that the province will approve that and will keep a record so that four years hence, or three years hence, if an amendment to that scheme is brought in by Brandon, the Land Use Committee will say, "Wait a minute, there's an understanding here that this is not going to be done." Because they in the final analysis have to approve all of this. So it's with that sort of assurance that I think the thing can work, because I can see that Brandon council would be in an odd position to pass a resolution which says for 10 years there's going to be no application for rezoning. That resolution has no meaning because a new council, three years hence, or two years hence, could simply say conditions have changed and we're going to apply for a change of scheme. They can do that.

So I'm looking to the province, really, to be a watchdog on the situation. I would concur that if, in fact, Brandon is not asking to change the scheme — in other words they are accepting the mobile home park — then there's no reason that I can now see why the two municipalities cannot jointly resolve this problem. It was only because of Mayor Box's intransigence, really, when he got up to speak and his you know, complete dismissal of any long-term commitment that this became a problem.

MR. CHAIRMAN: The Member for Emerson.

MR. DRIEDGER: Mr. Chairman, I'm very concerned whether a thing like that would even be legally binding where a council — let's say the City of Brandon could say, "Well, for 10 years it's going to remain zoned the way it is." I can't see how legally you could even tie that down. But if the members are suggesting that, you know, the R.M. of Cornwallis and the City of Brandon are almost to the point where they're agreed on this thing, I think we should turn down this bill and let them resolve the problem. Because if we proceed with the bill, when it looks like they might already be ironing out their differences there, by proceeding with the bill we're setting a precedent that I'm very concerned about.

I, personally, in my mind am not convinced that the R.M. of Cornwallis is necessarily happy with the situation and I have my concerns about the rezoning end of it.

MR. CHAIRMAN: The Member for Roblin.

MR. J. WALLY McKENZIE: Mr. Chairman, I'm wondering, with these amendments that are before us at the present time, we have, by this jurisdiction here, overstepped the Municipal Board who have turned this matter down; now we have amendments before us here, which they haven't seen — it's a new ballpark for them — and in the proposed amendment that I see before, it'll be referred to the Cabinet. I'm just wondering if we are not, maybe . . . —(Interjection)— Yes, I know, but if in fact the Municipal Board should have a chance to take a look at these proposed amendments, we basically are the court of last resort which I well understand, but we're dealing with a matter here now which is not in the same form as it was when it was before the Municipal Board and maybe we should ask them to take another look at it.

MR. CHAIRMAN: The Minister of Co-operative Affairs.

MR. MCGILL: Mr. Chairman, the Member for Seven Oaks, based on his experience in these matters and his careful approach here, is pointing up that there are possible difficulties arising even with the kinds of amendments that are being proposed to this bill.

It seems to me, the fact that there is now indicated to be agreement on all basic stipulations between the City of Brandon and the R.M. of Cornwallis, that there should be an opportunity to put that to the test and to have a joint submission by the city. Now, it may very well be that a bill is necessary in any event, but a bill jointly sponsored and approved by both the R.M. and the city, would relieve us of this difficulty and would be proof of the fact that the R.M. of Cornwallis and the city have agreed that they are going to jointly ensure that the use of this area for mobile homes is going to be continued over a period of time.

I think we could have no better assurance of that than having this be submitted to the Legislature as a joint submission by those two jurisdictions.

Municipal Affairs
Tuesday, June 22, 1978

MR. CHAIRMAN: The Member for Brandon East.

MR. EVANS: Thank you, Mr. Chairman. Yes. Well, I appreciate the fact that none of us find this a very easy problem, and it seems to have gotten more complicated as time goes on.

I was hoping that with these amendments, the 10-year amendment stipulation and the fact that it wouldn't come into effect until the legal transfer . . .

MR. CHAIRMAN: Order please. WOULD THE MEMBER PLEASE SPEAK UP. It's hard to hear.

MR. EVANS: All right. Thank you. I just repeat, that I had hoped with these two changes I'm suggesting, one the 10-year provision and secondly, the fact that it wouldn't become effective until the Cabinet had assured itself that the legal transactions had taken place and then proclaimed it, I thought that might overcome the objections.

There's no doubt that if the two jurisdictions do agree to the annexation, this is more satisfactory. After intensive questioning of various delegations by the committee, my understanding was that there really was agreement, except on the 10-year provision — and the Mayor admittedly was making references, maybe five years or two years — but as I say, in conversation yesterday he said that he could competently speak for the Council that they would go for the 10-year provision. I don't have that in writing but that was the statement. I spoke to Mr. Hall because you have to be concerned that you're taking some rights away from somebody here when you're saying, you can't do anything but use this as a mobile home park for 10 years; so the owner of the property in question, you know, that's important too. But he's indicated if the City of Brandon wanted this that he would go along with it. It is ideal, I would suggest, if the two municipalities could agree and come forth saying that this is an annexation that they are both happy with.

The only problem that arises in my mind — and I honestly don't know how to resolve this — is this time factor. We had a large number of people here yesterday, who were, in effect, appealing to us to be as expeditious as we could because they have a problem. There's a number of people who are going to be displaced — without going into all the details there's no question that there will be some people who are going to have some very serious problems and it's affecting their families, their children and so on. There is a lot of concern in the community. The Mayor and the Council appreciate this and I think in the community of Brandon it is recognized that this is a serious problem and many of us have been contacted almost daily as to when the Legislature may move in one way or another on the matter.

At any rate, this is my concern, the time factor and even though the two municipalities may be agreeable on the 10-year clause — which therefore in my view more or less eliminates all their concerns — whether that too is going to take some time. I'm not sure whether they have to come back to us asking for a bill and then we have to go through first, second and third reading, etc., or whether they can simply do it by agreement and somehow or other change the boundaries of the municipality by some mutual agreement, through some existing clause in the Municipal Act, I'm not sure. I would like to be guided by whoever is here that has some knowledge of that. Just how can that be done without a bill? I mean, if it can be done without a bill that's the best way of doing it, in my view. But if it can't be done without a bill, what I'm worried about is, that it's going to take all that much more time just because you have to go through all these stages again, first reading, second reading, committee and then of course, third reading.

So that to me is what the dilemma is. If it weren't for these people who were begging us yesterday, a whole busload of them — and they claimed that they cannot find suitable alternative locations and I'm not disputing what they say — some may be, but there will be many families, at least a couple of dozen families, as I understand it, will not be. . . So it's going to affect . . . they're going to leave the city apparently, they're going to have to, even though their jobs will remain in the city. So there is a serious social problem here, a personal problem, and that is what's concerning me right now. Because if the two municipalities are agreed, then another bill could be brought in or if it can be done through some other way, by mutual agreement, that's even better still. But, as I say, how do we overcome this other factor, the Larkhill people, their residents of the Member for Brandon West, the Minister of Consumer Affairs' constituency, we were both talking to them yesterday, and both of us I'm sure are aware that these people are very upset about their particular problem. So this is the dilemma that I see, and I don't know, how do we resolve the dilemma of time?

MR. CHAIRMAN: The Member for Seven Oaks.

MR. MILLER: Mr. Chairman, I know what the Member for Brandon East says is right. I don't recall the sections of the Municipal Act dealing with the processes required for annexation, and it may

be a lengthy process even though both agree. I would make this suggestion to committee to balance it off some. That we don't turn down this bill, we just don't act on it today, we just ddjournal, we're still in Session. We notify Brandon and Cornwallis, that we are looking to them to resolve this since both seem to agree and that the Legislature, the Committee would want a letter, a formal resolution of Council, from both Cornwallis and Brandon, that the differences have been resolved insofar as the 10 years are concerned. The department can make a determination, which is a faster route to follow, formal annexation by voluntary action on the part of both, or this bill if Cornwallis and Brandon say go ahead with the bill, it's the fastest way of doing it. And we'll be back here probably in two weeks, rather than turn it down and a new bill and the whole thing all over again, so we just suspend it for the present. That's my suggestion.

MR. CHAIRMAN: The Member for Emerson.

MR. DRIEDGER: I would agree along those lines. I just have a question here. If they both agree, does the time limit that we're facing, or that the people from the trailer park are facing, if both municipalities agree, then the urgency would not necessarily be as great any more, would it? If both municipalities basically agree, then I'm sure, with the legal processes that have to take place, that there could be a deferral of the situation. Would it not be possible?

MR. EVANS: Mr Chairman, the information of the Member for Emerson, the Larkhill Trailer Court is being eliminated, one way or the other. It's unfortunate, there's apparently no way to even defer that, they won't defer that, so, that's the problem.

I wondered though whether the member was asking whether if there was agreement, why couldn't the owners of a mobile home here just proceed to expand and provide those extra trailer spots? I guess that to me is a very easy and very nice, you know, solution, but I think there's a problem, and that is, anybody who's going to put in \$100,000 or whatever amount of money, it's a lot of money involved in that, wouldn't want to do it unless he was sure that he had all the legalities taken care of. I don't think you would want to, nor would I want to take that chance of saying, maybe yes we think we're going to agree, we're pretty sure that we're going to agree, but he hasn't got anything in writing and he hasn't got the legal documentation. So that, I think, is a bit of a problem.

But, I think, Mr. Chairman, that the suggestion made by the Member for Seven Oaks is a good one. I think we need some more information, and I think also if we could get the letter from both municipalities . . .

MR. DRIEDGER: Resolution of the Councils.

MR. EVANS: Resolution of both Councils, in effect, saying that they agree to this bill, then this would overcome, I think, the Member for Emerson's objections. Because they're both agreeable and it would overcome the time constraint, because then we don't have to go through all the stages again. And it would also give us time to do some more research and consult with the Department of Municipal Affairs. Because if we could do without a bill, that to me is a preferable way, but none of us seem to be sure of that this morning. So, I think maybe that would be the wisest course of action.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: I just thought I should point out that in respect of the development of a mobile home, it's not just the annexation to the city that is involved, but if there is no bill here, talking about zoning, they would have to have the zoning changed to the Planning Act, which is a delay of a minimum of three months, which means that there would not be any work done on that until next fall.

MR. CHAIRMAN: The Member for St. James.

MR. MINAKER: Mr. Chairman, I think Mr. Tallin sort of indicated some areas of concern that I have, and particularly, I'm not too clear on what Mr. Miller had in mind when he suggested that possibly we delay the bill and then if mutual consent doesn't come forward, we can make a decision on whether we pass the bill before us. My concern about the possible amendments, to stipulating the length of time and useage of the property in question creates a different issue, because as Mr. Tallin indicated, there is present regulations and rules that are followed under the Planning Act when zoning changes are asked for, and what my concern would be is that if we were to proceed with the bill and to stipulate an amendment which indicates a zoning and a time period, that in

Municipal Affairs
Tuesday, June 22, 1978

actual fact the Legislature and the Municipal Affairs Committee is now becoming a planning body.

We ran into problems in years gone by, I think Mr. Corne was on City of Winnipeg Council at the time when we passed legislation dealing with restriction of heights of buildings within the boundaries or within a certain area of the Legislature, because of problems that could not be resolved at that time with the City of Winnipeg and their authority with zoning and so forth. I could see where if this type of bill was approved, the amendments I'm talking about, were approved, what in essence is we are opening a door to say that the City of Brandon doesn't want to have a trailer park in this area but we'll legislate it through the Legislature, that this particular area will be a trailer park. If the City of Winnipeg doesn't necessarily believe that zoning should apply for low rental housing in certain area, then there is nothing stopping the Legislature from saying, well, we'll just pass a bill on that particular piece of land. So, I'm a little cautious and very concerned about what precedent would be set with this, because in actual fact, I would much prefer the approach that Mr. Miller has indicated, that we hold off and not deal with the matter today in recommendation one way or the other. I would hope that if mutual consent is forthcoming between Cornwallis and the City of Brandon, that they can work out an agreement between themselves, I'm not an expert in law relating to this matter, but I'm sure there must be some kind of an agreement that can be draughted up. Because I know when we were on City Council this was not uncommon to draught up a by-law dealing with service connections and what have you. I would much rather see us annex the land only and not tag any stipulation on what the zoning should be or the period of length of time of zoning. Leave that to the jurisdictions that have that particular authority at this time, and if there is a three-month delay, I'm sure that there must be some way that this can be amended. But I'd much rather have an amendment come through the Planning Act rather than a stipulation on one particular bill in the House that says that this land will be zoned for mobile homes and will be for a certain length of time.

MR. CHAIRMAN: The Member for Ste. Rose.

MR. ADAM: Well, Mr. Chairman, I was just wondering if it will be possible to change Section 2, Commencement of the Act, that it could be approved by proclamation, and it could be passed and held over until such a time as all the necessary documents from the jurisdictions involved, until we could receive that; it doesn't have to be proclaimed.

MR. CHAIRMAN: The Member for Seven Oaks.

MR. MILLER: Mr. Chairman, the points that Mr. Minaker raises are valid and I will explain my thinking of why I proposed what I did.

I thank Mr. Tallin for reminding me that there will be a three-month delay, even if everybody concurs. The advertising, the whole procedure, even if nobody raises an objection it takes three months and three months is, in this case, an undue delay. When I was suggesting that Cornwallis and Brandon pass resolutions, I would include in that requirement by both Cornwallis and Brandon, a request that the Legislature should in fact pass the bill and the bill should include not just the annexation but the zoning itself, to eliminate that three-month delay, because, as we have heard, the problem people face because of the elimination of the Larkhill Trailer Park is very real and is immediate. So that when I was talking in terms of Brandon and Cornwallis agreeing and passing resolutions by the respective Councils, it would not just be that they agree to annexation and the use of both the old site and the new site for mobile park homes, but that the new area also be rezoned within the bill. This would save the three months and if both councils request it, then we are not usurping their authority. We are not going over their heads. We are simply acceding to their request to facilitate matters. That is what I had in mind.

MR. CHAIRMAN: The Member for Brandon East.

MR. EVANS: Thank you, Mr. Chairman. The amendments that I have before me would do that. In effect, they would continue the Brentwood Village Mobile Home Park to be continued to be zoned as a mobile home park for ten years and also it refers to this new section, the 37 acres of land as being zoned also for a mobile home park for a minimum of 10 years. So I just say that by way of clarification.

I was just wondering though, was the Member for Ste. Rose suggesting that given these amendments to pass the bill at Committee stage and then wait, but not bringing it in for Third Reading until the resolutions were received. . . —(Interjection)— I was wondering. Well I was just asking a question, I didn't know whether. . . Well, just for the Member for Ste. Rose's . . . for his information, Mr. Chairman, I have this amendment that it wouldn't become effective until it received

proclamation, so that would be changed. In other words, it wouldn't be based on royal assent but it would be based on proclamation.

At any rate, just to get the record straight, what the Member for Seven Oaks is suggesting is that we get a resolution not only asking us to proceed but also making reference to the fact that it should be zoned as such — that it should be zoned as such for ten years.

MR. CHAIRMAN: The Minister of Corporate Affairs.

MR. MCGILL: Mr. Chairman, the Member for Seven Oaks, I think his suggestion there is not only a suggestion, it is perhaps the only way that we can proceed now in order to accomplish a fairly quick opportunity for these displaced people to be accommodated. So that we do need mutual consent not only on the annexation, but on the rezoning of the new property.

It would appear to me we have really no alternative but to hold this bill to try to get those resolutions passed as quickly as possible. The people in Brandon and in Cornwallis are aware of the urgency of the matter. I would expect they would respond fairly quickly one way or the other. It seems to me that that is the way that is open to this Committee now to proceed and is perhaps the only way that we can accomplish everything that we would like to do in this respect.

MR. CHAIRMAN: The Member for St. James.

MR. MINAKER: Mr. Chairman, I agree with Mr. McGill. I just wonder if we could possibly ask our solicitor if he could check to see if there isn't another avenue that can be taken with regard to either an amendment to the Planning Act or some existing regulation that could possibly shorten the three-month waiting period because I would still concern myself that by tying it in the bill, the zoning and the restrictiveness of the zoning, we are setting a precedent. I would much rather see us do it through present regulations or amendments to The Planning Act than to tie it into one particular piece of property.

The other thing that we are presumably doing . . . if we did accept that we would zone the property by a bill, is that we are eliminating one of the basic thinkings behind some of The Planning Act or it delays it so individuals can be advised of any changes in zoning and make presentation through normal bodies. So that we would be restricting that on this particular instance in just bypassing it. That if there is an avenue that individuals that neighbour on this property or in the area of the property want to make presentation, I think there is an avenue that they can do this through the three-month delay process. So we have to realize that when we make this decision, if the decision is made, that we are restricting that particular part of The Planning Act and the thoughts behind the original Planning Act.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: There is undoubtedly other avenues that can be used, but if it is to amend The Planning Act I think it would be almost three months to decide what kind of amendments you would need. It is a very complicated Act and when you start amending one section you have to follow it all the way through to see what effect it is going to have on the other sections, because it is a continuing procedure, which goes from one step to the next. If you try to eliminate one step it may have an effect on what you do with the next step.

MR. CHAIRMAN: The Member for Seven Oaks.

MR. MILLER: Well, Mr. Chairman, if it is in order I will move that we simply adjourn — it be held and we adjourn.

MR. CHAIRMAN: Would the Member for Seven Oaks please repeat that, we couldn't get it.

MR. MILLER: Oh, I am sorry. I was simply saying if there is no further comments I would be prepared to move that the Committee hold this bill and that we adjourn.

MR. CHAIRMAN: The Member for Brandon East on a point of order.

MR. EVANS: The point of order is, before you accept the motion of adjournment, could we somehow agree as to when we would meet again. Would we meet as soon as we got the material, the written resolutions or . . . You are prepared to do that. There has been some difficulty in getting the committees because of the others meeting before, but we finally got together which is good. So if that is the understanding as soon as we get all the clarifications required and the resolutions,

then at the call of the Chair with due notice in the House we would meet again. There is problems of conflicts of committees, that is what I was concerned about. On the other hand, it shouldn't take too long.

MR. CHAIRMAN: I believe that would have to go through the House Leader, but I don't really see any difficulty.

The Member for St. James on a point of order.

MR. MINAKER: Just a question, Mr. Chairman, through you to the Clerk. Does all the information understanding of why we are holding over the bill at the present time. I presume it hasn't been put in the motion that we adjourn and hold the bill, that is on the understanding that Cornwallis and Brandon will be contacted and if they come forward with a resolution of council and so forth, that we can then review the bill again.

MR. CLERK: It's held in committee and until the committee meets again, that is all I need.

MR. EVANS: As a sponsor of the bill, Mr. Chairman, I am prepared to contact the municipalities with the assistance of Mr. McGill, if he would like to be involved, but I am prepared to notify them and ask them for this.

I just want to make it clear though, what we are asking for is a resolution formally passed by both councils, indicating their agreement to the annexation of 37 acres of land, making reference to the agreement to the 10 years; and thirdly, making reference to the fact that it will be zoned — well, the one parcel is already zoned and it's part of the master plan for Brandon, so that's not a problem — it's the new section, it's the 37 acres, that that be — and it's understood and agreed — that those municipalities would like to see that those 37 acres shall be zoned for mobile home park usage. Those are the three items. Is that correct?

MR. CHAIRMAN: The Member for St. James.

MR. MINAKER: Mr. Chairman, it's my understanding, too, that the present owner will be contacted because I think that's an important factor in the original bill, that he was opposed to annexation at the last presentation. So as long as he's kept informed.

MR. CHAIRMAN: The Member for Brandon East.

MR. EVANS: On the matter as I understand, Mr. Chairman, Mr. Hall, the owner of the Brentwood Village Mobile Home Park, has checked with his legal counsel and has ascertained that he has a legally-binding option to purchase the 83 acres. He has difficulty if he splits it into the 37 and whatever 83 minus 37 comes to, the two parcels, but he has indicated that he is prepared to purchase the entire amount. The other part really doesn't concern us because it remains in Cornwallis and it is under their jurisdiction.

The present owner, Mr. Anderson, I believe, was aware of this at one point. Well, he was aware of the proposal of the bill and had been for some years agreeable because the option was issued some time back, I understand. We could make an effort to contact him. That is really a matter, in my opinion, Mr. Chairman, between the two parties, Mr. Hall and Mr. Anderson.

MR. CHAIRMAN: The Member for Seven Oaks.

MR. MILLER: Mr. Chairman, in this regard, every citizen is entitled to be notified and his solicitor is here and it is simply a courtesy and I think a legal right, the solicitor should be notified of what we have done and where it is at. So far as how they eventually settle whether 37 or 83, or how much each pays the other, that's really not within the province of this particular committee.

MR. CHAIRMAN: We have a motion on the floor by the Member for Seven Oaks that the bill be delayed in order to give the municipalities of Cornwallis and Brandon an opportunity to resolve the differences, which we believe have been resolved, and that this meeting do adjourn. (Agreed)