

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS**

Wednesday, December 20, 1989

TIME — 8 p.m.

* (2005)

LOCATION — Winnipeg, Manitoba

Hon. Glen Cummings (Minister of Environment): I nominate Mr. Pankratz.

CHAIRMAN — Mr. Helmut Pankratz (La Verendrye)

Madam Clerk: Are there any other nominations? Since there are no further nominations, I move that Mr. Pankratz do take the Chair.

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Cummings, Findlay, Penner
Mr. Burrell, Mrs. Charles, Messrs. Harper,
Pankratz, Patterson, Plohman, Roch, Taylor

Mr. Chairman: I would like to call the Committee on Municipal Affairs to order at this time. We will continue with our presentations from last night. The first one on our list is Mr. Les Balneaves.

APPEARING:

Mr. G. Les Balneaves, Private Citizen
Mr. Terry Turcan, Manitoba Government
Employees' Association (MGEA)
Mr. Dave Brown, Deputy Mayor, City of
Winnipeg Law Department
Mr. William Norrie, Mayor, City of Winnipeg

Before I ask you to carry on with your presentation, Mr. Balneaves, I would like to ask the committee, do we wish to put any time limit on our meeting tonight. What are your wishes in that? Hear all the presenters? Very good. Is there a time limit that we would like to put on each presenter? Okay, Mr. Balneaves, then you may carry on at this time.

WITNESSES:

Mr. Rob Walsh, Drafter, Crown Counsel
(Legislation), Legal Counsel
Mr. Gordon Carnegie, Monitor of
Amendments, Advisor to Committee Crown
Counsel (Legislation), Legal Counsel
Ms. Ann Bailey, Amendments Drafter, Crown
Counsel (Legislation)
Ms. Valerie Perry, Amendments Drafter,
Crown Counsel (Legislation)
Mr. Michel Nantel, Director, Translation
Services, Legal Counsel
Ms. Anna Fuller, Manager, Administration and
Financial Services, Rural Development
Mr. Bob Hamm, Land and Property
Classification Co-ordinator
Ms. Marie Elliott, Director of Research and
Systems
Ms. Dianne Flood, Lawyer, Legal Services,
Department of Justice

Mr. Les Balneaves (Private Citizen): Thank you, Mr. Chairman. I have requested to appear before this committee on assessment reform as I feel there are many inequities in the assessment system and the legislation that governs it. I have been involved in the assessment field for 26 years and have made several attempts to assist, to help or correct these inequities that lie in the assessment process.

MATTERS UNDER DISCUSSION:

Bill No. 79—The Municipal Assessment and
Consequential Amendments Act

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Clerk of Committees (Ms. Bonnie Greschuk): I have before me the resignation of Mr. Helwer. I will read it for you at this time: "I hereby resign as Chairman of the Municipal Affairs Committee, effective immediately."

As Chairperson of the Standing Committee on Municipal Affairs, the floor is now open for nominations. Mr. Cummings.

In my brief I will cover the following points: the reason for the assessment of property and why equity must be maintained; how inequities occur when various multipliers and mill rates are used; and how this distorts equity in the assessment and/or taxes. I will give you some insight into the problems in business tax, a brief look at exemptions and what problems or inequities they create, and information regarding the appeal process at the Board of Revision and Municipal Board. Finally, I will give you some suggestions for changes that should be made to various sections within Bill No. 79.

The reason for assessing property is to maintain an equitable base among all types of property to ensure that a fair share of property taxes are paid by all. To maintain this equity, a land assessment should be based on market and economic value at a current level. The buildings should be based on current costs supported by market and economic values, based on current levels. The property as a whole should be assessed at market value supported by costs and income at a reference year. Depreciation should be calculated on all buildings to the year that the reassessment is entered into the roll.

The Authorities that have stressed Equity: The requirement of equity has been stated by the Manitoba Court of Appeal under 200-88 when it said,

"the confirmation of the assessment, or a decision not to vary an assessment, must be based upon evidence that the assessment is equitable in relation to other properties." Then further it stated that "unless some comparisons are made the Board lacks the foundation to confirm the assessment or to determine that it ought to be varied."

The same thought is also upheld by the Ontario Court of Appeal in the case of Empire Realty versus the Assessment Commissioner of Metropolitan Toronto, which states as follows: The court held that the prime objective in municipal assessment must be equity and went on to observe that equity of the assessment must also be clearly demonstrable to the ratepayer.

* (2010)

Also, the Metro Toronto Advisory Task Force on Assessment Reform said, "The task force considered that the prime objective for a reassessment program in Metro Toronto is to ensure that properties which have similar market values are assessed at equal or comparable values, regardless of where the properties are located in Metro Toronto." The Manitoba Royal Commission, known as the Michener Commission, also suggests that there must be equity among real property taxpayers.

Some of the problems that led to the inequities within the City of Winnipeg—land, in most cases, was not revalued, but only multiplied by a preconceived multiplier. This calculation was then multiplied once again by the same multiplier to arrive at an estimated 1975 level of assessment which was used in the 1987 reassessment.

Since all lands do not increase at the same rate of value in all areas, this only increased the inequity, particularly when the land values before using the multiplier were not correct. Previously lands in the City of Winnipeg had been valued at anywhere from 1 to 50 percent of actual value. Most buildings had originally been valued on the 1949-50 city cost manual. However, some had been valued on cost letters or comparisons which was making some difference in their assessed value. Many changes in technology and material had not been added or adjusted to this manual.

To further complicate the situation, the Assessment Department devised a set of multipliers for several different types of buildings which only helped to complicate the system and create further inequities within the system.

To demonstrate this inequity, you merely have to look at a cost situation of a partition wall which is common to many large numbers of buildings. The manual cost of this wall, assuming \$1 per square foot, if placed in an apartment block would be multiplied by 2.52 for \$2.52 a square foot; in a townhouse: 2.94 for \$2.94; in a commercial building, 3.18 or \$3.18 a foot; while in a residential house, 3.4 or \$3.40 a square foot.

These multipliers and various mill rates created even further inequities, when some attempt was made to correct the inequitable situation in the first place. For

instance, take a condominium factored by 2.52 for the apartment type ones, 2.94 for the townhouse type, and 3.4 for a private type home. The mill rate was established on the code 10 or residential house in 1988 at 58.515 mills, while owner-occupied condominiums which were coded 25 got a mill rate of 75.579 mills.

Assuming these units were originally assessed at similar values on the old system as follows: a single family home originally \$5,000 multiplied by 3.4 gives a new assessment of \$17,000 or 58.5 mills or \$995 worth of taxes; the condo, same value multiplied by 2.4 gives \$14,700 or 75.579 mills or \$1,111; the condo apartment, same value, 2.52, new assessment \$12,600 at 75.579 mills for \$952.00.

The Winnipeg City Council then decided that the owner-occupied condos and private dwellings should have the same mill rate, and see what happens on the next table below. The single family home is still paying \$995.00. The condo townhouse is now multiplied by the same mill rate of 58.5 as a home and now only has a tax bill of \$860, while a condo apartment at 2.52, mill rate of 58.5, now the same as a house, only comes up to \$737.00.

After this change was made, you will now see that an owner-occupied townhouse condominium gets a tax break of \$125 and the owner-occupied apartment gets a tax break of \$223 compared to a single family home. This clearly illustrates how inequities can be perpetrated if all calculations are not thoroughly analyzed.

To create further inequities, the Assessment Department cut off the depreciation as of December 1974. Therefore, a house that was built in '75 would be given the same depreciation as a house built in 1989.

In an attempt to justify all of these inequities, particularly in assessing residential properties, the Assessment Department are using an assessment-to-sales ratio, or ASR as they call it, on an overall area basis. The Assessment Department claims to have based their ASR on '74, '75, and '76 sales. The ASR appears to be arrived at by adjusting the number of sales used, or the area covered, to support their preconceived ratio that was required by the Assessment Department in an attempt to prove their point. This ASR is arrived at by including sales of all types of homes within an area rather than separating the various types.

* (2015)

Also, although the Assessment Department claims the ASR is based on an overall area and states that they cannot break down the difference between land and building, they apply a different rate to the land in almost every block in the area. When this is checked by block or by type, it can be readily seen that a large percentage of the properties is overassessed and a large percentage is underassessed, and that is how you arrive at an average. Either you are high or you are low and you put the two together and you are bound to come up with a nice average.

On business tax, we find even larger inequities in the business tax area. If business tax was brought into

an equitable situation, it is quite conceivable that these various property tax rates would not be required. In business tax, some of the businesses are in at 100 percent of annual rental value, some are as low as 20 to 25 percent. They now claim to collect about \$31,000,000 in annual business tax. This could possibly be doubled if the business tax was done equitably. Although it is said that business tax may move to a one tax rate, this does not eliminate the inequities in business tax assessment if rental values are not brought into an equitable situation first.

Owner-occupied premises should be based on the comparable rental value of comparable or similar rented properties. To further eliminate the situation of whether certain types of businesses should be assessed business tax, a further clause should be added to Section 30 of Bill 79 as follows: (a) a person, persons, or group, which are operating any occupation, art, profession, or business which is in competition with any person or persons who are charged business tax therefore will be subject to the same rate of business tax whether listed as non-profit or operating in any location including exempt properties.

The above clause should also be added to Section 170(2) as Clause (f) in the City of Winnipeg.

Under exemptions from real property assessment, all exemptions should be eliminated. If exemptions are not eliminated, they should at least be reduced to a bare minimum as it erodes the tax base and shifts the tax burden onto those that can least afford it. Exemptions were originally allowed because it was considered that these groups contributed to the general welfare of the community. However, it is found that now the Government is having to subsidize these operations and in many cases they may not make any contribution to the welfare of the area, or may be covering other areas outside of the exempting district.

It is also noted that many of these exempt institutions conduct other operations besides their own business. These organizations pay their own rent, salaries and all costs of operation, but feel that they should not pay their fair share of taxes. This causes double taxation to the taxpayer through his income tax and his property tax to support groups or organizations that only benefit a small number of citizens rather than a community as a whole.

This also places the onus on the assessor to decide whether a group or organization is eligible for exemption and in many cases the assessor does not have access to the information necessary to make the proper decision. Although Bill 79 suggests some elimination of exemption, it is found that such legislation as the Manitoba Centennial Centre Corporation Act, which was originally developed for one explicit purpose, has now been expanded to cover other organizations.

According to recent Free Press articles, many more organizations are intending to apply for a similar status. Many of these groups are already receiving Government financial support, which means that the property owner is paying dual tax again through his income tax and property tax. Also under Bill 79, we now find that certain day care centres are going to be exempt from property

tax. This in turn will probably lead to other day care centres lobbying for the same consideration.

Under school tax exemption, regarding The Elderly and Infirm Persons' Housing Act, it appears to cover elderly persons housing units or hostels. This discriminates upon where an elderly person decides to reside providing he is not in need of medical care. If a senior citizen decides to live in their own residential house, condo, or a regular rented apartment, the small tax credit that they receive does not compensate for the full exemption from school tax. Also, in the majority of cases, these exemptions do not return to the elderly person themselves but only helps to reduce the costs of operation for the organization itself. All exemptions should be clearly scrutinized as every exemption puts an additional cost onto the remaining taxpayers.

* (2020)

If some exemption or tax relief is required by organizations that benefit the community as a whole, there should be a provincial review board established where these properties could annually prove their need or requirement for such tax relief. It is obvious that once any exemptions are allowed, they very quickly proliferate and sometimes are inequitably distributed.

Under the appeal process, starting at 35(1) of Bill 79, it is extremely important that both the Board of Revision and the Municipal Board be accurate in their decisions and enforce the legislation governing assessment processes in order to maintain equitability. Sections 53(1) and 59(5) of The Municipal Assessment Act, the burden of proof is on the assessor.

The board should insist that the Assessment Department present a comprehensive, detailed explanation in writing, demonstrating the equitability of the assessment under appeal. This should include at least three comparable areas within the municipality or city. If the Assessment Department cannot demonstrate that the assessment is equitable to other comparable properties in the municipality or city in a manner which the property owner is able to understand, it is obvious that the method of assessment could be considered questionable. The assessor is the person paid to maintain equitability and if nobody enforces this rule the property owner is fighting a losing battle.

For the average homeowner, it is relatively impossible to continue on to the Queen's Bench or the Court of Appeal as the cost of a lawyer and court fees are very high. Also, it would not be compensated by a reduction in the taxes on the average home.

For Appointments to the Municipal Board or Board of Revision: (1) A person appointed to the board should be knowledgeable in assessment valuation, legislation covering assessment procedures, and equitability within the boundaries of that municipality or city. (2) A person who has been in a position of setting policy, procedure, or in charge of implementing assessed values should not be eligible for appointment to the Municipal Board or the Board of Revision due to a conflict of interest. Presently one is on the Municipal Board and two are on the Board of Revision.

The Accountability of the Municipal Board or Board of Revision: The body who appoints the board

members, either the Lieutenant-Governor or City Council, should have the authority to make sure that the board carries out its duties and follows proper procedures according to legislation. However, it should not have any authority to influence their actual decision.

* (2025)

The board chairman should be accountable to the governing body that appointed them in matters pertaining to policy and procedure.

Limitation of Years to the Board: No board member or chairman should be on the board or act as chairperson for longer than three to five years so as to maintain an open-minded, objective board.

Influencing to the Boards: There should be no presentations made to the board by the Assessment Department in an attempt to convince the board that their method of arriving at the value of assessment is the only method to be considered. Prior to appeals on '87 reassessment, a presentation was made by the Assessment Department to both boards demonstrating their method of using an assessment-to-sales ratio.

Information that should be made available to the Appellant: Copies of field forms for the appellant's property and necessary information pertaining to the appellant's comparisons should be made available by the Assessment Department, if possible, two weeks prior to the appeal. At the present time these field forms are only available under an order by the Municipal Board for the Municipal Board hearings. These field forms and information should be made available to the appellant at least two weeks prior to the Board of Revision hearing also. This should be enforced by both the city Act and the Municipal Assessment Act.

Under Bill 79, Assessment Reform, 5(3)(b) Powers of Provincial Municipal Assessor: Assessment notices should include building type code and area of land in square feet or acreage. The building type code was included prior to 1987 reassessment. This information is required in order to enable the appellant to identify comparable properties in the assessment roll.

Under Section 17(1), Assessment at Value: It now reads: "Subject to provision of this Part, an assessor shall, for the purpose of this Act, assess property at value in relation to the reference year." It possibly should read: "Subject to the provisions of this Part, an assessor shall, for purposes of this Act, assess property at market value supported by costs and income at the reference year."

Costs and income must be referred to since a large percentage of the properties are unmarketable and only create "value in use" to the owner.

Determination of Rental Value under 17(9): The wording is rather vague, and the wording is much clearer in The City of Winnipeg Act under 167(1), (2), (3) and (4) and I understand these are still to be left in effect.

Under Section 18, Presumption of Validity of Assessment: Again is rather vague. As it reads now: "Notwithstanding any other provision of this Act, the assessment is presumed to be properly made and the

assessed value to be fixed at a fair and just amount where the assessed value bears a fair and just relation to the assessed values of other assessable property."

* (2030)

It would appear that this is meant to replace 159(3) of The City of Winnipeg Act, which now reads: "Notwithstanding any other provision herein, the assessment of any land shall not be deemed to have been improperly made or to be fixed at an unreasonable, unjust or improper amount if the amount at which the land is assessed bears a fair and just relation to the amount at which other land in city is assessed."

If Section 18 and Bill 79 is to replace 159(3) of The City of Winnipeg Act, it is not adequate. Section 18 should possibly read as follows: "Notwithstanding any other provision of this Act, an assessment is presumed to be properly made and the assessed value to be fixed at a fair and just amount where the assessed value bears a fair and just relation and is proven to be equitable to the assessed values of other comparable assessable properties within the municipality or city.

Business Tax Exemptions under Section 30: The following should be added as clause 30(a): any person, persons, or group which are operating any occupation, art, profession, or business which is in competition with any person or persons who are charged business tax therefore will be subject to the same rate of business tax where they are listed as non-profit or operating in any location including exempt properties.

This clause should also be added into Section 172 as Clause (f) in The City of Winnipeg Act.

Number 54(4), No change by Board if fair and just Relations at the Board of Revision: It now reads, "A board shall not change an assessed value where the assessed value bears a fair and just relation to the assessed value of other assessable property." It should read: "A board shall not change an assessed value where the assessed value bears a fair and just relation and is proven to be equitable to the assessed values of other comparable assessable properties within the municipality or city."

Under Section 60(2) Municipal Board, it should be worded the same as Section 54(4) above.

60(4) Board may direct Assessments redone: This now reads: "Subject to Subsection (6) where, after hearing and deciding upon appeals made to it, the Municipal Board finds that a number of assessments might be erroneous, the board may by order, direct that (a) the assessments that might be erroneous be redone, or (b) that assessments of a type or class of property specified in the order be redone."

It should read: "Subject to Subsection (6), where, after hearing and deciding upon appeals made to it, the Municipal Board finds that the assessment has not been proven to be equitable to assessments in other areas within the municipality or city as required, the board shall by order direct that (a) the assessment that appears to be inequitable be redone, or (b) assessments of a type or class of property specified in the order be redone."

Although the assessors and lawyers may claim the word "equitable" is not required in the legislation, it is really the only word that does indicate that assessments must be equal one to the other. This equitability is upheld by the Manitoba Court of Appeal, the Ontario Court of Appeal, and several commissions, referring back to page 2. Unfortunately the words "fair and just" leave too much room for interpretation. Since the above courts and commissions do use the word "equitable or equitability" rather than "fair and just" in making their decisions, it would therefore indicate that the words "equitable and equitability" should be included in the legislation.

Section 60, Clause (9), the P.M.A. and City Assessor to be heard: This now reads: "Before directing, under Subsection (4), that assessments be redone, the Municipal Board shall notify the Provincial Municipal Assessor or, where applicable, the City Assessor of the finding of the board under Subsection (4) and shall allow the Provincial Municipal Assessor or the City Assessor an opportunity to make submissions to the board with respect to the assessments to be redone or the directions to be given to the board in respect of assessment."

The question here is: Does the appellant also get this second chance and is this a public hearing? Also, does this in fact allow the P.M.A. or the City Assessor to influence the Board? Note, you should have added at the end of Section 60(9), "The appellant will also be notified and allowed to be present and make additional submissions at the same time as the P.M.A. and the City Assessor."

Under 66, there appears to be a typo error, leave off the word "of" there, and then 94, a typo error, where it has "U4iversities", it should be "Universities".

In closing, I wish to thank the committee, and Mr. Penner, Minister of Municipal Affairs and other members of the staff for making it possible for me to make this presentation. I hope that you will consider my information when reviewing Bill 79, and that it will be of assistance to you during your deliberations. Respectfully submitted.

Mr. Chairman: Thank you, Mr. Balneaves. Are there any questions to Mr. Balneaves from the committee? Mr. Cummings.

Mr. Cummings: Mr. Chairman, one question, where you referred to the field forms only available under order of the Municipal Board, do you recall what reason there was for not having those released?

Mr. Balneaves: Why they were not released?

Mr. Cummings: Yes.

Mr. Balneaves: Mr. Chairman, they never were released. They never have been released before. The board made a decision at one of the hearings that this information should be made available to the appellant. That is the only way that they are made now is through the Municipal Board, if they so desire.

Mr. Chairman: Any more questions? Mr. Taylor.

Mr. Harold Taylor (Wolseley): Mr. Chairman, a lot of information, I would say first of all, in this presentation. I would like to follow on the question of the Member for Ste. Rose (Mr. Cummings). Do you see any reason why the field sheets should not be available, as part of the normal process of appeal, that when a potential appellant comes to an assessor's office and tries to gather basic information about their property and about the assessment process, which of course for most people is going to be something that they are not familiar with, do you have any reason, based on your experience, as to why field sheets should not be made available as a normal part of the process?

Mr. Balneaves: You mean that they should be made available from the assessment office at the time? No, the reasoning that the Assessment Department gives is the fact that if you are giving somebody else's field form, you are giving out confidential information to that person's property. For your own, they say it is their information, and they hold it for their own use. If you want a copy, you have to make it up. I think this will probably be coming about within the next year or so that they may be allowing some question to this.

* (2040)

Mr. Taylor: Mr. Chairperson, having been through some of the process personally I can recall being rather taken aback. I did not ask for anybody else's field sheets, I just said that I wanted to see for my own property. This was in the City of Winnipeg. I was not too unreasonable, considering that I was being hit with a 31 percent increase. I was told that, no, they could not give me a copy. When I pressed them, the comment was, well, they would let me see it, but I could not make a photocopy of it. I could copy down information as best as I could, you know, scratching down, but not having the availability of the former, the modern technology of a photocopier.

Do you see any particular benefit, given your background in this area, that the assessors have some need to keep the information in some way? It almost seems like the door is inching open, but not quite, is the impression I have, having been through the experience.

Mr. Balneaves: No, Mr. Chairman, I do not see any reason why the owner could not have a copy of that. The field sheet only really, as you would see it, would indicate what was in the property, how the property was made and what was in it. There was a meeting at City Hall a few months ago where the city assessor was questioned before the council there, and said that the field sheets would be available. I feel that they will probably start making them available in the future.

Mr. Taylor: I am pleased to have that answer on the record, Mr. Balneaves. One of the things I have been tempted to do as an ordinary citizen trying to get into this whole realm of assessment, and in not having had that much exposure to it previously, is I said, well, what do you people use as a manual, if you will, a guideline, to the whole process. They gave me the name of the document they were using, I do not recall that right

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now. They also said that was not available, that they would not release the same, that was their private, confidential—I cannot recall exactly the terminology used, but in any case, a restricted document.

This was within the city. I understood much later, in fact a year or two later, that there was a comparable document which is used by the provincial assessors that is available. You can get a copy through the provincial Queens Printer office. I wondered if you could shed any light as to why the city assessors would take this rather strange attitude, considering the comparable provincial document is available as a public document and the city one is, in effect, restricted.

Mr. Balneaves: Mr. Chairman, I can answer some of that. I am no longer an assessor. I have been retired for about three years now. I actually have been working on the opposite side of the fence as I have had my own property in appeal for three years.

I saw many of these inequities before. This was one of the major problems why I probably had to retire much earlier, I could not stand the frustrations.

No, the city manual was never available before. I understand a provincial manual was available. The city manual did not appear to be available in here, but someone I know picked up a copy in Toronto. So it is hard to say where it is coming from or where it is going to but that was where they got their copy from.

Hon. Jack Penner (Minister of Rural Development): Mr. Chairman, just for information, as you indicated the assessment manuals provincially have always been available, and you have been able to pick them up from the Queens Printer. They will, in the future, be the same manuals that will be used in the city, as they will out in the country. So there will be an equal opportunity for everybody, I guess, to pick up those manuals, and they will be accessible by people in Manitoba.

The second one is, the field sheets that you were referring to have always been available through the provincial field offices to anybody that requested them and will in the future also be available in the city, because the Provincial Municipal Assessor, under the terms of the new Act, will assess property in accordance with this Act and also the regulations, and establish assessment policies and procedures further to the purposes of this Act. So that gives the Provincial Municipal Assessor the authority to really set the rules. Therefore, I think there will be a lot more equity in the whole system which will be directed by the Provincial Municipal Assessor.

Mr. Chairman: Any more questions to Mr. Balneaves? Mr. Plohman.

Mr. John Plohman (Dauphin): Thank you for this excellent presentation and information. There is a lot of information here.

I wanted to ask, first of all, on page 2, depreciation should be calculated on all buildings to the year that the reassessment is entered into the roll, is that the current practice, or what is the current practice with regard to depreciation?

Mr. Balneaves: Mr. Chairman, the thing was on the last reassessment, which was 1987. I am speaking here of the City of Winnipeg. The depreciation was only calculated to the end of 1974, and that is why I stated that it did not matter whether you built your house in 1975 or you built your house in 1989. You would not receive any depreciation until the reassessment was done again, which is supposed to be 1990. So although your house is 14 years old you are not receiving any depreciation on it.

Mr. Plohman: Mr. Chairman, does that assume that all buildings depreciate from one assessment to another?

Mr. Balneaves: Are you referring that there are different depreciations to each building?

Mr. Plohman: Yes, indeed in some cases there would be obviously an appreciation of value rather than depreciation.

Mr. Balneaves: Mr. Chairman, yes, there could be an appreciation in a property due to some unforeseen increases in value in the area. In the case of the assessment you are working on the property as it is built and as it ages, and this is the main thing that is taken into consideration, appreciation there.

When you look at the overall picture the majority of buildings do have some rate of depreciation as far as structural effects go. It may have an appreciation as far as the increase in market value goes but not in the appreciation of the actual structure itself.

Mr. Plohman: Mr. Chairman, you stressed a lot of problems leading to inequities, the multiplier formulas and so on that are used that distort the actual assessment and, therefore, the taxation and perhaps lead to greater discrepancies than was initially the case when multiplier formulas are used. Are you providing all this information as a basis for supporting the current market value assessment system? Is that the purpose of what you are doing, or are you pointing out other problems that are not addressed in the Act?

Mr. Balneaves: What I am really pointing out there is, now that you are making changes to the legislation, is to make sure that these kind of inequities do not come into the property again, that these multipliers, especially when you are using a different multiplier in every type of building, just proves that it does not create any equity between those buildings. It does possibly support going to market value.

Mr. Chairman, also, in market value you must look at costs and other values that may come in there too, because if you go to a straight market value, as I said, many, many of your properties have no marketable value, there is only a value either in use or value to the owner. As even stated here, I believe yesterday by one of the presenters, in the properties that he was presenting for there was no market value.

* (2050)

So if you go to straight market value it becomes a very argumentative problem if you have no other source

to back it up. If you have costs, if you have incomes, all these things should be looked at when you are making any evaluation. Really when you say make a cost after the market value really make the costs before the market value, and if the market value supports your costs you have a better relative picture of what the value really is.

If you have no support you are again just trying to adjust. As stated here yesterday, again too, was that you know of averages, averages taken as a whole across the board, as I suggested here at the ASR again does not prove anything, does not prove any equitability. Because when you start averaging all types of property certainly you can get to a point anywhere where you can arrive at the point that you want to be at just by either adjusting the number of sales that you use or adjusting the area that is covered.

Mr. Plohman: Mr. Chairman, is there not a standard ASR that is used, or is supposed to be used, in terms of the total area, all of the sales in that particular area that is being covered, and all of the sales that take place in a standard area? Can this be adjusted in fact to justify whatever assessment is done on a particular building by simply juggling around with those figures until they get those ones that suit the needs of the assessor? Is there not a standard assessment sales ratio that can be used?

Mr. Balneaves: Mr. Chairman, when you start manipulating figures, as to what you are going to use an ASR probably can be used if you divide your properties up into whatever type of property you are dealing with.

If you are talking about a \$100,000 home—if they are all \$100,000 homes that is fine—but if you have a \$100,000 house and a \$400,000 house your average is what—\$250,000.00. Are you going to increase the other guy \$150,000 or are you going to deduct the other guy \$150,000.00? So your ratios—if you are going start using ratios at least use your ratios based not on an overall area, because now you are including homes of all types.

I think I say that in the brief here, too, that the assessment adjust their calculations to area, or number of sales, to arrive at a preconceived figure. When you break that down into type codes, building type codes, block distance codes, you will find that many of those houses are way overassessed, many are underassessed, but fine when you throw them all together it gives you your average, because the upper ones take the lower ones and the lower ones take the upper ones and you come to a nice average. Really all you are doing is manipulation of figures until you come to whatever you want to arrive at, unless you want to utilize it for a particular type of building or a particular type of property based on the same types.

Mr. Plohman: Mr. Chairman, are you suggesting that market value assessment should not include that kind of a yardstick then the assessment ratio, the sales ratio—the assessment-to-sales ratio, do you feel that should not be used as a yardstick? Is that what you are pointing out in your brief, that should be discarded?

Mr. Balneaves: Mr. Chairman, I would say that unless you are doing a market value on one particular property ASR would not be something to support it by. If you are going to include everything together you are not arriving at a true figure for that particular property. If you are doing market value you have many other things to take into consideration, you have your costs, you have your incomes and you have any economic factors or functional obsolescence that can be included in there. That will give you an idea of where you should be going. They can make adjustments by looking at the overall ASR, but to hang their hat on it as they did in the last reassessment just does not uphold what they were trying to prove.

Mr. Plohman: You have presented the view that all exemptions should be eliminated, as was basically the position that the Weir Commission determined. Do you now see some seven pages in the Act of exemptions that a number of these should not be included here? I do not know what your criteria would be. Could you elaborate on that a bit in terms of—you said if exemptions are not eliminated they should at least be reduced to a bare minimum. What is the bare minimum?

Mr. Balneaves: Mr. Chairman, I think to be able to stay at a bare minimum or who should or who should not at this point I could not make an answer to that. This idea or theory is not only upheld by myself it is also upheld by the International Assessors Association of America that exemptions should be very closely looked at. They give an example as to one property in Cambridge, Massachusetts, where 50 percent of the property in the area is held in the name of the Harvard University, therefore, 50 percent of the property is not on the assessment role.

Mr. Plohman: Returning to the appeal process on page 10 of your brief, did you feel sure that the present system of appealing puts the onus of proof upon the appellant to prove that it is not an equitable assessment, and what you are saying is, in fact, it should be the reverse, that the onus of proof should be on the assessor? Is that basically what you are saying? What you are suggesting there is not the current practice, that the assessment department must present a comprehensive detailed explanation of the equitability of the assessment under appeal, that does not happen at the present time at all?

Mr. Balneaves: What really brought this to a head was that I have appeared three or four times before these boards, both the Municipal Board and the Board of Revision. The assessor appeared with one sheet with my name on it—surely I should have known that by the time I got there—with another sheet with some land calculations on every block within my own area, which I had already demonstrated before the board that I was not appealing the land in my area I was appealing the comparability of my land in my area to the land in many other areas. I picked one particular area to appeal against at that time, but I also proved it later against many other areas within the city.

There was no reliance placed on this by the board at all. They just went back and said the assessor proved

his point, which I do not know what that was, because he had not proven anything except that he was able to write down a different figure on every block on my street. He had not proven anything, but the boards sat down and said, yes, he had proven his case.

I had information as to sales. I had information as to costs. I had information as to market value on the land in all areas that I was comparing. Yet no emphasis was given to that whatsoever.

Even though the Act states under Sections 53(1) and 59(5) that the onus is on the assessor, this in not being done. The onus is not, according to the reception that I received at the board, on the assessor. Even though it was on the appellant, the appellant proved his case, the assessor was still upheld.

Mr. Chairman: Any more questions? Mr. Plohman.

Mr. Plohman: Mr. Chairman, what you are saying is the treatment of the information that comes forward by the board in terms of its importance, validity and scrutiny—there is too much acceptance of the assessor's expertise, is what you are saying, information and not enough acceptance of the individual who is appealing?

Mr. Balneaves: As I said earlier, with the sheets that the assessors gave I did not know what he had proven on that or what ability he had given or what expertise he had, because there was nothing shown that would substantiate any of the case at all.

Anybody can write down a figure on every block on the street, vary it by \$5 or \$10 or \$15 to make it look good from one end of the street to the other and then adjust your ASR so that if that works out to 90 percent use the sales from block one to block five instead of going to block six or going to block seven or something like that, to come up with whatever you need.

* (2100)

Mr. Taylor: Part 4, Mr. Balneaves, that you have on page 8, "Exemptions from Real Property Assessment," in it you make comment to the effect that too many exemptions can lead to a shift of the tax base onto those that can least afford it. I suppose the comment is probably referring to property owners at the lower end of the income scales.

However, it presumes something that I would like to discuss if we could for a moment. Certain organizations that may have this benefit could very well be in the same boat of being in the position of least able to afford and could also have a characteristic, which is that they contribute to the benefit of a large number of citizens in a specific local area. I wonder if you would care to make an expounding comment on that text, given the points I just brought up?

Mr. Balneaves: Under exemptions, Mr. Chairman, there may be many groups or organizations that do a fantastic amount of work for the area as a whole, and they may be in a position to require assistance and this, I think, rather than put it on the onus of the assessor, as I said

at the bottom, to have them direct their case before the board to require for their needs. As to whom it places the burden onto as far as tax dollars go, it puts it not only onto the people that can really support it, but also onto everybody. It is an overall tax.

I was involved for three years in totalling on exemptions, and another major point that comes up on that is once you give an exemption, as an exemption in assessment purposes, it just grows. There is almost no way of stopping it.

If you go back to the original Bill that was passed to cover the Centennial Centre, it spelled out exactly where that was located and what was covered, but if you look at that now there has been several people added to that. So you find that this happens. In the case of senior citizens, the Act states that—if you read the wording actually in the Act it says—elderly and infirmed, but it always happens that somebody gets the idea as long as it is elderly that it is okay. If they can obtain a certificate or permit from the Manitoba Housing and Renewal which controls this, the assessor has to give them the exemption whether they need it, whether they require it or whether they should get it. They get it because the assessor is frozen out. He cannot say that they do not require the exemption, because they have that certificate.

Mr. Taylor: What you are saying I guess, Mr. Balneaves, is that the exemption then is by definition upon request, is that correct?

Mr. Balneaves: Mr. Chairman, you mean to set up a new exemption now or to cover all exemptions?

Mr. Taylor: To clarify, please, Mr. Balneaves, no. I am referring to your previous statement, your last statement, to the effect that a senior citizens' home could get I gather some sort of a certificate from Manitoba Housing which would attest to its status as being a senior citizens' home. Then the Assessment Department would be in the position of having to de facto recognize that status and then following that the exemption comes naturally. There is no and, ifs or buts, it is an automatic.

Mr. Balneaves: Yes.

Mr. Taylor: Mr. Chairman, okay, I gather that is ditto for the class of museums that are just museums and no other functions going on there. That is a similar sort of thing. I am quite familiar with—and I see you nodding in agreement on those points—The Centennial Corporation Act and also its original purpose which was for performing arts groups that were going to be collocated at the Centennial Centre.

Now there have been two exceptions made in which exemptions then applied to two specific ethnic groups, the Franco-Manitobain Cultural Centre in St. Boniface, and the Ukrainian Museum located I guess about two blocks north of the Centennial Centre on Main Street at the intersection with the Disraeli Freeway. Now those are a little different; maybe that is why people raise the issue.

Speaking in general terms, your experience, does it not lead you to say that there could be groups out there that do have wide appeal to the population, are not relegated to one particular part of the community, and are in a position of being non-profit and not having the ability to pay that, in your own mind, might be candidates for some sort of different type of treatment? Now we can leave aside the word "exemption" for the moment, but for some sort of different type of treatment when it comes to assessment taxation.

Mr. Balneaves: Yes, Mr. Chairman, it is possible that many of these groups may require the assistance and may be in a position that they do prove the requirement, but rather than put it in as an assessment problem to the assessor, that again it be presented to a board and that the board make the decision. It puts the onus back on the council, that they are putting the money forth out of their own pocket or out of the city pocket so that they know whether these groups really do require it, whether they are authentic. To go over all the ones that I got involved in, in that three years, it would take us all night, and I am sure you would see that some of them do relatively good work for the community as a whole. Some more of them are strictly in it for their own purpose, particularly now when you see that many of these groups can afford hundreds of thousands of dollars to hire one man to gather their money for them.

It puts it into a position to the taxpayer, is he really getting a benefit out of it to donate \$10 or \$20 to this organization, for them to turn around and give it to somebody to collect, for \$100,000 salary for the year? In that case you are using up an awful lot of the money that has been put out in good will by the people not for the benefit of that organization but for the benefit of paying that man's salary.

Mr. Taylor: Mr. Balneaves, you made mention that the responsibility for exemption should not rest on the shoulder of the assessor but should be on that of the board. Now I am not sure if you meant the Board of Revision or if in reality you meant the council of, for example, the City of Winnipeg or what exactly you meant. Could you clarify that, please?

Mr. Balneaves: Mr. Chairman, I suggested that a provincial review board of some type be established to control that sort of situation.

Mr. Taylor: Yes, I would like to bounce an idea off you on this subject. You are saying a review board set up by the province to cover off all assessment in Manitoba, including the City of Winnipeg. I would just like an opinion of you on the idea instead of a board to handle that sort of thing, of those appointed, that the exemptions be thrown into the laps of the politicians to deal with it at a political level. What are your thoughts after your years of experience in this endeavour, what would your opinions be on that?

Mr. Balneaves: Mr. Chairman, this might be the answer if you did not have a board, to turn it back to the politicians. At least they would realize what is being put forward in these types of exemptions, et cetera, and also if the need was really there or if it was just

a case—I could go into one case and this is a case, actually not really a case of exemption— but it similarly points out a situation of exemption that happens. An organization that I knew of a few people decided that because it was hard to find a place for old-time dances they would set up a group that would go around to senior citizens and put on old-time dances for them, which is a very honourable situation to do. However, none of them had any great amount of money, and they did not have anything great in equipment. They had an old record player and a few old records.

One of them got the bright idea that they would apply to see if they could get some kind of a grant or something to assist them. So somebody said, well if we get \$500 or \$600 it would be fantastic. We could buy a new record player and a few new records. Somebody else said, no, do not put any amount just see if we can get something.

They wrote a little letter asking for a little money. About two months or three months later they got \$6,000.00. Not knowing what to do with it—none of them being greatly educated in keeping books, et cetera—they phoned up the people who were responsible for it and said, what do we have to do? They said, well you will have to buy your equipment. Somebody is going to have to store it in his house, you better pay him some rent. Some of your other people will have to go uptown and buy a few records, you are going to have to pay them travelling expenses. Just keep your receipts in a little shoe box, and one day in the not far distant future we will be along to see you.

* (2110)

Of course, everybody got on the bandwagon. They all wanted a little money to go here, a little money to go there, buy a few records and go uptown and have coffee. So quite a few of them decided they did not want to get involved in that, because sooner or later somewhere down the line the great controller of the funds would pounce upon them, and they would have to answer for their expenditures.

It was kind of hard to get a hold of receipts, because somebody would go out and buy a record and say, here is a record I need 10 bucks, and that was it. They did not always get the receipt and so on. A bunch of them dropped out, but some of them stayed anyway. They kept it going on.

About three years later they had not been inspected. They had not been looked at. Their books had never been checked. They got a letter in the mail one day. So they thought, boy now we have problems, they did. They had \$9,000 sent to them.

This why I am saying, if you are going to put up exemptions, if you are going to give people tax relief for some specific reason, have reason for doing it. Have them come to a body or group, whether they are politicians or whether it is an established board, that they prove their worth, that they prove what they are doing with that money, not having a weekend party.

Mr. Chairman: Any more questions? Thank you Mr. Balneaves for your presentation. The next on our list is Mr. Terry Turcan.

Mr. Balneaves: Excuse me, Mr. Chairman, there was one thing outside of my brief—and really I marked this down from last night, because what was presented to you and I thought I might give you a little clarification. I will leave it with you as I go.

Last evening, one of your presenters suggested to this committee that Manitoba would be the only province in Canada that was not on market value. Unless things have changed in the last few years, B.C. was on what they called "actual value," assessed at a percentage thereof as follows: residential 15 percent, commercial 25 percent, industrial 30 percent. That was established in 1978. In 1982 the percentage was changed: farms 10 percent, residential 10 percent, resorts 10 percent, business 24 percent, machinery equipment 28 percent, industrial 34 percent, utilities 35 percent, forestry 40 percent, tree farms 80 percent of actual value with assessed value shown as general purpose and school hospital purposes.

In Alberta they were on a basis they called "65 plus 65 percent of value," which was based on 65 percent of land market value plus 65 percent of the cost of the building improvements less depreciation. In 1984 it must have been still in use, because a Bill was passed which reduced the assessment level on machinery and equipment from 65 percent to 50 percent and allowed for faster depreciation.

In Ontario they attempted to go to a market value in the late '70s and '80s and had all their assessments frozen by the court. Then the appeals were confirmed by the courts who stated that regardless of what the normal or average value was the assessment would be affixed on whatever was paid for the property. Therefore, similar or identical homes on the same street were fixed at different values depending on the deal that you could obtain. If you had cash you paid under the counter and the rest went through the registration of the land titles.

This also happened in commercial properties, but there the commercial owners ran into a little bit of a problem, because the income tax people would not accept the high value and would not let them write this cost off, because it was not registered. I still do not know whether Ontario ever got that mess straightened out or not, because their assessments, the last time I ever heard from them, were frozen.

Again, in appeals it was also stated before the committee here that everywhere else in Canada you can appeal every year when you find your assessment to be out of line. Your appeal time in Manitoba is whenever the rolls are open for appeal each year, or when you receive a supplementary change of increase or decrease under Section 56 Municipal Act or No. 23 of the city Act. However, in B.C. I understand now they only allow you to appeal every other year and in Alberta only on the year of review.

Concern was expressed that if there was no change in the neighbourhood that devalued the property the property owner did not have the right to appeal under reassessment year. Possibly this concern could be handled by adding a Clause (d) to No. 42(1) as follows: (d) if you look at (a) is for change and assessment, (b)

is change in classification, et cetera, you could add in change under Section 13(1) which affects the above (a), (b) and (c). That is just something I would like to leave with you, Mr. Chairman. Thank you very much.

Mr. Chairman: Thank you Mr. Balneaves. Our next presenter is Mr. Terry Turcan. Your presentation has been distributed so you may carry on.

Mr. Terry Turcan (Manitoba Government Employees' Association): Fine, thank you very much. I appreciate the opportunity to make this presentation.

The presentation I would like to make here is fairly self-explanatory throughout the document that I have distributed. I do not know if anybody has had the opportunity to read it in advance, but I would like to read from the document, and I have some explanation to the reasons for the requested changes that we have proposed.

I am the staff representative with the MGEA. The MGEA represents the provincially employed assessors. The provincially employed assessors do have some concerns in respect to the Bill as presented and the legislation pertaining to, particularly where their duties are being referred to.

I am not here to make presentation in respect to whether the Government is going in the right direction or wrong direction at all on behalf of the assessors and regarding the assessment direction. It is strictly pertaining to the areas that reflect their duties. That is where we are coming from.

When we take a look at the Bill, Part 2 of the Bill, it reflects the purpose of the Bill. It is not saying "purpose," it is saying: the Act governs assessments—the Application—governs assessments for the purpose of municipal taxation of property. That is where this Bill, I believe, is coming from, that would be my reading of it. When we relate that to—and the pamphlet, as I have heard referred to last night extensively, it refers to that very specific area also, that one of the primary goals of the new Municipal Assessment Act is to provide a single statute by which assessment across the entire province will be governed.

When we take a look at the various sections of the Act that relate to the duties of the assessors, and I appreciate this particular legislation is reflecting the duties of the provincially employed assessors and the assessors who work for the City of Winnipeg, which I am not here on behalf of, though I would think that the legislation would govern both jurisdictions—

We take a look at 5(1)(e), the second page of my presentation—I have reflected what the legislation is stating and I have added what we would like to see as changes to the legislation. The changes I have highlighted in bolder type, and narrowing as to the duties of the assessment officers, I believe more accurately reflecting the legislation's intent as cited at the beginning of the legislation.

* (2120)

This is unusual legislation in that it is reflecting workers' duties. Having dealt with various jurisdictions

of Government employees, most of the duties and the reflection of that come from The Civil Service Act, which is the jurisdiction in which the Government employees are generally governed. There are various pieces of legislation that Government employees work under, in the various jurisdictions, that does at times reflect the various responsibilities that need to be carried out. This one is reflecting the Provincial Municipal Assessor, which in turn, within the legislation, reflects the duties being passed onto the assessors. So wherever it may be reflecting just the Provincial Municipal Assessor, for all intents and purposes, it flows to the assessors themselves.

The second part proposed, 5(3)(b), determines the kind of information to be included in the assessment rolls. From reading legislation, and the concerns that have been expressed to us by a number of assessors, we would propose the language being changed in the manner we have proposed, we believe that more accurately reflecting what we believe the intent of the legislature is for the assessors to carry out their responsibilities. That is to record information relevant to the assessment of property for the purpose of producing assessment rolls. I believe that is the major objective of the Act for the people who are to carry this Act out.

Change C, again now, this particular one—I heard at a presentation here last night, by a lawyer who made reference to various language and interpretations. I am not a lawyer, but reading the language here: authorize assessor to perform services, other than services related to the duties of the assessors under this Act, for the benefit of the Government, a Government agency or a municipality.

Boy, I think that could be interpreted a number of ways. What is “for the benefit of the Government?” We are putting that into legislation. We are putting that into there, saying they can be directed to do anything that is for the benefit of the Government—into legislation—or a Government agency or a municipality. What is for the benefit of a municipality out there?

We have raised this particular section with people in the department and the explanation that we have been provided with is that the purpose of this is to try to recognize the authority of the province to do assessments for jurisdictions other than for a municipality, at times. I understand there are some properties that are owned by the Crown itself. There are properties perhaps owned by the federal Crown, which perhaps the provincial department may be requested to do evaluations on and assessments on. That is the major intent of this particular section. I would hope that you would embrace the language we have proposed, if that is the intent. If that is the intent, what we are proposing here is very similar language that exists right now in The Planning Act, that this department is responsible for administering, I believe, also. That is at the top of the third page.

I have taken the section from the Act and made reference to it, and the deletions—the planning district which would not be applicable in this particular situation, and more accurately reflecting the assessment responsibilities of the department.

Our concern is we are having new legislation come about, and as we have all seen from time to time, the original intent is not always adhered to. It is not always followed down the road as different interpretations go on. This particular section gives us grave concern as to how it may be interpreted in the future and possibly administered in the future. If the intent, at this time, of the drafters of the legislation and the administrators of this legislation is for the other jurisdictions, we would suggest that we more clearly state that, similar to what we proposed.

Change D, that we have proposed—assigning further duties to the Provincial Municipal Assessor—again, that can be reflected down. We propose that it be more specifically stated relevant to the assessment of property in the Province of Manitoba, again, believing that is the intent of this legislation. It is there to reflect that responsibility being carried out.

Change E, the last provision that we have cited—again, this is unusual within a particular statute reflecting one area of jurisdiction. We raise with you the question as to what is the purpose and intent of this particular section. If it is to give authority to the Government to be hiring consultants, technical advisors, people of this nature, which it appears to be reflecting, then that authority, we believe, already exists. I have cited for your benefit a portion of The Civil Service Act within the proposal there, and an explanation behind it, that already gives that authority.

I guess I am not in a position to be posing the question, but I will repose a rhetoric question of what is the purpose. If the purpose is for the employment of advisors of that nature, that already exists within the legislation.

That is pretty well it. As I have said, we are here concerned on behalf of the provincially employed assessors, and the sections being cited all relate to the duties and responsibilities of the assessors. The last section, we believe that within the provincial jurisdiction at present, there are a number of very capable individuals in this particular area. Is it the duties of the assessors that we are looking at bringing in on a special consultative basis? I do not believe it is, that is the extent.

Mr. Chairman: Thank you for your presentation. Mr. Minister.

Mr. Penner: First of all, for clarification, maybe it would help if I tried to explain for you. When you talk about the Provincial Municipal Assessor and say, may record information relative to, or determine the kind of information to be included in the assessment, and then you go on to talk about CHANGE C, which talks in 5(3)(k) authorize assessor to perform services other than services related to the duties of the assessors under this Act, for the benefit of the Government, a Government agency or a municipality, that reflects to the Provincial Municipal Assessor.

* (2130)

If you turn to page 3, under definition of the assessor, you will find under (a) “assessor” means the Provincial

Municipal Assessor. So it really only directs the attention to the Provincial Municipal Assessor in that the province may direct the Provincial Municipal Assessor to perform other duties, but only to the P.M.A., not the assessors under the direction under the P.M.A.

Mr. Turcan: I raise—

Mr. Penner: I am sorry, point (a) and (d).

Mr. Turcan: —with you Section 5(4) and 5(5) of the Act, where 5(4) reflects the P.M.A may appoint persons as assessors and may authorize such persons to act on behalf of the P.M.A for the purposes of this Act; 5(5) then goes on to say: Assessors shall comply with the directions of the P.M.A given in furtherance of a duty under Subsection 5(1) or in the exercise of a power under Subsection 5(3). So 5(3) is the section that I am citing, which says to me that the P.M.A can delegate that responsibility and duties to the assessor.

Mr. Penner: Again, I think the intent of the Act is for that section to apply only to the P.M.A and/or if the provincial Government would direct the P.M.A to further direct that authority.

Mr. Turcan: Then, Mr. Minister, is your view that 5(3)(k) would never then be delegated to the assessors?

Mr. Penner: Exactly, and 5(3)(k) would apply only to the P.M.A. That is certainly the intent of the Act that the Government would have the authority to direct the P.M.A to perform other duties, but only the P.M.A.

Mr. Turcan: Being a labour relations practitioner, I have difficulty accepting—I often say to workers: you do not have the right to refuse a direction being given by the employer. There are only two bases of which one can refuse, that I am aware of, and that is if it is a violation of law or endangering yours or someone else's health or safety, otherwise the direction must be adhered to.

If the authority is written in the legislation for the P.M.A and the P.M.A in turn delegates that and directs that, I do not believe that a worker has any choice, and it causes me a lot of concern when I read language that is being proposed of that nature.

Mr. Chairman: Okay. Mr. Minister, no more comments? Mr. Taylor.

Mr. Taylor: Mr. Chairperson, to the delegation, you have been in Government service for some time and undoubtedly you have seen job descriptions which had catch-all clauses such as "and other related duties," totally unspecified, but just about every job description today has something like that in it.

Given your knowledge of that type of a clause, that I have always called a catch-all clause related to unspecified duties not part of the main work that the position would undertake, could you reiterate your concern because I see in CHANGE A in your submission and CHANGE C, CHANGE D, those ones at least all seem to relate similar to that? CHANGE E seems to

be a little bit different in that it may be also the toe in the door to contracting out. I am not sure what I am seeing in that one, so maybe you could just reiterate on those two points, please.

Mr. Turcan: In respect to "other duties as assigned" or whatever particular language is there, there is no question that many workers are subjected to that. That is not necessarily the concern that we are presenting here. There is no question that if an employer directs a worker to carry his particular direction, that would be followed. What is giving us concern is that we are putting into legislation—which is then becoming a public document which is being distributed widely and subject to court interpretation and so forth down the road. What is it that we are doing here with this particular legislation? It is an area that we, representing the workers on this particular one, are at a loss to being able to address, whereas we are able to address that through other avenues.

Mr. Taylor: Mr. Turcan, would you feel then that the clauses referenced, I believe it was 5(1)(e), 5(3)(k) at least, and maybe 5(3)(n), should be deleted in the references, or the need to deal with those sorts of things addressed entirely through the job description process?

Mr. Turcan: Well, 5(3)(k), if the intent is as I have been led to believe it is, certainly that is not an issue for job description. That is something that the authority for the province to carry that responsibility out is needed. I am not questioning that at all.

In respect to the 5(1)(e) that we have proposed, and in 5(3)(b) as we have proposed, we are wishing to have that more specific, and that is what we are proposing through this thing. I suppose an alternative could be not having it in the legislation. That is an alternative that would certainly meet that need.

Mr. Taylor: What is your feeling then again on 5(3)(n) as you see it?

Mr. Turcan: Well, (n), I believe the authority is already existing within legislation, and as we have suggested in their proposal, it appears to be an unnecessary section within the Act.

Mr. Taylor: I would like to ask the same question of the Minister. What was the intent of 5(3)(n)? Let us get it out on the table right now. I would rather do it when we have the delegation here and then he can reassure—

Mr. Chairman: I think we are here to hear delegations. I understand—

Mr. Taylor: I realize that, and if you wish, I will go by the letter of the law and we can ask the delegation back. I have been through a little committee work, too, my friends. Why not just reassure the delegation and we can put it to bed?

Mr. Chairman: I think in all fairness you have to allow the Minister also to check with his legal counsel on

something of this nature, and meetings are here to hear the presentation.

* (2140)

Mr. Taylor: I get the tone out of this one, Mr. Chairperson, that I would hope we could do a reassurance and put this one to bed and we can move on from here. There seems to be some concern there and I thought this was the chance. The staff is here with the Minister. The Minister has been participating with us all the way along with almost every delegation. I thought it would be expeditious to carry it out. The Minister of Agriculture (Mr. Findlay) is quite correct and is pointing that is a deviation from the rules, but then again I would not want to have to request that we have a communication pact with the delegation in writing to get something else straightened out at a later date.

Mr. Penner: I think there is reason to answer this question; 5(1) of the Act spells out fairly clearly the duties of the Provincial Municipal Assessor; 5(3) spells out fairly clearly the powers of the Provincial Municipal Assessor, and that of course is the intent of both of those sections, first of all the duties and then secondly the powers of what authority the municipal assessor has.

Mr. Chairman: Any more questions, Mr. Taylor?

Mr. Taylor: If the Minister, Mr. Chairperson, would entertain one further question then I think we can wrap this up. The question would be is that it would appear that this Clause (n) within 5(3) is not within the present Act. It is a new clause and the concern that I seem to get from the MGEA presenter here, Mr. Turcan, is that, would this be the means to changing the nature of the way assessment is carried out, i.e. by a cadre, a force of provincially-hired assessors, as opposed to the potential that it would lead to us having overseeing provincial assessors and private assessors hired on.

Mr. Penner: Again the powers of the Provincial Municipal Assessor are fairly clearly defined in Sections (a) to (n). Section (n) certainly gives the powers, extends the powers, to the Provincial Municipal Assessor to engage consultants or technical people or professional personnel to advise or assist the Provincial Municipal Assessor.

Mr. Plohman: Just to pursue this a little bit further, the Minister mentions Sections 5(3) and 5(1) dealing with the powers and duties of the Provincial Municipal Assessor, but he does not reference when he mentions that, also 6(2), which gives the Minister authority under this Act to assign further duties to their Provincial Municipal Assessor. It would seem then that it could go beyond those powers that are identified in Sections 5(1) and 5(3), as alluded to. Therefore, it could go beyond in terms of the duties with no definition of them, could go much farther beyond, what is identified there.

I would like to ask Mr. Turcan, Mr. Chairman, whether this provision exists at the present time to his knowledge, for the municipal assessor to engage

consultants, or technical or professional personnel, under the current Act or practice.

Mr. Turcan: I do not believe it does.

Mr. Plohman: Clearly this is viewed by the provincial assessors as an expansion of the authority of the municipal assessor, of the PMA.

Mr. Turcan: It would appear that way.

Mr. Plohman: Is this authority that is identified by the Civil Service Commission, would that cover all instances where any branch of Government wants to engage a consultant or some other outside help through a contract? Is that your interpretation that this would cover all instances, therefore it is redundant to give the municipal assessors special identification for that authority?

Mr. Turcan: My understanding of The Civil Service Act and the application throughout Government—that would apply to each and every department of Government. Therefore, my understanding is that employees of the Government and the operation of Government, various departments, all the authority of that comes from The Civil Service Act. Therefore, I do not foresee how this particular department and this particular branch would be barred from exercising that authority that is already there.

Mr. Plohman: I also note in the definitions there that the assessor means a person appointed by the Provincial Municipal Assessor under Subsection 5(4). I would take it that the references to the PMA, despite what the Minister said, is the intent of the Act, also refer to the assessors that are appointed by the PMA under Subsection 5(4).

I think the Minister has some clarification to make by way of amendment or some wording changes to ensure that is the case. I would ask Mr. Turcan whether he does not see a role for the PMA to undertake a determination of the kinds of information that would be included in the assessment roll, a broader responsibility than simply recording information relevant to this estimate of property, as you are proposing. Is there not a role for the assessors, or particularly the senior people in the branch, to give advice and to make judgments on policy on what should and should not be included. Is that not what the intent is there?

Mr. Turcan: That may well be the intent. I have heard of stories, whether they are true or not I do not know, of some enforcement jurisdictions being asked to take on responsibilities that are not related at all to their existing responsibilities and being used in manners, which in some quarters could become questionable. By drawing up legislation which says, determine the kind of information to be included in assessment rolls—very, very broad, and what is the kind of information subject to change as we go along? If we are putting this into legislation, which one would think is going to be in place for some time, as most legislation is, just where does that take us down the road? We are

concerned about that; not that there is any particular reason to believe that the present administration has that intent in mind at all. I am not suggesting that. I am just being concerned for the future as to the possibility of this Act's administration.

Mr. Plohman: Just to clarify, Mr. Chairman, Mr. Turcan, you believe that this is the expansion of the responsibilities of assessors as it is viewed by the assessors at this particular time?

Mr. Turcan: It could become, that being the concern.

Mr. Plohman: Mr. Chairman, I just wanted to ask as well, I see a broadening of services from what is mentioned in 5(3)(k) dealing with Government, Government agencies, or municipalities. That is what is referenced in the Act. Now the proposal that Mr. Turcan is making also mentions the Government of Canada and other provinces. So it deals with services to those other jurisdictions beyond what is mentioned in 5(3)(k) currently.

Do you perform such services for other provinces or the Government of Canada from time to time?

* (2150)

Mr. Turcan: My understanding from the assessor is that could arise, an example being national parks; an example being Indian reservations, which I believe are under federal jurisdiction, where at times there may be an evaluation desired or an assessment desired on behalf of the particular people that have the property, and the services of the province to be provided. That is what this is, I believe, reflecting.

Mr. Plohman: Mr. Chairman, again I do think that there is some validity to this recommendation. I will just make that point. It seems to clarify a poorly worded section, and I just say that for the Minister's consideration. I thank the presenter for these points.

Mr. Chairman: Any more questions?—Mr. Minister.

Mr. Penner: I will try once more to clarify for the benefit of the committee the authorization of the assessor and the expanded duties that are perceived under Section 5(3)(k). It is my understanding from information that I have just received that the city assessors in fact are at times designated to be city enumerators and therefore do have at times the responsibility of performing other duties for the City of Winnipeg.

It is the intention of Clause (k) of Section 5(3) to allow for those same duties to keep on being performed by assessors. It is not as I said before the intention of this Act to let assessors or ask assessors to perform duties beyond their duties that are currently in the Act or the ability of assessors to perform.

Mr. Chairman: Do you want to respond, Mr. Turcan?

Mr. Turcan: Yes, I would like the opportunity, please.

That being the case, as Mr. Taylor had pointed out earlier, the other duties as assigned would apply in that

situation I would believe and I raise the question, do we need the legal authority for the City of Winnipeg assessors to do that work in this Act to meet that need to continue. It has been happening in the past I believe without statutory authority. If that is what has been happening, then is it needed to put it into statutory authority now?

Mr. Penner: Well, again I think it is clear that the City of Winnipeg assessors were not under the provincial Act before, but will be under this Act. Therefore, I think it is important that it is clear that the city assessors or provincial assessors will have the authority to perform those kinds of duties when the new Act comes into being.

Mr. Chairman: Any more questions to Mr. Turcan? If not, we want to thank you, Mr. Turcan, for your presentation.

Mr. Turcan: Thank you for the opportunity.

Mr. Chairman: We will go to the next one, Mr. Dave Brown, Deputy Mayor, City of Winnipeg Law Department. He has arrived?

Would it be the will of the committee to have a five-minute recess? Is it the will of the committee to have a short break? Agreed. Ten minutes? Let us go for a five-minute break till ten o'clock. Agreed.

Mr. Chairman: Okay, we will get back into the presentations. We will ask Mr. Dave Brown to make his presentation.

Mr. Dave Brown (Deputy Mayor, City of Winnipeg Law Department): Mr. Chairman, thank you very much, Members of the committee. Yesterday we were here at the committee and tabled a City of Winnipeg presentation, or report. Attached to it was a letter that the report was the Executive Policy Committee's report; it had not been ratified at council. It is not my intention to go into the details of the report or to make a lengthy presentation. I am sure it has been distributed and it is there. I am here to confirm that council a few minutes ago ratified the report in front of you, albeit for a couple of amendments, and I would like to place those amendments in front of the committee. The first amendment that was passed by council deals with our recommendation (6) regarding exemptions, and I would like to amend that to read, that with respect to item 8—Exemptions, that all cultural centres be exempt from taxation.

That carried on a 13-12 vote. Secondly -(interjection)- I am on the last page of our presentation under Recommendations, the very last page, one through 10.

* (2200)

Mr. Plohman: Are you starting at the end and working backwards?

Mr. Brown: That is just a summary of the recommendations and they refer back to the report, but item 6 is Exemptions.

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Mr. Plohman: What did you change?

Mr. Brown: They changed it to read, that all cultural centres be exempt from taxation, on a 13-12 vote. Whether that is pertinent or not, it is on my paper.

The second change or amendment—

Mr. Chairman: Mr. Brown, would you mind if there would be questions asked by individuals.

Mr. Brown: Absolutely.

Mr. Gilles Roch (Springfield): Mr. Chairman, for clarification, if I understand correctly on the last page, No. 6., that should be rewritten to say that the Council would like to see it say, that all cultural groups be exempt.

Mr. Brown: Mr. Chairman, the other recommendation, and forgive me but I am not sure that I understand what was passed by Council. I will read it and with all due respect, I am not sure they do either: Bill No. 79 be amended to empower the Board of Revision to compensate taxpayers for costs when the city assessor overturns a decision of the Board of Revision or the Municipal Board and later the former decision is confirmed. You will understand my dilemma.

An Honourable Member: And that was what item?

Mr. Brown: That refers to recommendation (7) on our last page, it would be an addition to the recommendation (7) that is there. I will leave this and I apologize it is not typewritten. It was just done, as I say, half an hour ago.

Mr. Chairman: Mr. Brown, maybe we could ask the Clerk to make some copies for all Members even if it is handwritten. Would that be the wish of the Members? All right, I will ask the Clerk to pick up the copy.

Mr. Brown: Mr. Chairman, please, if you will, I might as well add as well to recommendation (7) under Exemptions, where it deals with awarding of costs to property owners: that the awarding of costs to property owners who fail to appear before the Board of Revision to be reassessed, except for reasons of sickness, death or any other reasonable circumstances.

So they are saying that if there are reasonable circumstances, sickness, death I guess is reasonable circumstance, that that failure to appear, they are not liable for costs.

Mr. Chairman: Okay, then we will have copies made and then we will distribute them at a later time. Mr. Brown do you care to go—

Mr. Brown: Mr. Chairman, I just want to table the report for your consideration and either myself or Mr. Samphir would be pleased to answer any questions you might have.

Mr. Chairman: I thank you. Are there any questions to Mr. Brown? Mr. Plohman.

Mr. Plohman: Well, Mr. Chairman, I will kick things off here. There is a lot of information here that the Members of the committee may want to read and ask questions about. As long as we are proceeding in this fashion it does make it difficult for the committee to ask questions but, in any event, I wanted to ask one question about the dilemma that Mr. Brown finds himself in with some of his information not yet typewritten. Am I to assume from this that the city is feeling there is a very short time line to get this information prepared for this committee?

Mr. Brown: Not necessarily. Mr. Chairman, through you to Mr. Plohman, we had our submission prepared, we had some amendments tonight but they were basically amendments that had been discussed previous to tonight's meeting and the particular councillor who wanted to make those amendments, and I think he will be coming tonight on his own as a citizen, Councillor Golden, made those amendments tonight and they were dealt with accordingly, but we were prepared to—and I was here at noon yesterday and last night.

Mr. Plohman: Mr. Chairman, I certainly was not reflecting on the organization or readiness of the city for these presentations, but what I was asking is that the finding of this very short time line and that the position of the city was continuing to evolve even at this time, and there could very well be other considerations if given some opportunities, some other considerations that might be brought forward for consideration by the Government.

Mr. Brown: Mr. Chairman, with all due respect, I think that might be an ongoing thing forever and a day. The evolving of council's position is ongoing and sometimes very difficult to nail down and the longer the time—I am sure we could carry it into the next decade, not the 1990s.

Mr. Plohman: Mr. Chairman, while other Members are getting into specific sections of recommendations, here I would just ask the deputy mayor whether in fact the city feels generally, as much as he can paraphrase the position of the city as he says it is evolving and may continue to evolve, whether he feels it is the position of the city that this Bill be passed for implementation in the 1990 years and whether he sees any difficulty if it were put over until early in January, to be passed before January 15, as opposed to right now, before Christmas?

Mr. Brown: Mr. Chairman, through you to Mr. Plohman. I really would not want to comment on the Government's schedule and I believe that the position we are presenting, now, fairly reflects council's position.

Mr. Plohman: Having not read it, Mr. Chairman, does it indicate anywhere an urgency in terms of the legislation?

Mr. Brown: No I do not believe there is any comment regarding that in the presentation.

Mr. Plohman: Thank you for now, Mr. Chairman, I will come back to some questions perhaps very shortly.

Mr. Chairman: Does anybody else have?—Mr. Cummings.

Mr. Cummings: Yes, Councillor Brown, I have only one question at the moment regarding the amendment that you brought forward regarding the exemption of cultural associations' properties. I notice on one page here that on November 13, council referred to, where the provincial Government decides entirely at its own discretion an exemption from municipal taxation is warranted, the resulting tax revenue loss would be fully offset by provincially-funded grants; or contrarily, where the city decided entirely at its own discretion. Where does this recommendation now leave us in reference to those two previous statements?

* (2210)

Mr. Brown: Mr. Chairman, I would like to answer that question in two parts. Council's position, as I have indicated tonight, on a 13 to 12 vote, voted that all cultural centres be exempt. My position is along the lines of what you have quoted on the November 13.

I believe that any erosion of the tax base of the City of Winnipeg rolls is detrimental to the City of Winnipeg's ability to function. I believe that all cultural centres should be treated and taxed fairly, one way or another, but in any event the position I have always held is that the City of Winnipeg should not bear that brunt. I think that the exemption should be made provincially and if a cultural centre is granted a tax exemption that those taxes should be covered in grants in lieu of the taxes by the province.

Mr. Cummings: I have not fully checked it on the balance of your presentation, but is there a reference that I may have missed on, for example, hospitals, where some portion of them were exempt? Does the city have a position in relationship to that?

Mr. Brown: Mr. Chairman, I do not believe in our presentation we deal with that and I believe you are considering an amendment of four acres to 10 acres. I think if you are considering that amendment and the city is going to lose that tax base, that again it should be incorporated and be a part of health care costs and those lost revenues should be transferred to the city in grants.

Some Honourable Members: Thank you.

Mr. Taylor: Mr. Chairperson, I am looking at the Section 8, Councillor Brown, Exemptions. On the second page it talks about a council resolution referring to the situation whereby—and this was 1985—there would be losses of revenue if a provincial Government on its own or the federal Government on its own did an exemption, and then it talks about, were the city entirely on its own.

I believe that in many cases, the city has given exemptions on its own initiative but with in effect the private prior concurrence on the part of the provincial Government. I refer to the exemptions that we have had some discussions on here by other delegations

and that is under The Centennial Centre Corporation Act where, from being just a few groups, we now I think have eight or 10 that are now exempt.

I wonder if you could comment on my understanding about exactly how that happened, how the additional groups were put on. Was there not actually co-operative participation by both the civic and provincial Governments for that?

Mr. Brown: Mr. Chairman, through you to Mr. Taylor, I believe that since the Centennial exemptions there were inequities observed. I am not aware of any discussions between the province and the city prior to the city making an exemption. My position would be that prior to making any of those exemptions, that would be a nice thing to negotiate or that we should not make the exemptions. My position is the same as before, that I would like to and want to preserve our tax roll, and any exemptions on tax like that which relate to other exemptions made by a senior level of Government should be compensated in grants in lieu of those taxes.

Mr. Taylor: Mr. Chairperson, I am quite clear in your point about the initiation of exemptions by the other two levels of Government. It was my understanding that those additional exemptions, which are not that small, the additional ones under the auspices of the Centennial Centre Corporation Act, were in reality initiated by the city but that they would not have been entertained by the province if they did not have the initiation of the City of Winnipeg. In other words, the province would not have initiated it unilaterally on its own; it had to come through council first and then be concurred in, so that both groups participated, but the dollar loss was the city's dollar loss.

Mr. Brown: Mr. Chairman, I apologize. I am not aware of those circumstances and I could not comment on them.

Mr. Chairman: Anybody else have any questions? Mr. Cummings.

Mr. Cummings: There has been raised several times at the table by presenters and obviously been some considerable discussion by the committee when this Bill was being put together regarding the value of agricultural land where there was an urban influence.

Some people have recommended that agricultural land should be taxed as agricultural and therefore would probably in many cases lower the taxes considerably. Does the city have any discussion or do they have a position on what would happen if the urban value influence were removed from that land?

Mr. Brown: Mr. Chairman, the easy answer to that is a similar one to the hospital and maintain the tax base, but in reality there is an inequity in agriculturally used property as opposed to agriculturally zoned property within the city limits. I do not think there is any question that some of the tax on farming property for lands being used for farming are higher than what a farmer can take off those lands in some cases. I think that inequity is there and I think it should be addressed.

On the other side of the issue is how long would those lands enjoy that agriculturally based tax. Eventually they become influenced by urban expansion and they become very valuable when they are finally developed. Should the owners of those properties benefit from a reduced taxation for a number of years and then enjoy the benefits of the windfall of selling that property? So it is a tough situation and I do not know the exact answer.

Mr. Plohman: Just to follow up then, Mr. Chairman, the Weir Commission recommended that there be a five-year retroactive recovery of the higher rate once land is sold for industrial purposes or whatever, development purposes. So that is one way of recovering some of those windfall benefits that might accrue to the person selling it.

Would you agree that might be one way to ensure some equity? If the land is sold, that there be a two-value system, first of all, for agricultural purposes, and for one based on its actual, perhaps market value, and applying the lower rate as long as it is used for agricultural purposes, and once the use changes, then a five-year retroactive recovery be made?

Mr. Brown: It is not addressed in our submission, and so I will give you my opinion. Yes, I would agree and could agree that would certainly be one of the ways of addressing the inequity.

Mr. Plohman: I also note that your brief makes an observation about the phasing proviso in the Bill, that it would be possible to determine the necessity or advisability of utilizing the phasing and provisions of the new legislation when projections are available. It is impossible at this point in time to determine whether in fact phasing will be provided for by the City of Winnipeg. Has there been any discussion as to a level of increase that would trigger phasing if homeowners for example were subjected to a 20 percent increase? Would that be acceptable, a 30 percent or 40 percent increase under this new assessment? Would that be deemed to be excessive and therefore would phasing take place? Has there been any consideration of that?

* (2220)

I am suggesting for example that there might be a level established, even by the province, whereby a municipal Government would have to phase. What would you think about that kind of a suggestion?

Mr. Brown: Mr. Chairman, no, there has not been that kind of a discussion that I am aware of to preset a percentage of increase that may be excessive or not. There has not been that. In the report they as you say talk about the projections. When those projections are available, it will be possible to determine the necessity of utilizing phasing in. There have not been any discussions of a predetermined amount.

Mr. Plohman: Mr. Chairman, would you, Mr. Brown, care to make any observations on any levels, not strictly applied, but general observations about what you feel would be reasonable? Do you think that is something that you would not want to do as an individual?

Mr. Brown: Mr. Chairman, you have answered my question. No, I would not want to make that kind of an observation at this time.

Mr. Plohman: Yes, there is an observation about the valuation of real property. Assessed value is used in Section 3. In fact, I believe I found it here somewhere that there is a serious omission viewed by the city that the Bill does not define value in that there should be a current market value definition. Is that what you are saying? Do you feel that the excerpt from the Assessment Review Committee dealing with the valuation of real property is sufficient there? Do you think there has to be a market value definition from some other source?

Mr. Brown: I believe that probably the most critical part of the Bill is to get a definition of value, current market value, and have that placed in the Bill. It is my understanding that committee is considering that. I support that and I am pleased to hear that they are considering putting a definition of value into the Bill.

Mr. Plohman: Mr. Chairman, it was suggested yesterday by Mr. Mercury I believe that where a panel doing the work of the Board of Revision makes a recommendation to the board and the board does not accept that recommendation but indeed changes it and makes a different determination, that the appellant should be able to appear before the board to make his case known as well. Currently that is not provided for in this Act. Would you feel that that is a fair suggestion and should be included in the Act?

Mr. Brown: I have not addressed in the text of the comments, but I think that if an individual presents himself to a panel and they are making a recommendation in another panel that has not totally heard the evidence and is going to change that recommendation, I think that would be justified in allowing him to appear before the panel that is changing the recommendations.

Mr. Chairman: Any more questions to Mr. Brown? Thank you, Mr. Brown, for your participation.

Mr. Brown: Thank you, Mr. Chairman, Members of the committee. Thank you very much.

Mr. Chairman: Our next presenter is Councillor Al Golden. Is Mr. Golden here? Is there anybody else in the audience who would like to make a presentation? What is the wish of the committee?

Mr. Plohman: Mr. Chairman, it is past the adjournment hour. I think it is time to adjourn. I think maybe at this time, Mr. Chairman, it might be worth, if there are not further presentations, and perhaps if Mr. Golden would be along momentarily, he might happen along while we are having a little discussion here. I think it might be a good time to discuss the procedures once the public has made presentations at this time as to where we should go with this committee.

If I could proceed, Mr. Chairman, I would suggest that the House Leader (Mr. McCrae) has determined

I believe without the agreement of the other Parties that this committee should sit tomorrow morning and tomorrow night if necessary. I do not know what "if necessary" means. I believe his definition of "if necessary" is perhaps different than what mine would be. If the public has completed its presentations at this particular time, all of those who are registered, and we have one now that has not.

It may be necessary on that basis to sit and hear that person, or it could be possible to hold it over to the next sitting of the committee which we would propose should take place in the new year, giving an opportunity, once the Christmas season is out of everyone's system to a certain extent, when the celebrations are somewhat over and people have an opportunity to be made aware that there is still an opportunity to make presentations to the committee. Indeed we should meet, perhaps January 9, to discuss the Bill further, to hear from further presentations from the public and then to discuss clause by clause. It would not be necessary to sit tomorrow because it would be premature to discuss this Bill on a clause-by-clause basis until such time as we have given a greater opportunity, a greater time span for the public to make presentations. It would be unnecessary in my estimation to have the committee sit tomorrow although a motion to reconvene at a subsequent date is not in order.

I would like to put those points on the record prior to our adjourning tonight, so it is clear that we are in no way wishing to—in the New Democratic Party, and the Liberals certainly will speak for themselves as to where they stand on this particular issue, but that we in no way want to obstruct the passage of this Bill or the consideration of this Bill in its totality by the Legislature of this province.

However, keeping in mind that this Bill has come about after some 10 years of consideration and just the last month the specifics of it have been made available to the public, we think it is important on a matter of this importance that affects everyone in this province who owns or rents property, that there be given ample opportunity for the public to make presentations, and that in no way can there be any argument made that this Legislature is rushing this through in a way that would pre-empt those who may have concerns from coming forward.

I think the season has a lot to do with it, the terribly cold weather that we have had at this time as well as the fact that Christmas is just a few days away. I think this tends to lead to other things being on minds of certain people and also the preparation, because of the fact that they have not had a lot of time, from the time that this was announced to go into committee, to the time to prepare their presentations.

* (2230)

There are those who would like to make presentations and have not been able to prepare them by now in this short time. I would just suggest to you, Mr. Chairman and to the committee, that we find out from Mr. Golden whether he is prepared to wait till January 9 to make his presentation, the Tuesday when we are back. We come back on the 8th of January.

At that time, any others that would be considering bringing their presentations forward could do so, and following that we would expeditiously deal clause by clause with this Bill. That would give time for any amendments that we have to be drafted properly, to be considered by our caucuses and so on, and any the Government might want to bring forward as a result of the presentations, ensure that the errors and problems with them are kept to a minimum.

Mr. Cummings: Mr. Chairman, I do not think that there is anyone who wants to be seen to be pushing an issue through, but this Bill has been sitting here, presented in the Legislature at the start of November. I think it is not unusual in the manner in which our committee has been called to hear presentations.

I can recall the first time that I was in this room was to make a presentation to a Standing Committee of the Legislature when the Member for Dauphin (Mr. Plohman) was in Government and I was a citizen. I was given less than 24 hours notice. I came here and I made my presentation at 4:30 in the morning. Now that is the kind of thing that has happened under their administration.

Mr. Chairman, I think we can make every accommodation to try and hear Mr. Golden. I would like to hear what he has to say. If he does not show up shortly I would be quite prepared to hear him in the morning, and then let us see how we proceed with clause by clause at that time.

Hon. Glen Findlay (Minister of Agriculture): I would just like to add my comments that the Member for Dauphin (Mr. Plohman) says he does not want to obstruct the Bill, and I think it is a very traditional practice that when the various presentations of the public are completed, we move to clause by clause. He may want to get on with Christmas, but I think the business of the Government must get done, and then Christmas can be celebrated by all.

I would hope that the rest of the committee would look towards moving on to getting this Bill through clause by clause either tonight or tomorrow morning at the latest, and if Mr. Golden wants an opportunity—he was here last night, and he said he would be here tonight. He may yet show, or if he comes tomorrow we can accommodate him, but I think we should get on with the business at hand.

Mr. Roch: Mr. Chairman -(inaudible)- mentioned to Mr. Cummings the exact date when the Bill was introduced for second reading was November 8. He mentioned that it was not unusual for committees to sit late in the evening, have the presentations late, but just because it is not unusual does not make it right.

Here we have a Bill of some 60-odd pages, a very major Bill, presentation after presentation, including those which were favourable to the Bill itself stating that, yes—and I recall the Minister last night asking specifically the president of UMM who supported this Bill being passed as soon as possible, but he did state too, as did all the presenters, that there was no need to rush into it.

The Minister himself has stated in writing that passing the Bill prior to January 15 is acceptable. Therefore, given all that information, it would be nice to be able to digest some of the briefs that we have received, many of them which are very lengthy, which deal with a lot of specifics over the next little while.

I believe that we have indicated to the Government that, if necessary, prior to the House reconvening on January 8 I believe it is, we are willing to have a committee meeting, or meetings as the case may be. Without the House being in Session at the time, it would allow us to go the whole day to deal with clause by clause, because we have a very, very complex Bill, a very lengthy one. There will be several clauses to deal with. It could take an undue amount of time, and to start now and go till God knows what time, I do not think it would be reasonable, especially if there could be other people wanting to make presentations but being unable to do so for various reasons.

So having said that, I have to concur with the comments of Mr. Plohman (Dauphin) and say that we would be probably better off adjourning now and reconvening at a time which is more suitable, and then passing the Bill in time with the Minister's own deadline.

Mr. Penner: I appreciate, first of all, Mr. Chairman, the amount of time that many of the presenters have taken to prepare presentations. The wide-ranging views that have been voiced by individuals as well as organizations representing municipalities and the City of Winnipeg and other organizations have demonstrated to me very clearly that those organizations and individuals had adequate time to prepare their views on a Bill that is wide-ranging and has major implications for the future of this province.

I find it interesting that former Ministers of this province would reflect on their views on a matter of importance such as this and view that we could in fact delay, till after Christmas or into the new year, the final decision on some Bills and reflect that adequate time should be extended to those who might want to appear before this committee. It appears to me that those who have wanted to appear before the committee have indicated so and have come here, with the exception of one person who has indicated, and I think we do have some time to accommodate that person if we so desire.

However, I remember not too many years ago when sitting on the other side of this table being a presenter, when we had less than 24 hours notification on a Bill that I consider had as wide-ranging an impact on people in this province, which was The Environment Act. We got less than 24 hours notice as an organization to present our views on a Bill of that nature and as major a Bill. Therefore, I find it rather interesting that we cannot proceed now into discussing this Bill on a clause by clause basis. I would ask all Members of this committee that we recognize the fact that we are compelled by statute to provide the funding to the school divisions of this province by January 15.

Our Department of Education has to be provided with the assessment information prior to that date, in

order that they could calculate, even before January 15, the amounts that would be indicated to the various school divisions as to what the provincial funding would be.

* (2240)

I think that, in itself, explains the urgency. The letter that both sides of the House refer to was a letter I wrote, spelling out very clearly the time lines indicated that were required to be met by this province to accommodate not only the January 15 deadline, but other deadlines that are required to be met by the Government. That is why this Bill is so important to be debated clause by clause and passed, and that the various departments in Government are able to meet their commitments.

I think it is rather presumptuous that we could ask the Department of Education, for instance, within a three- or four-day period, to do the calculations that would be required to meet those January 15 legislative provisions that are there.

I would ask again the consideration of all members of the committee, that we in fact are imposing some major restrictions on those school divisions, municipalities and Manitobans in not proceeding with this Bill. I believe we had, when we introduced the Bill, recognized that people would want some time to consider, not only in the Legislature, to respond to this Bill, and to be able to adequately prepare to respond to a Bill of this nature in debating the Bill.

I think that has been done. I believe that an organization, or individual Members, had a month to prepare their presentations and their views, and all Members opposite had that time to present before we even started debating the Bill. I believe we have allowed for adequate time to debate this Bill in the Legislature as well as in committee here. Therefore, I think we do have adequate time to go over this Bill clause by clause and allow the respective Government departments enough time to be able to do the calculations and provide for, and meet, the requirements that are set out by statute.

Mr. Taylor: It is interesting to note that we have before us a new Act to replace The Municipal Assessment Act, one of the oldest pieces of legislation in this province that remains largely in its original form. There did not seem to be the will under previous administrations—and I make that plural very deliberately—to make major revisions over the last decades. There has been some tinkering, yes, but not major revisions. We have before us a very new statute, a lengthy one, a complex one, and one with very significant implications for people in all walks of life in the province, notwithstanding the people who have to administer it.

The Minister makes mention of the fact that, when the Bill was introduced, there was adequate time for Members of this Legislature to prepare their own presentations and to get them forward to committee.

I, for one, like to deal with legislation after I have heard from the general public, the special public that

is involved in this, and in the cases if there are particular industries involved. We have just moments ago completed that, as we can see, with one delegation who has not yet appeared and probably is still at the council meeting dealing with other matters, and with one other group who, I am aware, were not able to get south at this time to appear before the committee.

We have heard numerous representations, most of which prepared fairly lengthy written submissions. I, for one, spent most of today, other than my sitting time in the House, pouring over those representations, making notes, asking questions, making phone calls and trying to understand fully. I do not consider myself a specialist in the assessment area, but I certainly have an interest and a layperson's knowledge of the area, and, in any case, putting in a fairly significant effort to make sense of, and to be able to fully understand, the implications of what was said to myself and other committee members yesterday morning and last evening, and we did sit very late last evening.

Now we have gone through another set of submissions, and with one, and probably two more to come, I feel, quite frankly, that it is unfair to ask any member to instantaneously comprehend, organize, prioritize, consider amendment to, and then deal with, on a clause-by-clause basis, the nature of this Act.

I could not help but overhear moments ago the Honourable Government House Leader and our Minister of Justice (Mr. McCrae) suggest that to do other than to immediately this evening begin clause-by-clause deliberations on this Act would be irresponsible.

I categorically suggest that to do so would be irresponsible, and I am not particularly interested in being a party to that. However, I am not about to become a party to, and I do not think the Members on the Liberal side would be a party to some sort of a stalling tactic, because I do not think that is appropriate given the nature of this piece of legislation. It is important to the province and it is important that it be dealt with fairly, justly, and that we put the time and the best of our resources to it, to deal with it in an expeditious fashion.

To suggest that we begin deliberations nigh on 11:00 in the evening, after putting a couple of long days in on this, and just had piles of information put before us of a quite complex nature, material that I would suggest none of the politicians at this table are fully conversant on and never have been—I would like some time to reflect upon what has been put before us, organize my thoughts and those of my caucus colleagues, and come forward with what we think are reasonable positions and reasonable questions for legal counsel, the Minister, et cetera, and to have the ability, having prepared properly—and hopefully colleagues opposite on the Government side and the NDP to have prepared also—so we can fairly offer our best, and exchange ideas, and see what we can come up with to come up with the best possible legislation.

I would like to mention at this point that the Government House Leader (Mr. McCrae) is now in receipt of a letter from our House Leader (Mr. Alcock), indicating the fact that we do take this Bill very seriously and intend to treat it on a priority basis.

We have, quite frankly, said it would be our goal to also meet the date referenced, the 15th. Also, we have offered to meet in the holidays, if necessary, to try and facilitate that. To suggest an instantaneous, I should say, turnaround of being able to absorb and regurgitate material of the volume and complexity that we have just put before us, I think is nothing short of ridiculousness.

I would think that we should see a way to deal with the matter. We have heard a suggestion by the Member for Dauphin (Mr. Plohman). I would suggest that is along the lines that we in the Liberals are feeling on this matter. We are, however, open to suggestion to vary that as seems practical to be able to deal with the matter on a clause-by-clause basis, and of course offer the opportunity for anybody else at the last moment to come in, including Councillor Golden. We have suggested we could meet on the 3rd or 4th of January for either a daytime, evening or full-day session, whichever is needed, and subject to the concurrence by the other two Parties. We are open to suggestion how to facilitate things, but let us not try and be silly here and say we are going to churn this thing out in a matter of hours.

I think we have not had the political will in previous years to see this sort of a major revision put in place. We feel there are some very good things in this Act. We think there have been some excellent submissions. We think there are some flaws in the Act, quite frankly, and we will be offering amendments, positive, constructive, comprehensive amendments which we think will improve the Act and leave us with a document that is more workable and I think will serve Manitobans better.

With that sort of a comment, Mr. Chairperson, I look for some fair exchange in dialogue on the matter between the three groups here tonight. Let us see if we can work out a solution and get on with it, because quite frankly from our side we do not see it in the cards as passing tomorrow or the next day.

* (2250)

Mr. Plohman: I appreciate the words that have been spoken by Mr. Taylor (Wolseley) on this issue. I think that what he has said is reasonable. I do not like the idea that Members of the Government side have labelled my comments on this Bill as being somewhat unworthy, references that I want to get out to celebrate Christmas and so on, some idiotic statements that would reflect on myself.

What I said—and here is the Minister of Agriculture (Mr. Findlay) saying “you said it”—what I said is that people generally are interested in other things at this particular time, and they are occupied with other things. We cannot expect them necessarily to be bringing forward all the concerns they might bring forward at another time of the year, because as I mentioned, the weather at this time—we are dealing with something that affects all of Manitoba, northern Manitoba and rural Manitoba as well as the cities, and because of the magnitude of the tasks that we are dealing with here.

I just want to reflect. The Minister talked about his committee, a Cabinet committee, these members of the committee that sat for hours going over this information to try to come to some decisions as to what to put in this Bill and bring it forward. They had months that they dealt with this information, many months, not just one month or five weeks, and to in anyway reflect on the Opposition, saying that we should have had our position cleared and brought forward in the time, we had ample opportunity, is ridiculous, absolutely ridiculous when we are dealing with something of this consequence. It does not matter whether someone came at four in the morning one time to make a presentation or not, or someone was dealing with The Environment Act.

What we have to deal with is the amount of consultation that took place prior to that Bill coming in. The Environment Act was one example where there were extensive hearings and meetings around the province. There were meetings on this one years back. The committee in 1982 went around the province, a committee of the Legislature, not the Weir Commission, but then the legislative committee after that. We have not had an opportunity, the public has not had an opportunity to react to what the Government has put forward except since November 2nd. This is now what is going to take place, and that is what they have a right to react to. The Minister himself told me that he could have brought this in much earlier to the Legislature. He had some reasons—one of them is he did not want to get it politicized in the municipal elections—he held back.

He told me earlier in the fall that he was bringing something forward, and I am not speaking out of turn here. He thought that he would be going around the province perhaps, some public hearings on this issue before it came to the Legislature. That did not happen. I know there was a consideration by the Government that there should be more opportunity for the public to bring forward their views.

We are now strapped in a straight-jacket timetable because the Government did not get it in until very late. I do not think we have to reflect on whether the action was taken by previous Governments on this or not. That is another issue. The fact is there were many steps that had to be taken in preparation for this. The staff know that, the Minister knows that, and his colleagues who worked on this know that there had to be an updating of assessment in this province, and there had to be major changes take place in the department in order to accommodate what is being proposed here now. That took time, that took years, and it has been done.

I just want to make those points, Mr. Chairman, and also indicate that I did write to the Minister. I gave a suggestion that was workable to get around this 15th deadline that was outlined by the Minister when he said for January 15 that the Government had to announce statutory requirements to provincial funding for education purposes to support school division budgeting process—statutory, okay. It is possible that could be amended for one year if it was necessary that we were a few days late on this, and I do not think it

would upset the apple cart so terribly in this province if that happened because of this major Bill coming into effect at this time. I think there are ways to get around it.

I also suggested that the department prepare two sets of information, one based on the current situation that we have, and one based on this Act going into place, so that there would not be a long delay. We are not trying to hold this up. I hope that the Government will realize our interest is the interest of the public in this particular case and in all cases. We are trying our best to ensure that their concerns can be brought forward, that there are provisions made for it, and I just do not think this is the right time and the proper environment to ensure that that takes place. We will be quite pleased to ensure that this Bill is dealt with expeditiously.

We also have major amendments and changes that we want to put forward as a result of the presentations and as a result of previous study that we made of this Bill. We hope that those can be done in a way that will not be hastened in such a way that we are going to have to do them over again as has happened with some of the Bills that—the Minister of Justice (Mr. McCrae) brought in drinking and driving last year where there were major changes that had to be made in the following Session.

That is not the way to do legislation. Let us do it properly. There is really no reason it has to be rushed today, tomorrow, through.

Mr. Cummings: Mr. Chairman, in a minority situation or in any Government situation, the Government opens the House, opens the legislation. The Opposition decides when the House will close as a general rule and how long the debate will go on the legislation.

We have brought forward this Bill in what we felt was a timely fashion. It was not debated in the House until only the last couple of weeks. The Bill was not put to committee, so that those who wanted to bring forward their concerns had the opportunity to come here until we were approaching the Christmas season. I think that while the Opposition may want to say that it is someone else's responsibility, I think we all jointly bear the responsibility around this table as to when this Bill is going to pass.

Therefore, when we talk to the trustees across the province, when we talk to the councillors across the province who are wondering where the assessment is, then we will all jointly be responsible. I think it is also very clear that we will point out that the Bill could have been debated, it could have been in committee sooner. Obviously, if the Opposition wishes to not have this passed prior to rising for the holidays, then that is what is going to happen, because the breakdown of the House is represented and reflected in the numbers on this committee.

I would like to suggest, however, that we give the last presenter, Mr. Golden—unless he has just arrived—the opportunity to be heard tomorrow morning. Then we will have had -(interjection)- That is not Mr. Golden.

Mr. Chairman, do we have a presenter here? Would the mayor like the floor? I would be certainly glad to relinquish it to him.

Mr. Chairman: Thank you, Mr. Cummings. I have been notified that the mayor of the City of Winnipeg is here and he would like to make a presentation. If that is the will of the committee. Agreed? Agreed. Then we would gladly like to hear you Mr. Mayor. I would like to ask you, do you have copies for Members of the committee? Would you wish that copies should be made? No.

Mr. William Norrie (Mayor, City of Winnipeg): I want to be very brief and I am sure you would want to be very brief at eleven o'clock at night. I can tell you that at 6 a.m. my time, I just got off the plane. I am sure that our Deputy Mayor, Councillor Brown, probably made a presentation to you earlier.

* (2300)

Mr. Chairman: Before I let you carry on, Mr. Mayor, Mr. Taylor has a question that he would want to pose.

Mr. Taylor: Mr. Chairperson, to His Worship, we are expecting Councillor Golden to appear here in delegation, I wonder if your presentation is also on his behalf.

Mr. Norrie: I would not deem to speak on behalf of Councillor Golden, Mr. Taylor. I am sure you would be aware of that.

Mr. Chairman: Mr. Mayor, you may carry on with your presentation.

Mr. Norrie: Well, thank you, I will be very, very brief. There were just two points that I wanted to cover specifically. One is the need, as we see it and as I have long argued, for a very clear and statutory definition of "value." It is very important I think that there be a statutory definition of "value" when you are considering these amendments.

You may remember the case that went to the Court of Appeal and at that time, without going into the details of the judgment, you will remember that the Court of Appeal held that 1975 valuation was not in their view current. They did not in fact say what current value was, but they very clearly said that there should be a legislative definition and that the City of Winnipeg and the Legislative Assembly, the Government, should get together and should make a decision and should come to some statutory definition. I would like to urge very clearly that there be a definition of "value" into the legislation.

Secondly, I would like to urge you, Mr. Chairman, to proceed as quickly as possible with the legislation. I think it is extremely important from the point of view of the municipalities in the Province of Manitoba, certainly from a point of view of the City of Winnipeg, that we be able to proceed as quickly as we can. As you know we are hoping to complete a 1989 assessment for the 1990 roll, and I would think that the schedule that we had discussed with the Government was to have the Act passed by the 1st of January in order that our assessor might proceed and the assessment notices not fall behind.

I would urge you to try—and I know the hour is late and the Christmas recess is coming on, but I would hope that you would be able to deal with this in order that the legislation could be in place by the 1st of January. It is very important to us and I am sure very important to the other municipalities in the Province of Manitoba that the legislation be in place for the first of the year.

The other point that I expect Councillor Brown made to you was the number of amendments that were passed by the Executive Policy Committee, and perhaps I could ask you, Mr. Chairman, did he indicate that they had been adopted by council this evening? I have not been to the council, but I expect that they would be and I am sure he was going to advise you—so they have been adopted by council, well, you have them. Again the only major point that I would like to underline again is the need for the definition of "value."

As you know in conclusion the whole question of assessment is a fairly complex one. We went through this three years ago. We found that in terms of explaining it to the public that if there was sufficient time given, if there was sufficient resources applied to it, in terms of explaining to people and telling them what was happening, that there was fairly, generally good response, and that has been our experience. We had some 14,000-plus appeals filed, however, many of those appeals were simply holding appeals, when the explanations were given and our assessors took a great deal of time to do that when they went to the Board of Revision many of those were withdrawn.

What I think we need to do is to give our assessors all through the province, your assessors and our assessors, we need to give them as much time as we can possibly do in order to get it on the road. That is why I would urge you to hopefully deal with that as we had hoped it would be before the end of the year. If there are any questions, I would be happy to answer them. I did not want to pre-empt Councillor Brown, but he had asked me to come down—we were hoping to meet here. He may have gone back to council. I am going home to bed.

Mr. Chairman: Thank you, Mayor Norrie, for your presentation. Mr. Minister.

Mr. Penner: Thank you very much, Mr. Mayor, it is always a pleasure to have you come visit with us, especially tonight. I certainly can sympathize with you wanting to go back to bed seeing that it is six o'clock in the morning. I thought you were indicating to this committee that you might have just got up and come over here seeing it was 6 a.m. your time.

The question I would like to ask you is, the definition of "market value" used in the Expropriation Bill, would that in your view suit the needs of the province?

Mr. Norrie: Yes, I think that my recollection—I do not have it in front of me, but my recollection is that is quite clear and specific and that would be satisfactory, yes.

Mr. Chairman: Thank you, Mayor Norrie.

Mr. Norrie: May I just say in conclusion—

Mr. Chairman: Mayor Norrie, Mr. Plohman has a question.

Mr. Plohman: Yes, Mr. Mayor, you want to have this passed urgently, you stressed that, and very quickly, but you also said that assessment is very complex and only after extensive efforts of communications with the public can the public really fully understand it because it is so complex. I think you would agree that legislators should know, at least the legislators should know, the impact that the decisions will have on people before they make those decisions. In that regard we have asked the Minister for information on how this new assessment regime would impact on various properties in the City of Winnipeg, and we have received very sketchy information of some three pages, which we were told is all that was available at that time from the city assessor's office.

I would ask you whether you can undertake to ensure that more information is brought forward so that Members of this committee have access to that information before we pass this Bill, so we have an understanding of how it might impact on properties in the City of Winnipeg?

Mr. Norrie: Mr. Chairman, through you to Mr. Plohman, we have done a great deal of work over the past few years as you are probably aware in terms of the impact that the reassessment in the last term took and had on various properties.

As you know as a result of that we negotiated with the previous Government the whole question of differential mill rates, which were designed to ease the burden, because at that point there was a major shift from the commercial-industrial to the residential.

We went further than that in negotiations with the Government. We had the opportunity to provide for phasing-in legislation, which we did. So we cushioned the impact to the residential homeowners in two ways: first of all, by phasing in; and secondly, by differential mill rates, which in effect can be accomplished by the portioning legislation that you have in the new legislation.

When I say it is complicated, it is complicated in the sense of people perhaps not understanding what they are seeing under the old system. If I get an assessment notice that says my property is assessed as it was before the last assessment at about \$13,000 that does not really mean anything to me, but if I get an assessment notice that gives me an assessment which is pretty close to what I would offer it for sale, if I were going to be putting it on the market, then that is a meaningful figure that people can relate to. I think that this new legislation will move toward that. We will be at the 1985 level of value. As you know, the '85 level of value will still be in a sense out of date, but I have to say that the legislation is very sound in the way that it has proceeded with the '85 level of value and then moving up progressively through the years to bring it up to current or market value.

I think that it is not all that difficult for legislators to understand it, but it is more difficult for the public to

understand. I think that this Bill goes a long way to doing that. If you do, through you, Mr. Chairman, to Mr. Plohman, need any additional information as to how it was done in the city or what the impact was in the previous reassessment, we would be only too happy to supply that to you, although I am sure Mr. Brown, the municipal assessor, has all of that information, because he and our department share it very, very generously and it is back and forth between the two departments.

* (2310)

Mr. Plohman: I thank the Mayor for his assurances that we could have information on the current impact of the current proposal. We are not that interested in finding out the impact of the previous proposals.

An Honourable Member: I think it shows a pattern though.

Mr. Plohman: It may, but what we want, and I indicated that to the Minister that we would like to have a broad range of examples of how this would impact on specific properties in the City of Winnipeg. I have received very sketchy information on that. I would ask them if it is available. I am led to believe that it was not available to the province, but if it is as the Mayor says then we should have no problem getting that information. I appreciate the Mayor pointing that out, that it is there.

Mr. Norrie: Mr. Chairman, I think what is important is perhaps if I may suggest this through you, Mr. Chairman, to Mr. Plohman, not so much the specific impact that it has but the general scheme of things. The general scheme in the last reassessment was the shift and the change from '75 level of value to '85 level of value is moving in the right direction whereby all properties will become assessed at current or market value. So as we move to that you can expect some changes. With the legislation as it is now proposed, where the province by Order-In-Council can portion, then those changes if they are dramatic or untoward or hurtful can be addressed, as they were through differential mill rates and the phasing-in legislation that we obtained.

Mr. Plohman: Mr. Chairman, I think just to clarify, the portions can be used to prevent shifts from one classification to another, but within a classification there can be major shifts. That is what we can get and glean from specific properties throughout the city, information on specific properties. We can get a pattern that the general scheme of things as you referred to. That is really what we want to get from them and we cannot get a reading of that unless we have fairly extensive information on how it will impact on various properties within classifications.

Mr. Norrie: I am sure Mr. Brown could not be more specific in the technical details than I could on that Mr. Chairman, but certainly in terms of the general shifts, if they were to occur, I think would be available and Mr. Brown would probably have that information.

Mr. Chairman: Thank you, Mayor Norrie, does anybody else have any more questions to the Mayor. If not, we

want to thank you for making your presentation. The next one who wanted to make some comments was I think Mr. Roch.

Mr. Roch: I would like to get back to the discussion we were having prior to the last presentation, but if I recall correctly from some of the comments that were made I believe by various Members of the committee, some people mentioned the school board officials. I have talked to various school board officials both at the trustee level and the administration level.

First of all, we are all aware that the school boards have gotten their fiscal year changed to the end of June. So they know that their funding will be from January to June. I realize that the statutory requirement, and as Mr. Plohman has pointed out it is certainly good for one year, changes that. The facts still remains that a lot of these school board officials are not aware at this time what the exact implications are to those various school divisions that they are presently responsible for. So there is a major concern out there. Despite their request at least in some areas, the request for information, more information on the Bills, to the best of my knowledge, the ones that I have spoke about anyway are still waiting for information, so they are not aware.

One of the Ministers pointed out that the Bill was introduced in November, so we have plenty of time. When a Bill or a major piece of legislation has been 10 years in the works, to give the Opposition one month is not as Mr. Penner said plenty of time. I would suggest that is wholly inadequate. I notice in the City of Winnipeg brief that they received the draft on May 25 of '89 and they replied on June 5 of '89. That means that from June to November there were several months in between. There certainly was ample time to obtain information, presentations from the general public throughout the summer and early fall. Had this been done as the Minister at one time anyway considered, there would not be a need at this point to hold off for a few more days.

I certainly do not think that it is unreasonable to wait until early in the New Year for a Bill of this magnitude, because let us face it. Regardless of all the arguments as to whose fault it may be or whose fault it may not be for having introduced it at a certain time or not having introduced it and not having debated it, the fact remains that the main thrust here is to study public presentations and to glean from those presentations whatever we can to improve this Bill, because if after all these lengthy presentations which were received yesterday and today we go on to clause by clause, that means we are making a mockery of the public presentation process. It says that it is meaningless.

I mean sure, we have all the presentations here from yesterday and today. As we go clause by clause we can refer back to them, but as we all know as time goes on we are all going to get very tired, and it becomes very, very easy as is human nature to just go ahead and say, pass, pass, pass. As a matter of fact, I would suggest it is how Meech Lake came about to being signed, because it was the wee hours and by that time being very tired, those 11 people decided

enough was enough, they wanted out of the room, they just signed it to get out of there. I have to question what is more important here. Is it certain time lines? Is it a consideration of what is best for all of Manitobans?

A lot of information came to light in the last two days, at least for myself and I would suggest for many other people, which was new information in various areas where there is the right to appeal whether it has to do with certain equipment. It is all matters which I cannot in good conscience sit here all night and say we are going to do it and pass it by tomorrow. It just would not be fair to the public as a whole. I think it would be contrary to what the Minister of Justice (Mr. McCrae) has said. It would be irresponsible on our part to go ahead and deal with it tonight. I would strongly suggest and I would hope it would be the feeling of all committee Members that we take the time during the next couple of weeks to study properly these presentations from the public.

After that we can have a good, credible, responsible clause-by-clause study of the Bill and at that time when we reconvene January 8 have it for third reading and we can have Royal Assent prior to January 15, which as the Minister indicated both verbally and in writing would be acceptable to him.

Mr. Penner: First of all, Mr. Chairman, I think the Mayor of the City of Winnipeg reflected to the committee the urgency of the situation. I think all of us have been aware that there were—and especially those who have been in Government before are aware that the school boards and municipalities depend on provincial legislation and direction from the province on matters such as this.

Therefore, I think we sensed the urgency when after a month or almost a month after having introduced the Bill in the House and brought it forward that we should in fact remind the Opposition that we were in consideration of some major legislation, Bill No. 79 being one of them. Therefore, our House Leader indicated in a letter to Members opposite and asked for their concurrence to in fact commence debating the Bill on November 22. That is virtually a month ago.

* (2320)

We have received from the Liberal Opposition today a letter in response to that letter on November 22 indicating that it is an extremely lengthy and complex Bill and affecting a great many Manitobans. It is certainly that portion of the letter that I concur with that it is an extremely important Bill and a complex Bill. It affects all Manitobans, not only most Manitobans. For that reason we had indicated our desire to consult with as many Manitobans as we could to get their views on this legislation, and to provide them with the information that they needed to make consideration and make presentation to the committees once the committee sat.

We have met with all organizations that have requested our staff or myself to meet with them and provide them with further information on the Bill. We

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have met with some hundred or better than a hundred municipalities since the Bill was introduced and explained to them the intent of the Bill and the portions of the Bill that they had questions on.

We provided, to all municipalities in the province, the Bill plus brochures and information on the Bill the day that the Bill was introduced in the House. So I think we have, as a Government, acted fairly responsibly in trying to present to Manitobans the intent and the contents of the Bill, and indicate to them how they would be affected by this legislation and how the assessment of their properties would be affected by this legislation.

I find it interesting that the Opposition, especially the Liberal Opposition, has now changed their mind when it was not three weeks ago when they indicated that they had every intention of passing the Bill quickly and I quote that. I find it interesting now that they are reflecting almost word for word the words used by the NDP Opposition in trying to stall this Bill till after the new year.

I believe that it is important that we have on record that if we in fact cannot pass this Bill before the end of the year that we will be forced to indicate to municipalities and school boards, across the province, the reasons why there will be a delay in providing information to them in regard to their ability to adequately calculate the amounts of the taxation required and the assessments of properties in their various jurisdictions.

I think those are the kinds of things that we must consider when we reflect on the urgency and the importance of passing this legislation before the end of the Christmas holiday season.

Mr. Roch: If I understand your comments correctly, your implied threat is that if we as an Opposition do not pass this, this minute, that all the presentations that have been brought forward the whole implications to, as you said, all Manitobans becomes unimportant. It has to be done because of—in talking to certain officials both municipal and school board they have said that if the information they normally get in mid-January is delayed by a week, two weeks, even three weeks, all it does is delay their calculations for that amount of time.

Now if it was delayed for several months it would be another matter. It might not even be delayed, but

if it would be delayed for a couple of weeks it is not a major concern for them. That has been indicated by more than one school board and municipal official. As a matter of fact even the president of the Union of Manitoba Municipalities said last night that there was no need to rush this prior to the end of December. When asked, he was very specific.

Mr. Plohman: Mr. Chairman, the Minister should realize that what is important and the primary consideration is the public interest here, not rushing the Bill through, and his words of stalling are not accurate. He can use it. He can also tell the municipalities why it was not passed. I hope he will do that objectively and that he will indicate clearly that he had months and months and months of consideration before he brought it into the House.

He delayed it by weeks because of municipal elections, and then he expected the Opposition to pass it in one and a half months. If he tells them all of that, we will stand on any podium and explain our position along side of his, and it will stand on its own merit. Clearly, there are many proposals brought forward, wide-ranging suggestions, for improvements to this Bill and they should be dealt with before this is passed, not ramrodded through as the Minister wants to do.

I would move that we adjourn, Mr. Chairman.

Mr. Chairman: What is the wish of the committee? When would we reconvene? -(interjection)-

Mr. Plohman: That is not the subject of discussion, Mr. Chairman—a point of order—for this committee. It is a motion to adjourn.

Mr. Chairman: On a point of order.

Mr. Plohman: There is no discussion on the motion to adjourn. It is not up to this committee to determine when we sit again, it is up to the House Leaders to determine that.

Mr. Chairman: All right, so, Mr. Plohman, you do not have a point of order, but the motion is to adjourn. Is that the will of the committee? All those in favour say aye. Those that oppose say nay. I believe the ayes have it. Committee rise.

COMMITTEE ROSE AT: 11:27 p.m.