



# The Yukon Legislative Assembly

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Number 23

2nd Session

24th Legislature

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## **HANSARD**

**Monday, October 15, 1979 — 7:30 p.m.**

**Tuesday, October 16, 1979 — 1:30 p.m.**

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake  
DEPUTY SPEAKER — Geoffrey Lattin, MLA, Whitehorse North Centre

## CABINET MINISTERS

| NAME               | CONSTITUENCY                 | PORTFOLIO   |
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| Hon. Chris Pearson | Whitehorse Riverdale North   | Government House Leader — responsible for Land Claims, Pipeline, Tourism and Economic Development, Economic Research and Planning, Renewable Resources. |
| Hon. Doug Graham   | Whitehorse Porter Creek West | Minister responsible for Education, Justice, Information Resources, Consumer and Corporate Affairs  |
| Hon. Dan Lang      | Whitehorse Porter Creek East | Minister responsible for Highways and Public Works, Municipal and Community Affairs, Yukon Housing Corporation  |
| Hon. Meg McCall    | Klondike                     | Minister responsible for Health and Human Resources   |

## Government Members

### (Progressive Conservative)

|                 |                         |
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| Al Falle        | Hootalinqua             |
| Peter Hanson    | Mayo                    |
| Jack Hibberd    | Whitehorse South Centre |
| Geoffrey Lattin | Whitehorse North Centre |
| Grafton Njootli | Old Crow                |
| Donald Taylor   | Watson Lake             |
| Howard Tracey   | Tatchun                 |

## Opposition Members

### (Liberal)

|                  |                            |
|------------------|----------------------------|
| Iain MacKay      | Whitehorse Riverdale South |
| Alice P. McGuire | Kluane                     |

### (New Democratic Party)

|               |                 |
|---------------|-----------------|
| Tony Penikett | Whitehorse West |
|---------------|-----------------|

### (Independent)

|                   |          |
|-------------------|----------|
| Maurice J. Byblow | Faro     |
| Robert Fleming    | Campbell |

Clerk Of Assembly  
Clerk Assistant (Legislative)  
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Jane Steele  
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**Whitehorse, Yukon****Monday, October 15, 1979 - 7:30 p.m.****Mr. Chairman:** I now call Committee of the Whole to order.

Bill Number 26, we will continue on with it. I refer you to page 6.

**Hon. Mr. Lang:** With permission of Committee, I would like to refer back to the Section which we had deferred in respect to the definition of land, Page 2. I have further information on that. I was under the impression that quarry pits and this type of thing would not be assessed and that has now been clarified. They will be assessed, not on the material but on the physical lease arrangement that may well be in force at the time. So therefore, with that information that I have received I feel that we have enough information to let that particular section go by.**Mr. Chairman:** At this time I would like to say that we have the two witnesses, Mr. Smith and Mr. O'Donoghue with us.

I refer you back to page 6, Assessment, 4(1).

Clause 4(1) agreed to

On Clause 4(2)

Clause 4(2) agreed to

On Clause 4(3)

Clause 4(3) agreed to

On Clause 5(1)

Clause 5(1) agreed to

On Clause 5(2)

Clause 5(2) agreed to

On Clause 5(3)

Clause 5(3) agreed to

On Clause 6(1)

**Hon. Mr. Lang:** Just for clarification of Members, sections (6) and (7) restricts the assessor from entering a private home unless permission is granted. Where permission is not granted, the assessor may make an assessment from the outside of the dwelling and the onus is then on the owner to prove the assessor wrong.

Subsequently the two sections are designed to protect privacy but at the same time leaves the onus on the individual if he or she decides that they do not want an assessor within their own home.

**Mr. MacKay:** I presume a dwelling is any place that somebody is living in. It does not include anything other than that. I am thinking that an apartment would be a dwelling which would be the tenants then that would be protected. I guess that is fair enough, although the tenant could deny access to the assessor but the owner would still be under the onus to allow access to the property although the tenant forbids it.**Mr. O'Donoghue:** It is no specific thing, Mr. Chairman, but the landlord always has the right of entry into his own premises so he can arrange things to see that entry was granted.

Clause 6(1) agreed to

On Clause 6(2)

Clause 6(2) agreed to

On Clause 6(3)

Clause 6(3) agreed to

On Clause 6(4)

Clause 6(4) agreed to

On Clause 6(5)

Clause 6(5) agreed to

On Clause 7(1)

**Mr. Fleming:** On Section 7(1), Mr. Chairman: "An assessor may deliver to an owner or occupant of assessable property, other than a dwelling, a notice in the prescribed form requiring the owner or occupant to furnish the assessor with a statement in writing", similar to the one back in Section 6, except that is a dwelling, and that one was if the permission was not given by the owner of the dwelling.

Now this one is a little bit different in that it does not say that this has to be done if the owner does not agree. It just says that this is the way it is. Is this going to be an established form, an established

practice, that all of the assessing will be done this way? Or, is this here in case the owner does not agree to have his property assessed, which I think comes under another section?

**Mr. Smith:** Mr. Chairman, the usual practice where this section would be used would be gathering information in the large mines, the cost of the equipment in the mine and things like that. It may also be used in some large commercial buildings where the assessor wants to get from the owner, the contract price and things like that.**Mr. Fleming:** Mr. Chairman, in other words then, you do not see this as something that is going to be made a practice of and everybody will be doing this and the onus will be on the owner to make sure that he has everything right. You do not see that as coming under this section?**Mr. Smith:** Mr. Chairman, that certainly is not the intention.**Mr. Chairman:** Are there any further questions on 7(1)?

Clause 7(1) agreed to

On Clause 7(2)

Clause 7(2) agreed to

On Clause 7(3)

Clause 7(3) agreed to

On Clause 7(4)

**Mr. Chairman:** We have an (a) and (b).

Clause 7(4) agreed to

On Clause 8(1)

Clause 8(1) agreed to

On Clause 8(2)

Clause 8(2) agreed to

On Clause 8(3)

Clause 8(3) agreed to

On Clause 9(1)

Clause 9(1) agreed to

On Clause 9(2)

Clause 9(2) agreed to

On Clause 9(3)

Clause 9(3) agreed to

On Clause 10(1)

**Mr. MacKay:** Clause 10(1)(b). It says in the case of real property used primarily for residential purposes and improvements provided for beautification, et cetera, will not be assessed. Why stop at residential property, if some of the merchants in the town want to spend a little money beautifying their premises, why should they be taxed?**Hon. Mr. Lang:** This is primarily put into the Legislation to let people know that the practice of assessing does not take into consideration the landscaping and this type of thing.

It is my understanding, in past practice with the assessment, improvements of this kind for beautification of a home and this type of thing were not taken into account but the public were under the impression that if they did put in a fence or something of this nature that their assessment would go and would go up dramatically and therefore they did not attempt to upgrade their homes.

We tried to highlight this and put it into writing so that people will be aware of this fact. In respect to the commercial properties, fencing is one area that for example, in an industrial or commercial can be quite an expensive addition to a particular piece of land and subsequently, we feel it should be assessed. At the same time the beautification of a commercial establishment, very little if any, would be taken into account in the overall assessment. I think I could turn to Mr. Smith who could clarify this even more. But that is my understanding of it.

**Mr. Smith:** The Minister has pretty well outlined it. It has never been the practice of the assessor to, in the Yukon, to my knowledge, assess the types of things that are mentioned here. But as Mr. Lang said, he wanted it in writing, so it is now in writing.**Mr. MacKay:** I somewhat agree with the provision that it should not be included but my question is why single out residential property, why not just remove the word "residential", just any pur-

pose, if it is for beautification it should not be included. It leaves the inference that if it is not a residence then it is going to be taxed.

**Hon. Mr. Lang:** We discussed it and we looked at it and felt that in respect, for example, to fencing and this kind of thing, it is an area with major commercial establishments, it is a major investment as opposed to residential.

We just felt that this particular provision would take into account the residential purposes. At the same time, as I said earlier in respect to the commercial or any other piece of property, it is going to be minor, if any, in respect to the assessment. If you take in the fencing and this kind of thing then we would have to write in two or three more sections into this particular area of the Bill.

**Mr. MacKay:** I think, with all due respect, you are either missing or avoiding my point. I am not talking about fences, I am talking about the beautifications of the property. We are trying to encourage people to do that. Certainly downtown in Whitehorse, we are trying to encourage people to do that.

If I were a property owner reading this I would say, "Gee, if I beautify my downtown property, I am going to get taxed." A simple amendment would be to drop everything in case of real property used for primarily residential purposes. This could include improvements provided primarily for the beautification of the property and do not specify what kind of property and leave it to the judgement of the assessor as to what is primarily the beautification of the property.

**Hon. Mr. Lang:** Mr. Chairman, we are prepared to look at it if we can just set that particular section aside.

**Mr. Fleming:** Mr. Chairman just before you go on farther, I had a little problem with the same section. I think that Mr. MacKay's request is very reasonable.

What I am looking at in the situation where as far, as for instance a sidewalk, is concerned, or a driveway in a business place is going to be put there to draw customers to that business place. I can understand the government wanting to tax and assess that type of a thing. When it comes to the beautification, that could be trees, could be many different things that I do not really see taxable. However, I would not want to see them take, for instance in the business place, the sidewalk and driveways out and have them non-taxable because I think they should be taxable. As far as residents are concerned, I can understand the government there. They are only trying to give the property owner a chance to accumulate something. I do not think they are giving away very much. I would not want them giving it away to business places too.

**Hon. Mr. Lang:** Mr. Chairman, I would most definitely take both members' account into view.

Clause 10(1) stood over

On Clause 10(2)

**Mr. MacKay:** What are the present regulations with respect to charging back the costs of the assessment to the municipalities?

**Hon. Mr. Lang:** Mr. Chairman there are approximately \$95,000 of the costs of the assessment service that we provide that come back to this Government through a present levy of one half of one mil that is levied by the municipality. In view of the new assessment, we are going to have to review it. All I can say to the House is that we feel that the municipalities, the local taxing authority should pay something. We will try to keep it within the area that they have been paying in past years. That will be taken into account this coming year.

Clause 10(2) agreed to

On Clause 11(1)

**Mr. MacKay:** Mr. Chairman, perhaps I could ask the witness if this is the definition of "fair value" under the Assessors' Code. Are there any exceptions in the jurisdiction or is this the normal definition that is used for fair value?

**Mr. Smith:** Mr. Chairman, this is not the definition of "fair value" or "market value" that is usually used by appraisers. There are several different definitions.

I think that this is just a definition of those things that we wanted to consider when making property assessments.

**Mr. O'Donoghue:** Fair value, Mr. Chairman, is a concept that is understood by judges but is difficult to describe because it has a meaning which is decided and lumped together in hundreds of law cases. It does not quite mean market value, but it almost means market value. But an assessor, giving evidence for the government on the one side, or for a property owner who is attacking the assessment on the other, brings together all of the listed things which are here and arrives at almost fair value with slight variations depending on the locality or subsequently disturbs the market value, and the assessment board of a court then strikes a judgment

after hearing the evidence or hearing the reasons, and that is what comes out of fair value. What the judge thinks is fair value, having regard to all of the circumstances, each one has been given a place in arriving at a decision so that the legal decisions are right across the provinces and in other countries and fair value is a general description of the result of what a judge thinks after hearing the evidence.

**Mr. MacKay:** I thank the witness for that very clear explanation. The only problem we have is that no judge is going to ever have a chance to rule on that in the Yukon. Perhaps that I could clarify that. If this becomes a point of law as to whether or not fair value has been applied, would this be able to be appealed then to the court?

**Mr. O'Donoghue:** Mr. Chairman, if the assessment appeal board or the Judge of the Supreme Court go wrong in applying the rules of fair value, it goes to the Court of Appeal. The decisions are taken in the light of decisions across Canada as to how should an assessor arrive at a fair value for that property.

Basically what he is trying to do is this, he is trying to attribute what a willing purchaser would pay to a willing seller in a reasonably free market. It is not always free, therefore, these considerations will be held usually in favor of the person who is appealing the assessment. It is usually the taxpayer who gets the benefit of all these little things as they go through. But if you have tight market value and a high sale in a period of scarcity, and is ruinous to a whole classification of taxpayers who say, "That is an unusually high price." And if it is the market value, they have all got to pay separate taxation, double the value.

**Mr. MacKay:** Just to clarify once more in my own mind, as I do not think I really understood this before, if a taxpayer feels that the Assessment Appeal Board and the Assessment Review Board erred in their judgment of what fair value is, that taxpayer could then appeal to the court.

**Mr. O'Donoghue:** It becomes a point of law if they arrive at their decision on wrong grounds. If they have taken a wrong thing into consideration, that would be a point of law.

If I may make a remark, it is the only real source of appeal there has ever been in this Territory. People have imagined that they have an appeal to the Supreme Court. They do not. They have only an appeal on a point of law, always, up to now. And that is the main point of law.

**Mr. Falle:** Type of soil, does this mean that we are going to grade our soil, as in British Columbia, or Alberta? Is it farm soil we are talking about?

**Hon. Mr. Lang:** This does leave that ability with the Assessor, if that has to be taken into account. Perhaps the Assessor could clarify it a bit further.

**Mr. Smith:** This could be quite broad. If we are talking about the quality of soil, and we are talking about the soil to build on, naturally good, firm ground is much better than swamp land. It could also be construed to areas of soil being used for agricultural purposes. Then, we could grade that soil according to its productive capabilities in relation to its market value.

**Mr. Byblow:** Perhaps I could have explained how consideration is given where you do not have a purchase to go on.

**Hon. Mr. Lang:** That is why the provision is in there. In case there are various parcels of land trading in an area, then they can start to establish some sort of market. If there is no exchange of land, then you have to take the other aspect of this particular section into account and try to come up with some reasonable estimation of the value of that particular piece of property. The reason for that particular section is to take the market into account.

At the same time, the reason we went to fair value as opposed to market, was to leave that flexibility, because in some areas you do not get a great range of land transferring in any particular locale. Subsequently, it would be very difficult to come up with, "a definite, straight market value." This leaves this discretion with the Assessor with some delineation with respect to the areas of concern that he or she has to take into account.

**Mr. MacKay:** Would sub-section (d) catch the classic case of a non-conforming use where a property is perhaps zoned "open space" and is in fact being used as a campground? Is that the purpose of this section, to try and tax the use of it rather than zoning it? What other purposes might this section serve?

**Mr. Smith:** Mr. Chairman, my interpretation of that section would be the zoning of the land. In other words, if this land is zoned commercial and commercial land is higher priced, then you just put a higher price on it. Actually, I do not think that it could be interpreted the way Mr. MacKay has questioned because even though the land is being used for a specific purpose, the zoning says

it cannot be used for that purpose.

**Mr. Mackay:** I want to know if the Minister has addressed this problem in his discussions with the municipalities, probably the regional municipality being Whitehorse? You have a block of land assembled, and you have one house sitting in the corner of it but occupied as a residence and it is a developer that is holding it as an occupier. It is being used for residential purposes, and take that and combine it with the other sections where you can combine the land into one section. Are you, in fact, putting a developer in a position where he can tie up a whole city block or three or four lots surrounding the house and only pay residential taxes on it?

**Hon. Mr. Lang:** Mr. Chairman, my understanding is "No." The property where the residence is, is used primarily for residential purposes, the land would be assessed at a residential appraised value. The remainder of the land would be assessed at commercial.

We did look at it, Mr. Chairman, and it is our understanding that this is the way it would work.

**Mr. Mackay:** So then, there would be no interplay of this section and the one later on which talks about lumping properties together for assessment purposes. A taxpayer could not invoke this later section saying it is all his property and he has got a house in the middle of it and so he is going to say he needs it all for ranging his horses or whatever.

**Hon. Mr. Lang:** Mr. Chairman, it is, "No." They would have to get approval from the Government to do it to begin with, and therefore, it is a non-conforming use to begin with and I would say that the assessor would not be prepared to bring further land assembly into a non-conforming use. And, perhaps Mr. Smith could comment further on it.

**Mr. Smith:** Mr. Chairman, in the case like Mr. Mackay has described, it would be at the assessor's discretion to start with. He would view the property and in his opinion, if there was more than the one lot that the dwelling was set on that was used for yard area or garden area then he may choose to put the two lots together. I cannot conceivably see him using any more than that.

**Mr. Mackay:** How about buying a large house downtown and occupying it, as happens I think, occupying it for residential purposes on the upper floor and using the lower floor for commercial purposes. How does this section meet that?

**Hon. Mr. Lang:** Mr. Chairman, if you read the section that says "used primarily for single-family residential purposes..." and therefore there would be a split in the assessment the way I understand it.

**Mr. Fleming:** It states very plainly though that "notwithstanding subsection (1) where land is primarily used for single-family residential purposes, other purposes which the land may be used shall not be taken into consideration in determining the fair value of the land."

That is the way I read it. Just as it says it is there, it shall not be taken into consideration in determining the fair market value. In other words, if you did have a single-family residential dwelling on a piece of land and you got into all other sorts of purposes on that land it would still be assessed as a single family dwelling. You could be in business and everything else on it.

**Hon. Mr. Lang:** Mr. Chairman, it says primarily for single-family residence and I see what the Honourable Member is getting at. At the same time, there is a saw-off where you could come from a primary situation and you into a secondary utilization of that particular facility and then you are assessed accordingly.

All we are attempting to do is to bring in a section that will ensure that the property owners in the commercial section of the City and for that matter, Dawson City and other communities, the ability for those people to live in the area that they have had their homes for many years. The properties, for example, that we are talking about in the Whitehorse area are about 180 properties, if my memory serves me correctly. It is not that great a number of properties that we are talking about that still do have single-family residences on them.

Once that particular use of that property is changed, then subsequently their assessment changes with it as well. It is a grandfather clause.

**Mr. Fleming:** I understand the Minister's view and I understand his concern as to people who own property and are living on it in a residential form now and of course they wish to be just taxed that way and not taxed as commercial and something like that if there is nothing there. But in this section it says they can do other things and still not be taxed for them. It deliberately tells you that they can use it for other purposes.

Now that would not be doing, as the Minister says, just letting

them keep the property and live on it as residential property and paying that way. That would be allowing them to go ahead and do things, as far as I can see. It states very plainly that you can. Is there something somewhere else that says it differently? Maybe the witnesses can clear it up.

**Mr. O'Donoghue:** There is nothing else. It is drafted as a sort of a mercy clause. You could go into a bit of fine print and use something like Mr. Pearson would say, chiefly for single-family purposes. It is only a question of language. The policy is clear. We are prepared to look at the language and see if we can make it more harsh.

**Mr. Mackay:** I think I understand my friend's problem. When he reads (a), it says, "other purposes for which the land may be used." Does that mean that it is currently being used for other purposes at the same time? Or, does it mean that purpose for which it may be used in the future? If you would clarify the meaning of that.

**Hon. Mr. Lang:** What it means, is if a person has a home, and one section of it is an office, he has a four-bedroom home, and is using one bedroom for an office. That precludes the assessor coming in and measuring, and trying to delineate what is used for office as opposed to residential.

The key to the whole section is primarily for residential purposes, and if the assessor does not believe that it is primarily for residential purposes, he or she will assess it accordingly to the way it is zoned. Then it will be up to that individual to prove whether or not he or she is using it primarily for residential purposes.

In other words, it is to try to give some flexibility, at least, at this time, in respect to the types of home dwellers that we are looking at, in particular, in the Whitehorse area. I think it is fairly clear, and all we can do is give it some time to see how it does work out. If it does not work out, we will have to come in, perhaps, with a harsher section, but at the present time I am quite satisfied with the section.

I think it will go to resolving the problem, and at the same time, leaving that discretion where it should be, with the assessor, who is actually going to see the particular dwelling, and, at the same time, we have our appeals procedure to protect the individual involved, or, for that matter, the taxing authority.

**Mr. Mackay:** I think this section now means something quite different to me than it did when I first started reading it. As I understand it, a business that operates out of a residential lot on Fifth Avenue, and I can think of four or five like that, which mainly operate out of the garage, and there is a single-family, residential unit sitting right next to it, would fall under this clause, and they would not be required to pay commercial rates, even though they are, in fact, operating a business out of it. Is that your interpretation of the clause.

**Hon. Mr. Lang:** No, my understanding is that if it is primarily a single-family, residential home, it would be under this section. When you are getting into business, and the business is starting to take over the particular improvement that we are discussing, then it would be assessed accordingly, and perhaps Mr. Smith could elaborate further.

**Mr. Smith:** I think that everybody is missing the point. We have a lot, and we will use downtown Whitehorse as an example, and the assessor goes up to the place and discovers there is a house on this lot. He goes in and he values the property. He does his comparisons and discovers the lot is zoned for commercial use. It is therefore far more valuable than if it were only a residential lot. Because it is just a residential lot, even though the permitted use is commercial, he must assess it at residential values.

**Mr. Fleming:** I agree with the statement. I think that is the way it should be and I think that is the way it should be put down here. The way it is written here, it is not that, in any person's language. I do not think even the Legal Advisor could make that into anything else, when it says, "other purposes for which the land may be used."

**Mr. O'Donoghue:** This is an attempt to deal with commercial, semi-commercial and a variety of zones and purposes within those zones. What a zone does, is it allows a permitted use. This sentence is an attempt to reproduce what is permitted to be done in the house, regardless of what is permitted to be done, if they only have a residential zone, you do not assess them at a higher rate. That is what it is intended to produce as a meaning.

**Mr. Mackay:** I think we all agree what the law should say. I know the drafter had in mind the use that it may be used for. I am thinking of the zoning that it existed in. But, when you read it in a different sense, you can see that it may be used currently for something else even though primarily you have still got a private dwelling. Do you follow me? So, in fact you are sanctioning com-

mercial sidelines, shall we say, that may be a house on the front of the property and a workshop at the rear that actually provides a man his entire living. You can sanction that through that clause.

**Mr. O'Donoghue:** Mr. Chairman, perhaps the drafting of that might be improved.

**Hon. Mr. Lang:** Mr. Chairman, I am prepared to look at this.

**Mr. Penikett:** I should point out for Members of the House who are not aware that the zoning of most municipalities including the City of Whitehorse, as Mr. O'Donoghue has referred to, place very strict limitations on what occupations and activities may be carried out within a home.

There are certain types of business, or if you like, professional or self-employment kinds of activities that might be carried on in the home and are in fact described very clearly in the bylaw as home occupations.

I do not think in almost any of those would they have any significant impact on the assessment or the likely value of the property because if that person were to move out and take the occupation with them, I do not think they would leave anything, unless they left, as Mr. MacKay said, a workshop or something which would improve the value of the home, it should not have any impact on the assessment at all.

But I think it is important to be clear about that. There are some people who are obviously, in the city and Porter Creek are cases where this allegation is often made, a number of people engaged in businesses in their homes and those uses are non-conforming. Well, that is a problem in terms of the zoning thing, but at some point I would not doubt if the house legally or not was structurally altered in such a way as to accommodate a business that would almost certainly be picked up by the assessor.

Clause 11(2) stood over

**On Clause 11(2)(b)**

**Mr. Tracey:** Mr. Chairman, I think should be taken as all one here because the last sentence also has to do with section (a).

**Mr. Chairman:** In that case, we will stand over all of 11(2).

Clause 11(2)(b) stood over

**On Clause 12(1)**

**Mr. MacKay:** Again, I am interested perhaps in having some dialogue with the assessor on replacement costs. A value equivalent to their replacement cost, perhaps he could explain what that term means in assessors' language.

**Hon. Mr. Lang:** Mr. Chairman, replacement costs, what it means is doing a review, on an annual basis, with the contractors and roughly what it costs per square footage, for example, to build a residential home. The average cost, for example in 1979, let us say it is \$50.00 per square foot, on the average, to try to come up with an average common denominator and then subsequently that is utilized for the replacement costs.

At the same time, I think it should be noted that we are using replacement costs in the City of Whitehorse on an annual basis but at the same time, it refers to the manner in which replacement costs are to be determined for the purposes of subsection (1). That is the provision that will allow us to adopt a manual which will be, in essence, the Alberta manual but at the same time adopted to the Yukon situation over a period of time.

**Mr. Penikett:** Mr. Chairman, I believe I understand this but since I had a constituent tell me the other day about this I would like to ask a question if you like for the record. The personal side of the case, perhaps an elderly gentlemen living in a very old dilapidated home with inexpensive materials, practically falling apart, that he had perhaps paid a couple of hundred of dollars to build fifty years ago. I am curious as to whether that building would be assessed, I am talking about the replacement, on what it would cost him to put a new building up if a tornado came by and blew the old one away or if replacement meant something closer to the value of your like or if he attempted to reconstruct the home out of the same materials after the tornado. Perhaps I could get some statement from the Minister or the assessor of the meaning in that circumstance.

**Hon. Mr. Lang:** Mr. Chairman, it is obvious that the value of the home is considerably less than a home built in 1979. If one looks at the material that I have provided to try to show the shifts in respect to the assessment and how it will work, it definitely reflects the fact that the older parts of the City of Whitehorse, for example, definitely show a decrease overall in respect to their assessed value because they are older homes. That is the section that does take into account the age of the improvement. It is done through the manual, the way I understand it, a set period of time and the depreciation goes down accordingly. Perhaps, Mr. Smith could elaborate further.

**Mr. Smith:** Yes, Mr. Chairman, it is the intention, as I understand it, of this Legislation that we would assess an old building as an old building. If it has only got ten years left to live in the assessor's opinion it will probably have eight-five or ninety per cent depreciation applied to it.

**Mr. MacKay:** I might be moving a bit ahead into subsection (3) but I think it is legitimate because it does refer back to subsection (1).

I am interested now in the Assessing Manual. How is it going to be developed, how that manual can avoid distortions due to the smallness of the data base or the input of costs that you get in any one particular year? I alluded, in Second Reading, to the year that this building here was built and the cost per square foot of this building was probably about three times what the commercial space was costing at that time. Would that kind of distortion get worked in or where does the judging factor come in here.

**Mr. Smith:** As the Minister indicated, the Government intends to adopt an assessment manual for the use and direction of the assessors. It is then our intention to research the values in that manual on specific types of property, a fair residential property or an excellent residential property or a poor residential property, the same for different commercial buildings, to determine how the rates can that manual relate to construction costs in Whitehorse. Then the assessor will apply the factors to the rates found in the manual to determine the values in Whitehorse and all of the Yukon. But annually we intend to monitor construction costs in Whitehorse where most of the construction is going on and compare the actual costs of specific properties to the rates found in the manual.

**Mr. MacKay:** Just for the record then, the manual that you are going to adopt initially is the Alberta Assessment Manual, is that correct?

**Hon. Mr. Lang:** This is correct, with some adaptations. It should be pointed out, it to cost us a great deal of money to re-invent the wheel and there is a new assessment manual coming out through the Government of Alberta and with us going to one hundred per cent replacement value, I think it will correct the inequities in the assessment and, at the same time, give us the baseline data as the Chief Assessor has outlined, to put into effect the necessary assessments.

**Mr. MacKay:** Would the Minister say that the value that was arrived at under this section, could anyway be related to the market value of that improvement?

**Hon. Mr. Lang:** Not necessarily, Mr. Chairman. That is why we are trying to stay away from it, because the market value fluctuates up and down so much in any given year. I think that one has to look back at only the last couple of years, and that is why we chose replacement costs as opposed to market value, per se. If there is a major upturn in the economy, and the supply and demand situation that develops, say, for example, as the last couple of years, then we are in a situation where you are in an inflated housing market. Replacement costs would at least reflect the costs of replacing that particular dwelling, as opposed to the inflationary spiral that could develop over a given year, and try to have some common denominator.

**Mr. MacKay:** I am interested in the mechanics of how this will be applied. If I understood the Assessor to be correct, he is going to update this annually. That means that each property owner will receive an updated assessment notice, with an updated value on it annually? We were unable to do it every five years, last time around, and I am wondering what has suddenly occurred in this Department, which means we can now do it every year.

**Hon. Mr. Lang:** This is the utilization of the computers, and it will be an effort to attempt to see all dwellings, but at the same time, with the computers, it will give a fairly realistic figure on the assessment notice to reflect what the actual replacement costs of the particular home are.

At the same time, the factor we are presently using is four. The previous manual dictated that it would be a twenty to twenty-five per cent of replacement costs on improvements. By factoring four, it is utilizing in deference, the depreciation and other aspects that come into play, we feel we can come up with a fairly realistic figure that may be a little bit under replacement value, but very close to it.

Then the individual has the ability to go through the appeal procedure. It is largely the use of computers that will allow us to do this. Physically it would be impossible, unless we hired fifty assessors every year to do a total annual update. We are trying to keep it current so that we do not get the fluctuations that we have experienced in the past, where you go five years then all of a sudden, you are assessed, and you wonder what happened. It will supply this base to not only the taxing authorities, but also the municipalities, to go on, on an annual basis, trying to keep it updated, as well.

**Mr. MacKay:** It is not only a question of keeping up to date with the inflation and the difference in replacement costs annually. What about the physical improvements that go on the property? How were they to be treated annually. Is there a voluntary system to be set up for reporting these?

**Hon. Mr. Lang:** Whether it be with this Government or the municipality, there has to be, as the Honourable Member from Whitehorse West indicated, the municipality has a certain amount of authority. One thing they do require is a building permit. If new additions, or a new home go in, then these plans are submitted to that particular authority, or ourselves, depending where the jurisdiction lies. Subsequently, that information is available for the assessment branch to look at to see what new improvements have been put on, and to what extent, then. Therefore, there are a number of ways to attempt to get this information without going out of the office.

**Mr. MacKay:** One final point, would the Minister agree that by using the City of Whitehorse data, and the normal cost of construction outside of Whitehorse is higher, that in effect the City of Whitehorse will be carrying a heavier tax load of the total, than it would if everybody was assessed at replacement costs in that area?

**Hon. Mr. Lang:** Well of course the mill rate is going to dictate what the tax load is eventually going to be. I think it does give a break overall to the outlying communities and rightfully so, I think it should be. The previous Legislation called for a hamlet allowance which is very difficult for anyone to figure out based on amenities, services, everything else to any particular community.

Let us face it, to build a \$50,000 home in the Whitehorse area, it is going to cost you \$60,000-\$65,000 in Dawson City or wherever, because it is going to cost you to get the materials and everything there. I think it is a fair analysis to say the assessment is going to give a break to the outlying communities but in all fairness it should be to a certain extent. It allows us not to have to put in a hamlet allowance and all this other type of thing. The other thing is that for consistency for the assessment's sake we have to have some relationship with the assessment, say between Dawson City and Watson Lake, or equity across the territory. I guess it boils down to whether or not you believe in equalization.

**Mr. Tracey:** Mr. Chairman, as a Member from the outlying areas I have to comment too, that the resale value of property in an area such as Whitehorse is probably a great deal higher than would be in any outlying area. The house might cost the same but the resale value would be less in outlying areas.

**Mr. MacKay:** I am pleased that the Minister has said what he said. I think that is important when the Government is making the policy like this, I think that was a deliberate policy decision that you must have made, that you should state that. I can say that I can agree with that.

Clause 12(1) agreed to

On Clause 12(2)

Clause 12(2) agreed to

On Clause 12(3)

Clause 12(3) agreed to

On Clause 12(4)

Clause 12(4) agreed to

**Mr. Chairman:** At this time it is 8:30. I suggest maybe we should recess for ten minutes.

Recess

**Mr. Chairman:** I shall call Committee to order. Bill 26, page 12, starting with Clause 13. It is divided into one section only. Any questions?

On Clause 13

**Mr. Fleming:** Mr. Chairman, I was just wondering whether this section has any possibility of it maybe superseding any agreements with the Federal Government on the pipeline, or anything to this effect?

**Hon. Mr. Lang:** Mr. Chairman, the present section is taken out of the old Taxation Ordinance. In respect to the pipeline, that would necessitate special taxation legislation which the Government Leader would be bringing forward at a later date. But, the provisions here are the ones that were in the old Legislation and are going to continue until which time we resolve that situation with respect to the pending gas pipeline.

**Mr. Penikett:** Mr. Chairman, just on that point, is the Minister saying that all of these things mentioned here were previously subject to property taxation under the old Ordinance?

**Hon. Mr. Lang:** Yes, that is my understanding, Mr. Chairman.

**Mr. O'Donoghue:** No, I think just "gas" was added, Mr. Chairman. I think that there was one item in this list that was added. I think it was sending gas through the pipeline.

**Mr. MacKay:** Would the definition of "wires of a communications operation" include cable TV?

**Mr. O'Donoghue:** Yes, Mr. Chairman.

Clause 13 agreed to

On Clause 14(1)

Clause 14(1) agreed to

On Clause 14(2)(a)

**Mr. MacKay:** I am having a little trouble with comprehension and maybe it is to do with the speed with which we are whizzing along. Could the Minister explain the purpose of subsection (2). What is it trying to say? I am having a little difficulty understanding it.

**Hon. Mr. Lang:** This is in respect to surveyed boundaries between parcels of land and delineate where they cannot be disregarded. In other words, the ability to bring like parcels of land together, for example, when we are speaking to the principle of the Bill, I referred to Mayo where you have thirty foot frontages, yet you have three parcels of land that are actually a person's residential land where his home is. It is under his name, but in this particular case these are the areas where the assessor could not bring these pieces of property together as one unit. The reasons expressed there so that the parcels of land are not assessed to the name of the same person.

In other words, Mr. Jones has one piece of property, Mr. Smith has another so they have to be assessed separately. For example, the boundary between the parcels are not reasonably cohesive. In other words, they are not side by side, you have a corner over here and another piece of property here, so subsequently they are actually two distinct parcels of land and subsequently are assessed at separate identities.

The parcels are not used as a unit for the same principal use. This goes back in respect to what the Honourable Member was referring to where you have an individual who buys four lots in a commercial area and one has a residential area and the remainder are vacant. Well, obviously the land is going to be assessed differently. The parcels are vacant pieces of property or none of the parcels are being used actively or productively. Perhaps the assessor has something else to add.

**Mr. Smith:** No, Mr. Chairman, unless Mr. Mackay requires further information.

Clause 14(2) agreed to

On Clause 14(3)

**Mr. MacKay:** "The Commissioner may make regulations respecting the disregarding of surveyed boundaries between parcels of land for assessment purposes." This would be a matter, presumably, for administrative convenience, but would it have any impact upon the value of that property, if you just lump it all together?

**Hon. Mr. Lang:** In most cases, this would refer to parcels where we have the minimum tax and you have two pieces of property, as opposed to paying two minimum taxes, you could amalgamate the two and subsequently assess them accordingly. It would have some effect, but I believe it would be very minor. It is more of a convenience for the people involved, so that they do not have to go to the expense of surveying two parcels of land into one identity.

Clause 14(3) agreed to

On Clause 14(4)

Clause 14(4) agreed to

On Clause 14(5)

Clause 14(5) agreed to

On Clause 14(6)

Clause 14(6) agreed to

On Clause 14(7)

Clause 14(7) agreed to

On Clause 15(1)

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**Mr. MacKay:** The purpose of this section, as I would read it, is to forgive the Government any errors at all in making this assessment. Is that not legislating incompetence, enshrining it in an Act that we should, in fact, be asking our public servants to be doing this accurately in the first place?



**Hon. Mr. Lang:** No, Mr. Chairman, I cannot agree with the Honourable Member. What it is attempting to do, I am sure that there is no minor reason, if you like, for throwing out the whole tax roll which has been an experience in some jurisdictions, and, to try to ensure that the tax roll can be accepted and the administration of government will continue to be paid for.

I think we all are realistic enough to realize that the assessment roll is a necessity for the taxing authority, especially the municipalities, and in turn the Territorial Government, and it is to attempt to ensure that the tax rolls cannot be thrown out through some minor discrepancy.

At the same time, I recognize the point that the Honourable Member is making, and we have extended the timeframe as my colleague will see in respect to information that I have provided when we went into Committee of the Whole for extending the time periods, but at the same time, if you do have a day where it is late for whatever reasons, the assessment cannot be turned around and be null and void.

I think that it is important, Mr. Chairman, because these things have to be provided for and circumstances can develop that could prevent you from delivering the roll on time or whatever. At the same time, I recognize that we have a responsibility to ensure that this is done and is there for consideration of the various taxing authorities.

Clause 15(1) agreed to

On Clause 15(2)

Clause 15(2) agreed to

On Clause 15(3)

**Clause 15(3) agreed to**

On Clause 16(1)

Clause 16(1) agreed to

On Clause 16(2)

**Mr. MacKay:** We are entering into this time schedule now that was issued to us by the Minister. Has this time schedule been dovetailed into the requirements under the Municipal Ordinance for budgeting, and are there any areas of difficulty that the municipalities might experience in trying to prepare their budgets to meet deadlines imposed in the Municipal Ordinance, as opposed to the information they will receive from the assessment authorities?

**Hon. Mr. Lang:** Two points. This has been worked out closely with the Association of Yukon Communities, and the taxing authorities that will have to work with them. Secondly, the important aspect that has to be realized is that there is a section at the end of the Bill that provides that where there is a conflict in dates, anywhere, with any other piece of legislation, specifically the one that the Honourable Member refers to, this particular piece of legislation will be overriding. In other words, the dates of this particular piece of legislation, once they come into effect, will be applicable. I understand it does meet the concerns of the AYC, and, in particular, the municipalities. Perhaps Mr. Smith has something further to add to that.

**Mr. MacKay:** If, for example, there was a requirement to forward a preliminary budget, by the municipality by October 31, and that the assessment roll was not completed until November 15, then the municipality would be quite able to postpone fulfilling their duties under the Municipal Ordinance, until this information was received.

**Hon. Mr. Lang:** Yes, but it would appear, probably, that we will have our assessment roll prepared by the end of October. Is that not correct Mr. Smith?

**Mr. Smith:** We will have it prepared unless this legislation is passed prior to that.

Clause 16(2) agreed to

On Clause 17(1)

Clause 17(1) agreed to

On Clause 17(2)

Clause 17(2) agreed to

On Clause 17(3)

Clause 17(3) agreed to

On Clause 17(4)

**Mr. MacKay:** This section causes a bit of a problem, to me, because the clerical errors or omissions in the assessment roll may be corrected by an assessor at any time prior to the commencement of the sittings of the Assessment Review Board. It seems to me that, once you have sent out the notice to the taxpayers, that there should not be any changes made in that roll until it comes time for the Assessment Review Board to sit. It seems to me that

that would be the time, and that would be the necessary authority, at the time, to make these changes. In other words, the assessment roll, it seems to me, is something you almost cast a stone at at a certain point of time, to use an expression favoured by the Minister of Municipal Affairs. The changing of this, after the notices have been sent out, I think could be very confusing, not only to the taxpayer, but perhaps even to the assessing department. It seems to me the date you mail out these notices should be the date that assessment roll is frozen. Thereafter, any changes that are made should be made at the Assessment Review Board, even though a list of these errors or omissions is presented to the Assessment Review Board right at the beginning of the hearings, by the assessor.

You can see the problem. At what stages are all these changes going to be made, and the taxpayer may fail to file an appeal on the basis that he thinks it has been corrected and in fact it has not been.

**Hon. Mr. Lang:** Mr. Chairman, I will refer to the Chief Assessor.

**Mr. Smith:** Mr. Chairman, it is my understanding from the legal advice I have had that these clerical errors can only constitute for misspelling or an incorrect address or something like this. If it is a material error, or an error that affects the value of a person's property, or a change of the name on the assessment roll then it must be corrected by the Assessment Review Board and thereby any changes made by that Review Board, the owner of the property or anyone affected must be notified.

**Mr. MacKay:** So a clerical omission could not be the omission of a zero from the end of a value?

**Hon. Mr. Lang:** Mr. Chairman, if you compare the two areas that the Honourable Member is pursuing, (3) and (4), Subsection (3) refers to no material errors or omissions, (4), clerical errors or omissions. So, subsequently, there is a great difference.

The zero which the Honourable Member refers to after the assessment notices have been sent out—there would be no way that the assessment branch could correct or attempt to make any correction of an assessment notice. The (4) does allow, for example, if it is mailed to the wrong address or something, to try to expedite things. I think it is fairly clear. That does answer your questions, does it not?

**Mr. O'Donoghue:** A common error is the misplacement of a name between the two notices, the failure to put in the town, the failure to spell it correctly between two others and somebody rings up and says I never got my notice. They check through the list and find out why and so they make out a copy immediately. These are the common clerical errors.

Clause 17(4) agreed to

On Clause 17(5)

On Clause 17(5) agreed to

On Clause 18(1)

Clause 18(1) agreed to

On Clause 19(1)

Clause 19(1) agreed to

On Clause 19(2)

**Mr. MacKay:** Are we talking about contiguous parcels of land, here, where they are of the same nature? Are you suggesting that one assessment notice is all that is needed for someone who might own a piece of property in Mayo, and one in Haines Junction, and so forth? Would that all be lumped, under this section? It seems a little impractical.

**Hon. Mr. Lang:** Not to my understanding, would this allow us to send just one notice, instead of five or six notices, to one individual. Is that not correct, Mr. Smith?

**Mr. Smith:** I suppose it could be interpreted that far. It was not the Administration's intention. It was just if, for example, Joe Blow owned Lots One, Two and Three, in Block 4, in Mayo, those three notices could all be combined into one notice.

Clause 19(2) agreed to

On Clause 19(3)

Clause 19(3) agreed to

On Clause 20(1)

**Mr. MacKay:** Undoubtedly, some thought has been given to this, but could the Minister explain to the House the proposed territorial jurisdictions that the Government has in mind for these boards?

**Hon. Mr. Lang:** Basically, you are looking at an area such as Whitehorse, as I described earlier, that would also probably include the outlying areas around Whitehorse, down in the Watson Lake area, or Dawson, which might well take in Teslin, depending on the number of appeals, and all this type of thing. It really has not



been clearly established, the regions for that responsibility to be delegated. It is in process, and will be announced later on, at the first of the year.

I would like to ask the Honourable Member, in respect to the comments he has made throughout the day, if he is satisfied, now that we have gone through the Bill in respect to the Assessment Review Board, with the two areas of appeal. At one time we only had one, now we have two, then to the courts, with the legislation the way it is, as opposed to what his original interpretation was on the fine points of law.

**Mr. MacKay:** I am a lot happier. The two reassurances, one was that this is the way it is done everywhere else in Canada and that Yukon, up until now, has been an exception. Secondly, the use of the term "fair value" can give rise to a point of law if it is going to be deemed not to be applied. So I am a lot happier.

**Mr. Fleming:** I am just wondering, when they say "Assessment Review Boards", how many they do anticipate? For instance, I have a problem thinking that there are going to be a half a dozen or ten or twelve review boards of three people in the Yukon Territory who know enough about taxation to be muddling over my property and saying how much it is worth when I say it is worth something else. I just have a little problem with them getting the experts to operate with that many boards rather than maybe one board that really knew what it was doing.

**Hon. Mr. Lang:** The idea is to have a local board in an area covering a region. The other aspect, if you go on further, first of all you have the Assessment Review Board then you have the Assessment Appeal Board, which is a Territorial body which gives that second appeal to another body which has not dealt with the problem and possibly new evidence is given or whatever. The idea is to have a set region depending on what happens.

In some areas if the situation stays current, there are no major fluctuations in the assessed value of land or improvements, then you may as well not have any. So it will depend actually, on just what does give rise this coming year. But the idea will try to regionalize it and to try and have some local people who have a feeling for the community and at the same time have the ability to hear people who are coming forward who feel they have been unjustly assessed for the property they have in their possession.

**Mr. Fleming:** What the Minister is saying then, is that the Review Boards will be more than one, possibly many, but the Appeal Board is only one. I just looked ahead. Thank you.

Clause 20(1) agreed to

On Clause 20(2)

Clause 20(2) agreed to

On Clause 20(3)

**Mr. MacKay:** This is probably a routine section but I guess one of the concerns I would have about having groups of local people put in the position of judging other groups of local people, is trying to eliminate all cases of subjectivity or bias. I am wondering if this oath for affirmation of office will include that kind of statement, you know, whatever the legalese is that you are trying to put this person on their honour to resolve all personal biases and so forth, if this what that oath will be saying.

**Hon. Mr. Lang:** That was not the intent behind the oath but at the same time there is a certain amount of discretion and at the same time probably in-camera meetings, to certain extent, where the discussions are behind closed doors and that is where they should stay.

I think that it is fair to say that from the experience of the Department in the past, and I can only say what has been said to me at the municipal level, et cetera, that the people that have been appointed locally have taken their job very seriously and attempted to do the best job they possibly can in the circumstances that are presented to them and try to be as fair as they possibly can.

**Mr. Penikett:** Mr. Chairman, I must pursue this point because we did receive a bit of a lecture the other day from the Government Leader about the divine right of patronage of governments in the question of appointment to boards.

I do not remember where I saw it, whether it was in an earlier draft of this Ordinance or some reference somewhere to, in fact, clear intent to have some professional skills or some particular skills represented on these kind of boards. I think that is clearly the direction we should be going in, something which has a judicial power like this, much more than anything that resembles a patronage appointment.

I think that this is especially important and I say this with all seriousness, not only must justice be seen to be done in these cases, I think it has to appear to be done at all times. The Minister will know that Yukoners and especially Yukoners who reside in small

communities feel and express their political differences quite passionately. If the Minister were, for example, to appoint a number of people who were devoted supporters of the Government Party and even if those people were to, very impartially, very fairly, dispense justice under this law, they would still leave themselves very much open to the kind of attack placed on, if you like, partisan differences or political favours or political preference.

I think my honourable friend has said earlier that there should be, perhaps, if you had a lot of retired assessors around or a lot of retired lawyers or people who have particular skills, I would just say to the Minister now, as a bit of a plea, that he should do as much as possible, I think, to ensure that the people who are appointed to these things are technically competent rather than politically reliable.

I think that Mr. Flemming was hinting that a point that we should not have probably the jurisdictions so small that the people have no distance or attachment about the question. That is important in making judicial judgments, too.

So, if I were asked my opinion, I would probably prefer that the regions or whatever under this whole board system were fairly large, that the representation on it be reasonably broad, and in terms of the choosing of people of a certain type, I would very much go for people who had some demonstrated experience and professional knowledge rather than simply an honoured place in the local community and perhaps experienced in the practice of the political arts.

**Hon. Mr. Lang:** I will take the comments of the Honourable member the way they have been presented, and I appreciate them. I think it is fair to say that I have committed myself to the House, and I will do it again. Where there is a municipality, I will be asking that particular municipality to give a list of names, and also ask that they look for people of professional background. At the same time, this would apply to the local improvement districts, who know the areas better than I do, as well.

I feel that it has to be aired in the manner that the Honourable Member has said, so that not only does fair play take place, but it also appears, as the Honourable Member said, to take place. Subsequently, I believe that it is an authority and a responsibility that we will have to ensure, that the appointments to these boards are made in that manner, and I appreciate the comments made by the Honourable Member.

**Mr. MacKay:** I always understood patronage to mean that there was some benefit in the system to the person receiving patronage, and I do not see anywhere in this Ordinance where the members of the board are going to be paid anything for their efforts. Is that in here anywhere?

**Hon. Mr. Lang:** They are paid, and it is under the policy in respect to payment of boards. I think it runs in the area of one hundred or one hundred and fifty dollars a day. Is that not correct, Mr. Smith?

**Mr. Penikett:** A small point on that. It has just occurred to me, in thinking about it right now, and perhaps following Messrs. MacKay's and Fleming's points, that you might still be able to have some good local input, and have some professional balance, on such review boards, if, for example, you were able to, say, include a professional from Whitehorse, or someone, as well as a couple of local people that might be nominated by the LIDs and the Municipalities. That might give you the kind of balance that you want between, sort of, local knowledge and expertise. I do not know whether or not the Minister has thought about this, but that is something that might be considered.

Clause 20(3) agreed to

On Clause 21(1)

**Mr. MacKay:** Again, when I was reading through this section, I did not see where the conduct of the proceedings was going to be recorded at this level. I see that for the Appeals Board there seems to be a provision for recording. Was it the intention not to have these proceedings recorded? If so, how do you proceed with an appeal?

**Hon. Mr. Lang:** Mr. Chairman, the decisions would definitely be recorded. In Subsection (4), respecting conduct of proceedings before the Assessment Review Board, we felt that there should be some flexibility, and to do it by regulations so that, as time goes on, it can be altered and changed as we find that, perhaps, the proceedings that have been outlined initially are not really adaptable to the situation, they can be adapted quickly. There would definitely be decisions, and they would be recorded.

**Mr. MacKay:** Just a little concern there. I must assume, then, that the normal appeal processes that you go through at the first hearing, and you present all of your evidence, and if you lose that then you go to the next stage, and you present the judgment that was in question. But, usually you do not get back into the original facts

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again, and in this case you are going to have to go through the same procedure again at the next level, presenting all of the same evidence. I presume that that is what is going to be necessary if there is no recording of proceedings at the first level.

**Mr. O'Donoghue:** Many of the Members here have not appeared in these local review hearings, which are relatively informal. They are normally set in a few chairs around. The applicant, and groups of applicants, come in to explain what the main point is. The assessor is there. If evidence is taken, it is usually very short, because the facts are almost never in dispute.

What is in dispute is the opinion which the assessor is giving on the evidence which is admitted by everybody as a fact. Basically, it is the opinion of the assessor against the opinion of the applicant. There might be one in perhaps five hundred appeals in which a lawyer would be represented. Perhaps fewer than that. When it goes to the higher court, it is quite a different thing. In this case it would be the Review Board. It is a different thing, and more formal. A person who wants to go that far will usually have to have professional advice, if it is an important matter. If it is not, he may not. It would still be relatively informal. It is not a point of law, though. They have never solemnly recorded the evidence in the local boards. The Chairman makes notes about who the witnesses are. He makes written decisions in each case, and there has never been any difficulty about it so far. It is a big expense for the local areas to have to provide the typing of transcripts. The whole system slows down, and it could not be heard in the time span to go ahead, if everything were recorded in the same as the court.

On Clause 21(1)

Clause 21(1) agreed to

On Clause 21(2)

Clause 21(2) agreed to

**Hon. Mr. Graham:** I move that Mr. Chairman report progress on Bill Number 26 and beg leave to sit again and that Mr. Speaker do now resume the Chair.

**Mr. Chairman:** It has been moved by Mr. Graham that Mr. Chairman report progress on Bill Number 26 and begs leave to sit again and that Mr. Speaker do now take the Chair.

Motion agreed to

**Mr. Chairman:** At this time I would like to thank Mr. Smith and Mr. O'Donoghue for being with us as witnesses. They may be excused. Thank you, gentlemen.

**Mr. Speaker resumes the Chair**

**Mr. Speaker:** I would now like to call the House to order.

May we have a report from Chairman of Committee.

**Mr. Lattin:** The Committee of the Whole has considered Bill Number 26, An Ordinance to Amend the Taxation Ordinance and directed me to report progress on same and beg leave to sit again.

**Mr. Speaker:** You have heard the report of the Chairman of Committee. Do you agree.

**Some Members:** Agreed.

**Mr. Speaker:** Leave is so granted. May I have your further pleasure.

**Hon. Mr. Graham:** I move, seconded by the Honourable Member from Carmacks that we do now adjourn.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Tatchun, that we do now call it 9:30.

Motion agreed to

**Mr. Chairman:** This House now stands adjourned until 1:30 p.m. tomorrow.

The House adjourned at 9:26 p.m.

**Whitehorse, Yukon****Tuesday, October 16, 1979**

**Mr. Speaker:** I call the House to order.  
We will proceed at this time with Prayers.  
Prayers

**DAILY ROUTINE**

**Mr. Speaker:** We will proceed at this time with the Order Paper.  
Are there any Documents or Returns for Tabling at this time?

**TABLING OF DOCUMENTS**

**Hon. Mrs. McCall:** On March 28th, the Honourable Member for Campbell asked some questions and I would like to table the written answers.

**Hon. Mr. Graham:** Mr. Speaker, I would like to table the answer to a question by the Member from Campbell, concerning Teslin area school buses.

**Mr. Speaker:** Are there any Reports of Special or Standing Committees?

Presentation of Petitions?  
Reading and Receiving of Petitions?  
Introduction of Bills?  
Notices of Motion for the Production of Papers?  
Notices of Motion?

**NOTICES OF MOTION**

**Mr. Penikett:** Thank you, Mr. Speaker, I would like to give Notice of Motion, moved by myself, seconded by the Honourable Member for Faro,

THAT a Special Committee on Constitutional Development be established;

THAT the membership of the committee be set by separate motion of this House;

THAT there be a chairman and vice chairman of the committee, one of whom will be an Opposition Member;

THAT the committee make arrangements to meet separately or jointly with individuals, groups and organizations, including but not restricted to the Council of Yukon Indians for the purpose of discussion of constitutional development in Yukon;

THAT meetings of the committee be held in-camera, if the committee determines that such meetings would be more productive by so doing, or if any individual group or organization will meet with the committee only on that basis;

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the committee;

THAT the committee be empowered to seat during periods when the Assembly prorogued or adjourned;

THAT the committee provide interim reports to the House on the number of meetings it has held with individuals, groups or organizations; and

THAT the committee, if it so desires, may make recommendations to the House on appropriate amendments to these terms of reference.

**Mr. Speaker:** Are there any further Notices of Motion?

Are there any Statements by Ministers?

This, then brings us to the Question Period. Have you any questions?

**QUESTION PERIOD**

**Question re: Foothills Oil Pipeline**

**Mr. MacKay:** My question is to the Government Leader, Mr. Speaker. Yesterday Foothills Oil Pipelines announced the withdrawal of their application to build a pipeline across the Yukon. Can the Government Leader say if he was given any advance notice of this?

**Hon. Mr. Pearson:** No, Mr. Speaker.

**Mr. MacKay:** Since the Government is committed to an economic expansion, does the Government Leader consider that this pipeline is now a dead issue, or is he prepared to pursue it?

**Hon. Mr. Pearson:** Mr. Speaker, everyone must understand that we are only dealing with the oil pipeline at this time. There has been no question raised by Foothills or anyone else in respect to the gas pipeline.

Foothills Oil Pipeline Limited will file a document with the National Energy Board in Vancouver on Monday, October 22. This document, in effect, is the information requested by the National Energy Board at the commencement of the hearings in Ottawa on October 2, 1979. The document should complete Foothill's application for the overland pipeline route from Delta Junction to Edmonton.

Mr. Speaker, it is my understanding that the application was withdrawn "temporarily" to ensure that at least one Canadian application was dealt with, the Trans Mountain application by the National Energy Board, before the U.S. President makes his decision respecting the competing proposals that have been submitted. There are eighteen interveners listed for the Trans Mountain application, and, as a result, it is conceivable that the National Energy Board will not complete its hearings by the deadline date of December 6.

**Mr. MacKay:** Since the project is a sister project to the gas pipeline and there was some indication in the news media last night, Mr. Speaker, that the non-settlement and the lack of progress in the Indian Land Claims was one of the reasons for the temporary withdrawal, has the Government Leader sought any assurances from Foothills Gas Pipeline that this is not going to cause the same fate for the gas pipeline?

**Hon. Mr. Pearson:** No, I have not been in contact with Foothills since the announcement was made.

**Question re: Dempster Highway - Winter Operation**

**Mr. Penikett:** I have a question to the Minister of Highways. The Interim Management Plan for the Dempster Highway suggested that the "issue of winter operations should be reviewed and a decision made as to whether a new policy is needed for the winter 1979-80 based on the findings made between now and then." Can the Minister tell the House as to what findings were made during the year in respect to opening the highway to traffic this winter?

**Hon. Mr. Lang:** The responsibility for the planning of the utilization of that highway, largely lies in the Department of Renewable Resources but I will take the question under advisement and provide the Honourable Member with the necessary information.

**Mr. Penikett:** I wonder if the Minister would also undertake to check and see if it is the Government's position that it agrees with the statements in both the Interim Management Plan and the Cost Benefit Analysis that once unrestricted traffic is permitted in a particular season it would be extremely difficult to place controls on it at a later date.

**Hon. Mr. Lang:** I think that the Honourable Member is making an assumption and therefore I do not think there is any reason to reply.

In any situation as time goes on, things can change and various regulations can be put on. I think it is fair to say that, from this side of the House, we have put in fairly stringent guidelines in respect of the Area Development Ordinance for the maintenance and also to take care of that particular area of the Yukon, more so than any other highway.

I cannot buy the Honourable Member's argument that the highway should never have been built. Hypothetically, if that were the case then we would never have had the Campbell Highway and probably still be in a situation of discussing how to get the ore out of Anvil.

**Mr. Penikett:** Mr. Speaker, he did not hear this Member say the highway should never be built but given that the Cost Benefit Analysis makes a case against the winter maintenance of the Dempster Highway, and given also the several unknown factors including social impact, differential rates of inflation and transportation costs, cost of additional snow removal and construction of snow sheds and financial impact on Old Crow through disruption of caribou supply will only serve to support the argument against winter maintenance. Can the Minister tell the House why he is

proceeding with the winter maintenance regardless?

**Hon. Mr. Lang:** Mr. Speaker, I think we have had this debate before. I think that first of all the Honourable Member obviously has not read the report. The report says it cannot give either strong justification, I am paraphrasing now, strong justification for closing the highway or leaving it open from an economic point of view.

I think it is fair to say, Mr. Speaker, that in the long term that highway will be a major corridor in respect to servicing that particular area of the north. It is obviously in the national interest, it is under our cost sharing agreements with the Government of Canada on an 85 per cent/15 per cent split. In other words, the 85 per cent is from the Government of Canada. The Government of Canada obviously thinks that it is in the national interest. They have reached an agreement, as I said earlier in the Session, with the Northwest Territories Government in respect to their obligation for keeping the highway open.

**Question re: Dempster Highway Opening**

**Mrs. McGuire:** Yes, a question to the Minister of Highways, on the Dempster: during the official opening of the Dempster Highway, did you have representatives from Old Crow and, if not, why not?

**Hon. Mr. Lang:** Mr. Speaker, it was my understanding there were representatives from Fort McPherson. I am not too sure if people were invited from Old Crow. The responsibility for organizing that particular event was the responsibility of the Federal Government, not of this Government. We were invited just like anyone else.

**Question re: Burwash School Funding**

**Mr. Fleming:** Yes, Mr. Speaker, a question to the Minister of the Department of Education, regarding the Burwash School, the approximate \$150,000 that was mentioned by the Minister on the news yesterday.

Is there any portion of this that will be shared by the Federal Government?

**Hon. Mr. Graham:** No, Mr. Speaker, we have sole responsibility for education in Yukon and we will bear the cost.

**Mr. Fleming:** Supplementary, Mr. Speaker, was there any consultation with the Federal Minister, prior to the decision to fund the cost?

**Hon. Mr. Graham:** Mr. Speaker, the only consultation held with the Federal Government was with the previous Minister, who turned it down. We held no consultation with the present Government of Canada at all.

**Mr. Fleming:** Yes, Mr. Speaker, thank you. As I understand the Indian Act, it is the responsibility of the Federal Government, the Department of Indian Affairs, to carry out such things as this.

Does the Minister feel that the Department of Indian Affairs is coping out on this situation?

**Mr. Speaker:** I must say the question is rather borderline, however, we will permit an answer.

**Hon. Mr. Graham:** Mr. Speaker, the Department of Indian Affairs still pays some of the costs that are reflected in our Budget. We do not get specific funds for the education of Status Indians.

We have assumed the responsibility for educating all children in the Yukon Territory and I hope that we are carrying that responsibility out to the best of our ability.

**Question re: School Committees**

**Mr. Byblow:** I have a couple more questions for the Minister of Education on the same topic.

By virtue of the provisions in the memorandum of agreement with the Kluane Tribal Brotherhood where an education committee is established with certain powers and responsibilities, does the Minister anticipate, Mr. Speaker, any expanded powers to be legislated to school committees across the Territory in the near future?

**Hon. Mr. Graham:** Mr. Speaker, I do not see any expanded powers for any school committees across the Territory, because virtually all school committees in the Territory presently have the authority that has been given to the education council in Burwash Landing.

**Mr. Byblow:** Mr. Speaker, I believe that the provision of the new committee has at least one expanded power. Nevertheless, I do not wish to enter into debate.

To expand further on the topic, with respect to the building used for the Burwash School, was there any commitment with respect to its purchase by YTG?

**Hon. Mr. Graham:** I think, Mr. Speaker, if there are areas in this agreement that the Honourable Member opposite feels expand on present school committee responsibilities he should be specific.

To the other question, no, there have been no commitments by this Government at all as to capital funding of a facility in Burwash.

**Mr. Byblow:** Given the success of the Burwash School, Mr. Speaker, as I am sure we all would view with optimism, would it be the intention of this Government to purchase the school as a standard educational capital asset?

**Hon. Mr. Graham:** Mr. Speaker, this school presently belongs to the people in Burwash. We are in no position to walk in and say that we are now buying your school.

At some time in the future, I would imagine, if this agreement is carried on or if land claims are settled, there are so many variables, Mr. Speaker, I just do not know how I can answer the question.

This agreement is a one year agreement and we hope to see it continue in the future. That is about all I can say.

**Question re: Car Rentals**

**Mr. Fleming:** Yes, Mr. Speaker, a question to the Government Leader on the renting of U-drives in the Yukon Territory for different jobs, such as used in Watson Lake, all over the Territory.

Does the Government rent U-drives?

**Hon. Mr. Pearson:** Yes, Mr. Speaker, we do rent a number of U-drives during the course of the year.

**Mr. Fleming:** On the renting or the contracting, I would presume it would be contracting, of these U-drives, is the contract usually put out for bid as an overall contract of the Yukon, an overall for all of the jobs?

**Hon. Mr. Pearson:** Mr. Speaker, I would like to take the question and make sure I get the proper answer for the Member, if I can have notice.

It is my recollection that we, in fact, get quotes from the U-drive companies, at the beginning of the fiscal year.

**Mr. Fleming:** Yes, Mr. Speaker, my question now would be: if the Government, or Supply and Services, or the Leader of the Government finds that the contract is an overall picture in the Yukon Territory, in other words, just contracted from one U-Drive for every area, would it be possible that the Government would look into the situation where they could rent U-Drives in three or four areas, such as Watson Lake, Dawson City where there may be a small U-Drive company that may wish to bid on a smaller contract.

**Hon. Mr. Pearson:** Mr. Speaker, I am confident that there is no specific contract or policy that specifies that Government employees, when renting U-Drives will rent from one specific company. I do not think that there is a policy such as that in place because I am aware of instances when U-Drives have been rented from different companies in different communities.

**Question re: Health Services Transfer**

**Mr. MacKay:** I have a question for the Minister of Human Resources. We have heard very little recently about the progress, or lack of it, of the so-called transfer of Health responsibilities. Perhaps the Minister could give the House an update.

**Mr. Speaker:** The question, again, seems rather broad, but if the Honourable Members could be a little more specific in their questions they would fall more closely within the rules.

**Hon. Mrs. McCall:** Mr. Speaker, I have heard very little about it either.

**Mr. MacKay:** I appreciate the Honourable Member's attempt to be brief. I too shall be brief. Why not?

**Hon. Mrs. McCall:** Mr. Speaker, it has been delayed, as far as I know, because of the whole question of Indian Land Claims. That is why it is being held up.

**Question re: Dempster Highway - Year Round Maintenance**

**Mr. Penikett:** Thank you, Mr. Speaker. I have another question for the Minister of Highways. If large cost overruns occur this year in the year round maintenance of the Dempster, will the Minister consider reviewing his decision on winter maintenance for the following year?

**Hon. Mr. Lang:** Mr. Speaker, I think the Honourable Member is making an assumption. As he well knows, a lot is going to depend on what type of winter we have in that particular area. For that matter, across the Territory as far as our projections are concerned, and subsequently, the question that the Honourable Member is asking would be reflected in the Budget.

**Mr. Penikett:** Thank you, Mr. Speaker. Has the Government considered the construction of new roads or the upgrading of existing

roads to which the Dempster Highway gives access?

**Hon. Mr. Lang:** Mr. Speaker, if I understand the Member correctly, I think he is referring to roads going off of the Dempster Highway. No, we are not presently constructing any roads off the highway, at least to my knowledge.

**Mr. Penikett:** Thank you, Mr. Speaker. In considering any proposals to construct such roads that connect to the Dempster, will the Government be applying the same stringent environmental, social and economic standards that they have done in the question of the Dempster?

**Hon. Mr. Lang:** Mr. Speaker, it would have to be looked at at that time.

**Question re: Community Boards**

**Mrs. McGuire:** Yes, thank you, Mr. Speaker, I have a question for the Minister of Municipal and Community Affairs.

Is it standard practise for this Government to set up community boards, for instance Yukon Housing, without specific guidelines, rules or regulations to follow?

**Hon. Mr. Lang:** Not generally, Mr. Speaker. I would ask that the Honourable Member be a little bit more specific.

**Mrs. McGuire:** Mr. Speaker, I cannot explain that without a question. I have a supplementary.

If a person or several people have complaints which cannot be resolved at the local board level, can they then come before a board of appeal, if there is such a board, and would the Minister be prepared to intervene?

**Hon. Mr. Lang:** Mr. Speaker, if problems cannot be resolved at the local level, I would suggest that they forward them to the Yukon Housing Corporation, which is designed to administer the day-to-day administration of the Housing Corporation.

**Question re: Dempster Highway Maintenance**

**Mr. Penikett:** Thank you, Mr. Speaker. I have another question for the Minister of Highways.

Can the Minister confirm that this Government is seeking to renegotiate the present agreement with the federal government concerning maintenance costs to the Dempster Highway, which expires in five months, on March 31st, 1980?

**Hon. Mr. Lang:** No, Mr. Speaker, we are not renegotiating the O & M costs of any of our highways. The whole thing is negotiated through the balance of the year and then figures are agreed upon between the Government of Canada and the Government of the Yukon Territory.

**Mr. Penikett:** Thank you, Mr. Speaker. In view of the findings of the Cost Benefit Analysis commissioned by the Minister, can he inform the House as to whether the Government will request a higher percentage of the maintenance costs of the highways be borne by the Federal Government?

**Hon. Mr. Lang:** Mr. Speaker, I think it is fair to say the Government of Canada is pretty well carrying the whole load indirectly in respect to the highway costs on that particular highway. I think at the same time the Honourable Member, in speaking at the beginning of the Session, referred to jobs and the lack thereof and other aspects in respect to the economy of the Yukon Territory. There are certain jobs that are being made available to people of the Yukon. I think we do have a certain responsibility.

Perhaps, Mr. Speaker, if the philosophy is to not take any of the responsibility and taking it accordingly, perhaps the Honourable Member has a point but I do not believe he has. I think we are carrying our responsibility and the Government of Canada is carrying theirs.

**Mr. Penikett:** Given that the report found that the benefits flow to the oil companies in the Northwest Territories and the costs in a large part to the Yukon, could the Minister tell the House what the Cost Benefit Analysis Report cost the government and whether the entire cost was borne by the Government of the Yukon.

**Hon. Mr. Lang:** It is my understanding that that particular Report was commissioned by the previous administration and I believe that the total cost would be borne by this Government. I think we would be looking in the area of about \$18,000. I would have to double check the figures.

**Question re: Resource Development**

**Mr. Byblow:** I have a question for the Government Leader. Very recently the Report of the Northern Mineral Advisory Committee was submitted to the Minister of Indian Affairs and Northern Development and it had a considerable number of rather important policy directives and recommendations on resource developments

in the North. Has the Government Leader had the opportunity to familiarize himself with the report or discuss it with the Minister?

**Hon. Mr. Pearson:** Mr. Speaker, yes, I have familiarized myself, or had the opportunity of familiarizing myself with the report. I am leaving Whitehorse next Monday evening, with your permission, and going to Ottawa. I will be meeting with the Minister in Ottawa and this particular subject is one that is on the agenda.

**Mr. MacKay:** Supplementary to that, can the Government Leader tell us if his Government's position will be to support the suggested tax exemption for northerners of up to the first \$8,000 of income.

**Hon. Mr. Pearson:** This report was one that was commissioned by the Federal Government. It was a Federal Government task force that presented the report and they presented it to the Minister. We have not been asked yet for any input into it nor any reaction to the report. As a consequence I cannot answer the Member's question because we just have not considered that report in that light yet.

**Mr. Penikett:** Thank you, very much, Mr. Speaker. I understand that the Government Leader is embarking on another Government mission tomorrow. I wonder if he could tell the House if he contemplates taking any financial advisor with him?

**Hon. Mr. Pearson:** Mr. Speaker, I am going to take the Leader of the Opposition with me. In all seriousness Tom Roberts from the Pipeline Branch and Grant Wilson from the Finance Department will be accompanying the Leader of the Opposition and myself to a symposium on the Alberta Heritage Fund which is going to be held in Edmonton on Thursday and Friday.

**Question re: Dempster Highway and Tourism**

**Mr. Penikett:** Thank you, Mr. Speaker. I have a question for the Government Leader which in view of the sound of his voice, he may wish to take as notice. Can the Government Leader say what the official stance of the Department of Tourism is in regards to the Dempster? In other words, is it actively promoting tourism in the area and has it in fact been developing promotional material particularly to attract people to the region this summer?

**Mr. Speaker:** Order, please. Just at this point I think that we are stretching the rules in respect of Question Period by pursuing this topic, this one particular topic. The questions, as the Chair is receiving them, would appear to be rather vague, and at times require rather lengthy answers, and I would draw the attention of Members asking questions to the rules of the House in respect of question period.

I will permit an answer to this, but I hope that the questions can be clear and concise and we could proceed with other matters. Otherwise, one could only conclude that we are entering into almost a debate on this lengthy question.

**Mr. Penikett:** I would submit with respect, sir, that my questions have been clear and precise on a particular matter of urgent public importance. I am in fact seeking to define, in Question Period, I think in an appropriate way, Government Policy on a number of particulars concerning this large policy question.

**Mr. Speaker:** The Chair has had no indication of a matter of urgent public importance and not having received a motion to this effect during the daily proceedings, and I would ask, in all fairness to both sides of the House, that we do not stretch the rules of the Question Period.

I admit that the Chair has been very, very lax in this regard, but it will necessitate a tightening of the rules of the Question Period which I hesitate to do. However, I will permit an answer from the Leader of the Government, but perhaps the Honourable Member would take into account what has been said.

**Mr. Penikett:** On the same point of order, I would beg your specific instructions as to how my questions, in particular, have erred in the rules of this House? I submit, Mr. Speaker, that I have been diligent in trying to, in fact, air my questions exactly in a manner which is permitted in our Standing Orders.

**Mr. Speaker:** Perhaps I would draw the attention of the Honourable Member to annotation 358 of Beauchesne, page 131.

**Hon. Mr. Pearson:** Mr. Speaker, as stated when we previously sat this spring, and we discussed at some length the Dempster Highway, its opening and the matter of whether or not it would be kept open this winter, I thought that we have made it clear at that time that we had a specific undertaking with the Government of the Northwest Territories that this year we would not promote tourism on the Dempster Highway. We would not advertise through our brochures the opening of the Highway, and we have not done so, Mr. Speaker.

**Mr. Penikett:** Mr. Speaker, I wonder if the Government Leader

can tell me if, in that regard, the Department or another agency of the Government did undertake any traffic studies this summer for volumes on the Highway and whether that monitoring may continue this winter?

**Hon. Mr. Pearson:** Mr. Speaker, I am certain that there is a traffic counter on the Highway. I believe it is on the bridge going across the Klondike. There may well be another one further up the road.

I am hopeful that the Department of Highways is doing these counts. There is a small instrument that simply has to be put on the road in order to do this.

I know that there was one traffic count done by Tourism, but I am not certain of what the results are. I can get that information for the Member.

**Hon. Mrs. McCall:** Mr. Speaker, I have an answer to a question previously asked by the Honourable Member from Faro, regarding the increase in personnel for the delivery of social services in the Faro area.

During the next year, the Department of Human Resources will be examining the service needs in all areas and will be evaluating the effectiveness of existing programs.

The previous incumbent special worker in Faro did suggest that an increase in personnel was required for effective social service delivery. An examination of case loads indicates such an agreement is not required at this time.

When a worker is hired into the Faro-Ross River position, that worker will be expected to be involved in evaluation of services and, should the result of this evaluation indicate a required increase in personnel, I shall be prepared to support such an increase.

I am determined to make decisions on man years and staff deployment on objective evaluations, rather than subject of opinions. I can assure the Honourable Member that should objective evaluations indicate that service is lacking in his constituency, the Department of Human Resources will be responsive to that need.

#### Question re: School Textbooks

**Mrs. McGuire:** Thank you, Mr. Speaker. I have a question for the Minister of Education.

Being as some north Highway home correspondence students are still waiting for some textbooks to complete their courses, I ask the Minister is there a shortage of textbooks in Yukon and why is there?

**Hon. Mr. Graham:** Mr. Speaker, as far as I know, there is no shortage of textbooks in Yukon and if the Honourable Member opposite wishes to leave the names of the students in question with me, I would be certain that the Department would be only too happy to get the textbooks to these children.

#### Question re: YTG Vehicles

**Mr. Fleming:** Yes, thank you, Mr. Speaker. I have a question for the Government Leader on the Supply and Services again, I guess on the matter of vehicles.

Does the Government have a dispatcher or something of this nature to determine when a person wants a vehicle or needs a vehicle, that he gets the vehicle that is suited to the job?

**Hon. Mr. Pearson:** Yes, Mr. Speaker.

**Mr. Fleming:** Yes, Mr. Speaker, a little explanation, last Sunday, when I was coming in, Friday, I guess, I had occasion to meet one of the library workers in the Yukon Territory who had a car and a load of books in the back of the car seat. I thought it was a very dangerous situation, for one thing, and not really what a car is used for.

I am wondering, does the Government have sufficient panel type vehicles to accommodate a job such as this?

**Hon. Mr. Pearson:** Mr. Speaker, we do have some panels, stake trucks, et cetera. It is conceivable that at that particular time there was not one available and I would assume that that was the case.

We did in the preparation of the Budget for last year, cut a number of vehicle requests made by departments from the Budget. This is a normal procedure, I think, and one that we have to watch very carefully.

Yes, we do have those types of vehicles. Whether we have enough of not is always a question. It is quite a moot question.

#### Question re: Alaska Highway Upgrading

**Mr. Fleming:** I have a question, Mr. Speaker, to the Minister of Highways. With the intended contract on the Alaska Highway from 770, I think it is approximately 777-792 in the Morley River area, I

think the government intends to straighten out about 20 or 25 miles of road. Does the Minister know what stage this contract has now been let or if it is going to be let in the near future?

**Hon. Mr. Lang:** No, but if there was a contract it would be under federal DPW. I will check into the matter for the Honourable Member.

**Mr. Fleming:** When the Minister does look into the situation on the contract I wonder if he could enquire for me whether the right of way clearing is in the general contract or whether it could possibly be let for a small contract for local hire, at the same time.

**Hon. Mr. Lang:** I think normally they are separated but I will have to take the question under advisement again.

#### Question re: Government Constitution

**Mr. MacKay:** This question is to the Government Leader. Yesterday, in answer to the question he stated that in his opinion his government was legally constituted. Can he tell us if this was a personal opinion or a professional opinion?

**Hon. Mr. Pearson:** Mr. Speaker, I am not absolutely certain what the Honourable Member means by professional opinion. The Minister of Indian Affairs and Northern Development has the responsibility for the administration of this Government via the Yukon Act, and he has delegated some of those authorities to the Commissioner of the Yukon Territory and some to the elected Members of the legislature who happen to hold a majority at any given time. With that point in mind, I would say, yes, we are legally constituted.

**Mr. MacKay:** This is of the gravest importance. We do have the Legal Adviser on staff. Could the Government Leader undertake to obtain that opinion for this House, to ensure that there are, in fact, no difficulties ensuing from recent changes?

**Mr. Speaker:** I would think that I would have to rule that question out of order. This almost gives a direction and is not appropriate in the Question Period. This is usually done by motion.

**Mr. MacKay:** With all due respect, Mr. Speaker, I was asking if the Government Leader would undertake to do something, I was not directing him.

**Mr. Speaker:** Well I think the Chair would have to take that as assumed direction and have to rule the question out of order regrettably.

#### Question re: Dempster Highway/Porcupine Caribou Herd

**Mr. Penikett:** Another question for the Government Leader. Can the Government Leader assure the House that if it is found that the use of the Dempster Highway proves detrimental to the Porcupine Caribou Herd that it will review the use of the highway and consider winter closure?

**Mr. Speaker:** Order, please. I think I made the point clear from the Chair that I think that the matter does not appear, to the Chair, to be so urgent that we use the majority of the Question Period on the same topic.

Perhaps Honourable Members would bear with the Chair, who is bound to look after and enforce the rules laid down before the Assembly, on both sides of the House. I would hope that Honourable Members, in asking their questions, would bear this in mind because we are detracting far, far from the rules of the House. There does not appear to be an urgency to these questions.

**Mr. Penikett:** Mr. Speaker, on a point of order. Would you, sir, refer me to the rule which says it does not permit a series of questions on the same topic?

**Mr. Speaker:** Well, I would draw the Honourable Member's attention to a rule which, if he has not yet read, states that questions should be asked only in respect of matters of sufficient urgency and importance as to require an immediate answer.

Listening to the line of questions this afternoon on this topic on traffic counters and this type of thing does not appear to the Chair to be very urgent.

Consequently, I will rule out, for the balance of today's Question Period, any further questions on that topic.

Are there any further questions?

**Mr. Penikett:** Mr. Speaker, with respect, sir, could you tell me what questions you are ruling out? Questions on traffic counters or questions on the whole area in which I am trying to solicit some information about Government policy.

**Mr. Speaker:** I would suggest to the Honourable Member that we are engaging, almost taking the Question Period into debate, which, of course, as all Members would agree, this is not the intention of Question Period. Question Period is intended to get



direct answers to direct questions on matters of importance.

If the Honourable Member wishes to continue questions related to the topic that he has chosen to deal with today at some length, then I would suggest to the Honourable Member the rules of the House provide other alternate ways of getting this information.

We will proceed. Have you any further questions.

**Question re: Transition Home for Women**

**Hon. Mrs. McGuire:** Thank you, Mr. Speaker. I have a question for the Minister of Health and Welfare.

Would the Minister subject herself to publicly voicing her support and her Government's support of the progressing Transition Home?

**Hon. Mrs. McCall:** Yes, Mr. Speaker. I am happy to do that. I consider that of the utmost urgency.

I am pleased to say the matter of the transition house is just being processed. It has just gone through and it is of great satisfaction to me.

**Question re: Daycare Legislation**

**Mr. Byblow:** I direct this to the Minister of Health and Human Resources and, if the Chair would permit it some latitude, I would like to thank her for a very thoughtful answer a moment ago. I believe we will carry on that matter in the confines of her office.

My question is on the topic of daycare legislation. Indications of this Government from the spring sitting of the Legislature, where that we could expect the introduction of government regulations or standards on daycare facilities, I would ask the Minister specifically if her Department is preparing such legislation and when we might expect it.

**Hon. Mrs. McCall:** Yes, Mr. Speaker, I would like to inform the Honourable Member from Faro that we are soon tabling legislation on daycare. I cannot give him the exact day, but very soon.

**Mr. Byblow:** Mr. Speaker, it has been argued, or stated by previous administrations that the imposition of minimum standards for daycare facilities would require financial aid to be put in place to bring about those standards.

Can the Minister indicate whether the imminent daycare legislation will be imposed without any financial incentive to upgrade the facilities?

**Hon. Mrs. McCall:** Mr. Speaker, I think until it is tabled, I do not think that I can answer that.

**Mr. Byblow:** Mr. Speaker, in light of the Minister's previous sentiments with respect to financial aid for daycare facilities, may I inquire if the Minister has changed her position?

**Hon. Mrs. McCall:** Mr. Speaker, I would like to tell the Honourable Member from Faro that I have never changed my position on daycare.

**Question re: Land Agreements for Sale**

**Mr. Penikett:** Thank you, Mr. Speaker. I have a question for the Minister of Municipal Affairs. Yesterday, in answer to a question about the cancellation of land agreements for sale, the Minister said: "If the individual does not do X amount of dollars worth of work and improvements on a particular lot, the land will revert back to the Government." Given that the owner of the house in question had simply not painted his windows, will the Minister assure the House that such precipitous actions will not continue?

**Hon. Mr. Lang:** Mr. Speaker, I think there should be some clarification in respect to the answer I gave yesterday. I said "X amount of dollars value". To be more specific what we ask is that the exterior of the home in question be completed by a certain date. In respect to the question that the Honourable Member has raised, it was just brought to my attention yesterday and I am pursuing it. Once I have a clear idea of what is taking place, I will be able to answer the Honourable Member's question.

**Mr. Penikett:** Thank you, Mr. Speaker. Perhaps I could ask a supplementary which the Minister may wish to take his notice. In view of the fact that the Wolf Creek lot sale is now about a year old and that many residents in that area are constructing their own homes with local materials, logs and such, which often takes more than a year, would the Minister be prepared to reconsider some of those regulations in the light of new lifestyles and new building methods?

**Hon. Mr. Lang:** Mr. Speaker, I am prepared to look at the situation when there is a late disposition of land, but at the same time I do not believe that I am in a position to go retroactive in respect to changing the various policy directives.

I have given my assurances to the Honourable Member from

Faro that I am prepared to look at certain aspects of it. But, at the same time, I think the Honourable Member is fully aware that the various local governments do request that homes be built and be built in a timeframe that is suitable for the construction of the home, and at the same time trying to get the exterior finished so that they do have a nice community. So these are all aspects that have to be looked at as well, Mr. Speaker.

**Hon. Mrs. McCall:** Mr. Speaker, I have an answer that was put to me by the Honourable Member from Whitehorse West regarding the Vietnamese refugee funding.

The Honourable Member asked how much of the fifty thousand dollar allocation had been spent. I can say now to this point, with regard to the funding, none of the fifty thousand dollar allocation has been paid to the Yukon Lifeline Society. It is available. An agreement has been drawn up between the Department of Human Resources and the Society, and I expect to receive a request for matching funds in the near future.

As to the further question, in regard to surplus funds being donated to some other Yukon charity, I must tell you that the fifty thousand dollars was appropriated for the purpose of funding Vietnamese refugees, and is not able to be used in any other way.

**Mr. Speaker:** I think that in view of the time this will now bring the Question Period to a close.

May I have your further pleasure at this time.

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that Mr. Speaker do now leave the Chair and we resolve into Committee of the Whole.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Mayo, that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole.

Motion agreed to

**Mr. Chairman:** I shall call the Committee of the Whole to order. At this time we will have a short recess.

Recess

**Mr. Chairman:** I shall call Committee of the Whole to order.

At this time, I would like to welcome our two witnesses, Mr. Smith and Mr. O'Donoghue.

We are considering Bill Number 26, Taxation Ordinance. Last evening, we got as far as 21(2).

**Mr. Byblow:** Mr. Chairman, I beg the indulgence of the House to allow us to go back to two sections for clarification's sake only.

One deals with ownership and the other deals with Section 8(2), on publication of assessment notices. I understand that this would require unanimous consent to debate these or to clarify the points I have. Will you enquire if we have that?

**Mr. Chairman:** There are two places we wish to return to. Do we have unanimous consent to go back to the definition of "owner", on page 3, and 8(2), on page 10?

**Hon. Mr. Lang:** Mr. Chairman, it is my understanding that the definition of "owner", I do not believe has been cleared through the House, has it? That is still open for discussion.

**Mr. Chairman:** That is correct. That one has been stood over.

**Mr. Byblow:** Is it my understanding that this one will be brought back again then?

**Mr. Chairman:** Yes.

**Mr. Byblow:** With respect to 8(2), could I just raise a point on that, with unanimous consent?

**Mr. Chairman:** Do we have unanimous consent?

**Hon. Mr. Lang:** Mr. Chairman, I would just like to make the point that we are trying to get through the Bill. I do not think that this side of the House has any problem, but I would like to stress to the House that we do not want to take this as normal procedure, reverting back to sections that we have cleared.

But, for this one time, we would be prepared to reopen that particular section to hear what the Honourable Member has to say.

**On Clause 8(2)**

**Mr. Byblow:** With respect to Section 8(2), on page 10, I have a problem with understanding what happens in the case of where you do not have a newspaper circulated on a weekly basis and circumstances unique in my riding, where there is a newspaper published every two weeks.

Perhaps we could have some indication of how this would apply,



because the clause reads that it "shall be published in an edition of a newspaper circulating in the Territorial jurisdiction of the taxing authority..."

**Hon. Mr. Pearson:** I cannot understand the question. The section does not refer to a weekly newspaper, a daily newspaper or a monthly newspaper. It just simply says that publishing in one edition of a newspaper circulating in the territorial jurisdiction. It has no reference to when or how often that paper might be circulated.

**Mr. Byblow:** I was simply enquiring for a clarification that it need not be a newspaper of any special frequency and that essentially is my question. So it is cleared. I have no problem.

**Hon. Mr. Lang:** That is correct.

**Mr. Chairman:** If there are no further questions I will consider subsection 2 passed, since we cleared it before.

Clause 8(2) agreed to

On Clause 22(1)

**Mr. MacKay:** I am interested in the mechanics of this section where it states, "A majority of the members of an Assessment Review Board constitutes a quorum, but a vacancy in the membership of the Board does not impair the right of the remainder to act."

If you have three members of this Board, it appears to be that is the number you are heading for, and you have one vacancy, then you do not have a majority except both of them, so is a mechanical problem going to arise?

**Hon. Mr. Lang:** That could be a problem but in the Legislation, what we are attempting to do, is state a minimum. It would be our attempt to probably have a board of five if possible. But in some particular cases, you may well only have three members on the board so we have tried to state a minimum but there are a great number of cases in this type of thing would be our intention to possibly appoint a minimum of five. In the legislation we are establishing a minimum and subsequently the problem that the Honourable Member has referred to, we probably would not encounter in view of that.

Clause 22(1) agreed to

On Clause 22(2)

Clause 22(2) agreed to

On Clause 22(3)

Clause 22(3) agreed to

On Clause 22(4)

Clause 22(4) agreed to

On Clause 23(1)

**Mr. Byblow:** Just a general question, very often you will find that it may be very difficult to find persons who do not have some direct, or indirect interest in real property. With respect to this section, are these persons appointed before it is known whether or not there is going to be any review on property?

**Hon. Mr. Lang:** Mr. Chairman, you are talking general overall philosophy and not the section of the Bill, it would be our intention to get a list of names of people who would be prepared to serve and if necessary, then the Board would be struck if there were complaints put forward that would necessitate the Board.

This particular section just applies where there is a class action, more or less, where all individuals are involved and properties are in question and subsequently then we would have to take another look and appoint other people to the Board to hear that specific complaint.

**Mr. Penikett:** The fact that Mr. Byblow asked this question has really got me thinking. Should Cyprus Anvil, for example, decide to appeal some part of the assessment in Faro, and you wanted to maintain the principle of having some kind of local representation, you might have a great difficulty, I would suggest, in finding persons who, somebody might argue, were not indirectly involved in property as senior employees. I hope that you do not have that kind of problem arise, but I can conceive of it happening.

**Hon. Mr. Lang:** Mr. Chairman, I would be the last one to say that it would not arise, and I hope that we have taken the necessary provisions in the legislation to be able to deal with it. We could well be in a situation which was major enough to cause people from another community to go out and hear that particular complaint, depending on the situation as it arises. The point in the legislation is to attempt to put provisions there so that we have the ability of doing that with the sanction of the Legislature.

**Mr. MacKay:** I think it is probably worthwhile to add my concerns

to those expressed last night by the Member from Whitehorse West, with respect to the composition of the boards and with respect to the conflicts that may well arise, particularly in the smaller communities.

I think this section is an appropriate one to look at that, perhaps, because "indirectly", that word "indirectly", is a very broad word. It could be construed that if you own property in the same town and that somebody is complaining about an assessment that that would have an indirect effect upon your situation.

So, the problems of smallness which are more or less unique to Yukon are again cropping up. I think that, again to go on the record, the Minister is going to have to be very, very careful as to how he selects his boards, how they are operated under the regulations that the Commissioner is going to make, and also how the appeal process, because I think the ultimate safeguard is that you will go to Yukon-wide appeal board, how the appeal process is handled and if there are grounds for appeal on the basis that the local person just did not feel he got a fair hearing from his local competitors or local rivals or local friends.

These are very difficult human concerns to express in legislation, but I think it is important that this House be on record now as saying that this is something you have to be very concerned about.

**Hon. Mr. Lang:** Mr. Chairman, I do not think that we can discount the experience that we have had in the past with what was termed the Court of Revision.

For example, the Municipality of Dawson had the Court of Revision and I think, in fairness to the people, I think to a large extent we could argue smallness is perhaps advantageous because it makes people more familiar with the situation.

I think once they are appointed to a board of this kind and they serve, I think it is done as objectively as it possibly can be.

At the same time, the Honourable Member has pointed out we do have the appeal procedure that we did not have before, which will give that second step that the Honourable Member felt was perhaps lacking when he first initially spoke to the principle of the Bill. I think he is satisfied now that we have tried to take that into account and to have that appeal procedure for an individual if they feel their complaint has not been heard objectively or has not been scrutinized in the manner that it should have been.

So I think that, overall, Mr. Chairman, the composition of the boards are going to be very important, there are no two ways about that. I can stress again that we will attempt to get people, in some cases, with some background in the area of assessment, if we possibly can.

At the same time, we do not want to turn it into a legal battle or anything of this nature. So it is a very difficult area.

The other situation, too, I think that will well be taken into account is the possibility that in some of the smaller areas, if it does come about that these boards have to be struck, then the possibility of maybe having a representative from, say for example, the Whitehorse area or something, as chairman.

Perhaps that will maintain the integrity of the boards that is being questioned here at the present time.

I do not think we can underestimate the people of Yukon. I think that, overall, anyone that is appointed to this type of a board would take it very seriously, if they accepted such an appointment.

On Clause 23(2)

Clause 23(2) agreed to

On Clause 24(1)

Clause 24(1) agreed to

On Clause 24(2)

Clause 24(2) agreed to

On Clause 25(1)

Clause 25(1) agreed to

On Clause 25(2)

Clause 25(2) agreed to

On Clause 25(3)

**Hon. Mr. Lang:** Mr. Chairman I would just like to point out a typing word on the second line, the word "assessment".

**Mr. Fleming:** I have the same question that came up before. I find that after going pretty well all through, I find where the Commissioner has the authority where a question respecting the revision of an assessment roll or the adjudication of a complaint with respect thereto is not wholly within the territorial jurisdiction of one Assessment Review Board, the Commissioner may decide which

Board shall deal with the matter, which covers that area. It does not cover the areas over which I am really concerned, and that is the small towns such as Teslin, Carmacks, Carcross. I just do not see a section which allows the Commissioner to have a Board from another jurisdiction in that case.

This one, I do not think covers that because it says as I read before, one Assessment Review Board, the Commissioner may decide which Board shall deal with the matter. That is for one that is not wholly within the territorial jurisdiction of the other. I do not quite understand it.

**Hon. Mr. Lang:** My understanding of this section is that it does just what the Honourable Member wants it to do. For example, if there were a board struck to hear the complaints in the Watson Lake area and there are one or two complaints outside of, say, the Teslin area, it could well be rather than striking another Board we could say, look, those two complaints will be heard by the Assessment Review Board from that particular area. It does leave that flexibility so that we are not striking a Board to hear maybe one or two complaints. I think, and I would bow to the Assessor, that is my understanding of this section. Perhaps Mr. Smith has some comments.

**Mr. Smith:** Mr. Chairman, I believe that (3) refers to, let us use the example that if two boards were created and there was an appeal lodged by one person that had properties in the two jurisdictions, say right on the border, and the appeal was related to both properties under the same circumstances, then this simply would allow the Commissioner to decide which one of those two boards was going to hear this particular complaint.

**Mr. Fleming:** Yes, that is my concern. I am wondering, maybe farther on, or have we missed a section that would allow the Commissioner to have a board from another area, say the area of Carmacks, act in Teslin, if the residents of Teslin have conflicting interests and so forth and so on, and disagree, and will not act on the board. Can he or she get another board?

**Mr. Smith:** Mr. Chairman, to try and explain it in more detail, hopefully that Mr. Fleming will feel that we are trying to treat everyone fairly here, I believe that it is the intention, I know it is the intention of the administration and I hope it is the intention of the Government, and they have informed me that it is, that if we have a bunch of appeals or complaints about the assessment in Teslin, then very likely we would appoint a board for that particular area to hear those complaints.

Now, if, in consultation with people around Teslin, we cannot find sufficient people to act on that board, then we would go outside of the particular area to appoint people who would serve on the review board in the Teslin area.

**Mr. Fleming:** Then I agree wholeheartedly, but, what I am asking is where is it in the legislation that says that? That is all I am asking?

**Hon. Mr. Lang:** Mr. Chairman, if the Honourable Member refers back to Section 20(1), it states: "The Commissioner shall establish from time to time one or more Assessment Review Boards, and he shall prescribe their territorial jurisdiction so that all assessable real property is within the territorial jurisdiction of one Board or another."

I think that outlines exactly the question that the Honourable Member has asked. As I have said, and I am sure that Mr. Smith will agree, that if there are only two or three complaints we could well put it into the region of the Watson Lake area to be heard, rather than to strike an individual board.

So, that flexibility does exist and it is determined, Mr. Chairman, in respect to the number of complaints, really. If you look at the timeframe that is scheduled, you have to give ten days' notice if you are going to complain and that will give the opportunity to review and make the necessary appointments to have an assessment review board struck.

**Mr. Fleming:** Mr. Chairman, I wonder if the Legal Advisor could give me a little explanation as to that, that "all assessable real property within the territorial jurisdiction of one board or another".

In other words, does that allow for what we are asking for, say that a board from Carmacks could act in Teslin?

**Mr. O'Donoghue:** Mr. Chairman, this is not the section that does that kind of thing. The Commissioner has the power to set the territorial jurisdiction of a board, but, occasionally, where the boundary is set on a survey point or whatever, it might be a piece of farm and maybe, accidentally, we discover that there is an overlap, then the question is, is that in the Watson Lake region, or is it in the Teslin region?

Then, the Commissioner decides that dispute and he says that board will hear it or that board will hear it. But, it has to be one board to decide a single piece of property, not two.

**Mr. Fleming:** Mr. Chairman, I am going to submit that the question is so simple that they cannot answer it.

**Hon. Mr. Lang:** Mr. Chairman, I think that, in fairness to the Member, he is referring back to 20(1) as opposed to the subsection that we are dealing with at this time.

I would ask for the Legal Advisor's interpretation. But section 20(1) does answer your question. It allows the creation of a Board to take in an area, and you could well include Teslin in the Watson Lake Assessment Review Board for the purposes of hearing complaints. A lot of it will be dictated by the number of complaints that come forward. Is that not the question that you wanted answered?

**Mr. Fleming:** If that is the answer, then that is the answer that I wanted: yes or no.

**Hon. Mr. Lang:** I said "Yes."

Clause 25(3) agreed to

On Clause 26(l)(a)(b)(c)

Clause 26(1)(a)(b)(c) agreed to

On Clause 26(1)(d)

**Mr. MacKay:** I am concerned about the land that has been improperly classified according to region, class or use. The "use" part is concerning me. Are we getting into zoning at this point? Is the Board going to be getting involved in discussing zoning?

**Hon. Mr. Lang:** Mr. Chairman, I would have to bow to the Chief Assessor, but it is my understanding that it is one of the areas that would dictate the value of your property and would have to definitely be taken into account in any fair value that is established for a piece of property. Perhaps Mr. Smith has something further to add.

**Mr. Smith:** Mr. Chairman, this particular section is inserted to compensate for something that is coming up a later date. Perhaps I can clarify: a provision has been allowed for in this particular Bill, as the Minister previously stated, that would allow a taxing authority to classify property into different classes according to their region or their use. This simply would then allow, if a taxing authority said that they were going to tax commercial properties at a higher rate than they are residential properties, then this would allow for that classification and allow for the appeal of that classification.

**Mr. MacKay:** This is probably just more of an information question, but what happens when the board gets into a situation where the zoning is for one thing and the use is for another and the assessment is based upon the zoning, presumably? Has the board got any power to deal with that kind of situation?

**Mr. Smith:** Mr. Chairman, I would think that that would have to be covered off in the regulation of the taxing authority when they define which property is going to be taxed at different rates, if they do.

**Mr. MacKay:** I guess my question was indirectly asking whether this section (d) would permit what I thought was not a permissible area of appeal, that was appealing the zoning, municipal zoning. Would this section permit the board to begin to get involved in that kind of thing?

**Hon. Mr. Lang:** Mr. Chairman, no. It is my understanding that if you want to appeal zoning there are certain sections under the Municipal Ordinance that give the procedure to be followed.

All you are doing is you are stating that your land has been commercial and, actually, it is not in a commercial area. That would be the argument the way I understand it.

**Mr. MacKay:** I do not want to belabour it because I think the point is almost there, but I think that when drafting this Bill, the drafters had the particular idea of different regions that a municipality may establish for different tax rates.

I am wondering, though, if in the process of doing that they have opened up the door for people to go in and fight their values, based upon their zoning, which they previously, I do not think, have been able to do.

**Mr. O'Donoghue:** No, Mr. Chairman, that is not my opinion that that would do so. This is a fight over money, over tax. Nothing that the assessment appeal board or assessment review board would do will give a person permission to do something, lawfully, which the municipality has previously forbidden them to do.

The same situation as it was when we were talking about it, does a squatter get any rights because he happens to pay taxes? In

**Mr. Fleming:** Yes, Mr. Chairman. We are on 26(1) or have we passed 26(1)?

**Mr. Chairman:** We are on 26(1)(d).

**Mr. Fleming:** I do not want to belabour this thing, either, because I think I am all for this Bill and all the rest of it.

However, the question I brought up before and then reading this one here, I have become sort of apprehensive as to the answers I got before, saying yes, that any board can operate and so forth, because it says right here "...complaint relating to an entry on an assessment roll in relation to real property may be made to the Assessment Review Board within whose territorial jurisdiction the property lies, where the complainant alleges that..."

They go right back to say that is the place that it will be and that is the board that will handle it. This is the question I had a while ago. Does that hold water or does the other one that you have? You have a different interpretation than the one I have in 20(1).

This one says exactly what I was saying before, I feel that this Ordinance does not have anything that allows a board from somewhere else to operate. It says this board in that jurisdiction, right there.

**Hon. Mr. Lang:** Mr. Chairman, the point that has to be made is that territorial jurisdiction is outlined once the board has been struck.

As I used the example for the Watson Lake area, we could well include the Teslin area for consideration of the territorial jurisdiction for that particular board.

So it does provide it. The board is struck and, along with the creation of the board, you define what the territorial jurisdiction of that particular board is, the region if you like. So, it is taken care of.

**Mrs. McGuire:** I was just wondering, on this section or any section, where is farm land or agricultural land being treated?

**Hon. Mr. Lang:** The agricultural land would be assessed, at the present time, just like it has been in the past, a fair value in most cases, a minimum tax is exercised on properties the Honourable Member has indicated.

Clause 26(1)(d) agreed to

On Clause 26(1)(e)

Clause 26(1)(e) agreed to

On Clause 26(2)(a)

**Mr. MacKay:** I think this represents a fairly major departure from previous legislation and by restricting the source of any complaint to those who appear on the tax roll. I think I probably agree with that. However, perhaps for my own clarification are we again talking about some of these jurisdictions, if a name appears on the assessment roll of the Yukon can that person appeal in any place? If it was a Yukon taxpayer can he say, I do not agree with how they are assessing Dawson City, I want to go up there and appeal it, or is it restricted to only someone who lives within that jurisdiction of the Appeal Board?

**Hon. Mr. Lang:** He would be restricted in the area where the assessment roll had been done. The way I understand it, he would be appealing his assessment on that roll and therefore would appeal in that jurisdiction where the Assessment Review Board was sitting. If he was not happy there then he has his appeal.

**Mr. MacKay:** That answers one part of it. My other point was that, what if a taxpayer wishes to complain about another person's assessment which is allowed for in here. Can he do that, across jurisdictional boundaries of these Appeal Boards even though his name does not appear on that assessment roll on which he wants to make a complaint?

**Hon. Mr. Lang:** I would have to bow to the Chief Assessor but I would say yes.

**Mr. Smith:** It seems this is a legal thing. I would bow to the Legal Advisor.

**Mr. Chairman:** Mr. O'Donoghue, we bow to you.

**Mr. O'Donoghue:** I am very flattered, Mr. Chairman.

The section seems to me, clear. You must remember that we have four assessment rolls so a person can appeal, if he is on one particular roll he can appeal anyone else's as well as his own. The Commissioner's roll embraces the whole territory, Faro, Dawson and Whitehorse so a person who is a taxpayer can appeal in relation to the roll on which he is on. The person who appears on the Assessment Roll, for the Assessor, naturally, the taxing authority, naturally, and any person whose name is on the roll or who has been omitted by accident, those are the people who can appeal.

**Mr. MacKay:** I would hesitate to engage in a legal discussion with the Legal Advisor because I know that I would lose. The definition

"assessment roll" in the front does not say, as far as I can see, that it is for assessment rolls. It says that the assessment roll means the assessment roll in respect of the taxing authority within whose jurisdiction the property assessed lies which would indicate that if the assessment roll was the Whitehorse assessment roll that somebody living outside of Whitehorse could not appeal an assessment.

**Mr. O'Donoghue:** Correct, Mr. Chairman.

**Mr. MacKay:** I do not agree with that. I have asked the Minister to address that question as to whether that was deliberate policy on his part that somebody living outside of Whitehorse could not appeal an assessment inside of Whitehorse or vice versa, somebody living in Whitehorse could not appeal any assessment outside of Whitehorse.

**Mr. O'Donoghue:** Mr. Chairman, if I could address the question that is before us. If it is a party whose name is on another assessment roll, living is not the criterion here, in fact.

**Hon. Mr. Lang:** Mr. Chairman, I think we have to have a look at this particular subsection. Could we set it aside?

Clause 26(2) stood over

On Clause 26(3)

Clause 26(3) agreed to

On Clause 26(4)

Clause 26(4) agreed to

On Clause 26(5)

Clause 26(5) agreed to

On Clause 26(6)

Clause 26(6) agreed to

On Clause 27(1)

Clause 27(1) agreed to

On Clause 27(2)

Clause 27(2) agreed to

On Clause 28(1)

**Mr. MacKay:** I am wondering if the power to require attendance at the swearing in and examination of witnesses is a power that is commonly given to a layman Board?

**Hon. Mr. Lang:** This is roughly the power that was with the previous Court of Revision.

**Mr. MacKay:** Did the court of revision, in the past, we touched on this subject yesterday, but we are now saying very informally this is how the board can work, but did the court of revision have recording of proceedings going on or were they operating in the very casual manner which the Legal Advisor explained yesterday?

**Hon. Mr. Lang:** Mr. Chairman, I have never served on one so I would have to bow once again to one of the witnesses.

**Mr. O'Donoghue:** No, Mr. Chairman. The chairman kept an informal running record of who gave evidence and the substance so that the board itself could refresh its memory at the end of the particular case when they would adjourn for the decision.

Sometimes they took them in batches and they took particulars, but there was no recording of evidence in the way that you would use that as a technical term.

**Mr. Fleming:** It is not a question, really. I would like to make a comment, though, that I just do not quite see that an Ordinance, when a review board gets into the position where they can subpoena witnesses in a case like this, that somebody is there and has a complaint about his taxes or something in this nature and then all of a sudden he finds that across the way his neighbour can be subpoenaed and made to come forward as a witness, more or less at his trial. I just do not get this section at all or see why it is in there.

I do not think it is necessary, in other words.

**Hon. Mr. Lang:** Mr. Chairman, if you do have a complaint, you want to hear the pros and the cons of it. You may well be in the position of having to require somebody to attend as a witness so you can have all the information.

Perhaps the Legal Advisor can elaborate further.

**Mr. O'Donoghue:** Mr. Chairman, there is not generally any reluctance on witnesses to attend proceedings in the Territory, generally, but there are a number of classes of witness that ask you, please give me a subpoena. They want to get off from work. They want to have an excuse to come. They want to get, maybe, a little bit of expenses somewhere along the line.

So, in 99 per cent of the cases, the witness rings up and says, "Please give me a subpoena." It is very, very seldom that it is done

Clause 28(1) agreed to  
On Clause 28(2)  
Clause 28(2) agreed to  
On Clause 28(3)  
Clause 28(3) agreed to  
On Clause 28(4)  
Clause 28(4) agreed to  
On Clause 29(1)  
Clause 29(1) agreed to  
On Clause 29(2)  
Clause 29(2) agreed to  
On Clause 29(3)  
Clause 29(3) agreed to  
On Clause 30(1)  
Clause 30(1) agreed to  
On Clause 30(2)  
Clause 30(2) agreed to  
On Clause 31

**Mr. Fleming:** That six days, "Not later than six days following completion of the sittings of an Assessment Review Board..."

I am just wondering, maybe if that is time enough, really, in the Territory. We have had this problem before.

I know that if that review board did happen to come back here to Whitehorse or something and try to get a letter to Teslin, we would not get it in six days. We would never get it.

Therefore, whoever got the notice could back up and say, whoa, I am not agreeable with anything that is going on because I was not informed in the proper time. I am wondering if that six days is enough or if you should allow a little bit more time?

**Hon. Mr. Lang:** Mr. Chairman, I would suggest the converse is true. You might want to shorten it, because it says "within six days" there must be something in the mail to the individual involved.

Also, at the same time, if they are not happy with the decision, they do not come back to the assessment review board, they go to the appeal procedure, if they are not happy with the decision.

That is the way I understand it. Is that not correct, Mr. Smith?

**Mr. Smith:** Mr. Chairman, I think Mr. Fleming is confused in this area.

This six days is allowed for the assessor to advise. He only has six days from the date the board gives a decision to advise the complainant of what that decision was.

**Mr. Fleming:** I am not a bit confused in this one. I am saying to you, and just because the Ordinance is here, I am not opposing it. I am trying to say that, in the Ordinance you are allowing the assessor to do this. Six days is all you are giving him.

If that person does not receive that in the mail, then he actually can say, okay, I did not receive a notice, so therefore, I am not agreeable with the decision or anything else.

Right?

**Mr. Smith:** No--

**Hon. Mr. Lang:** Mr. Chairman, the point is it is only giving the assessor, it is giving him a maximum time that the assessor can take to inform a complainant of a decision.

So, in other words, within six days of that hearing, no matter what happens, he must get a letter out or notify the individual involved by registered, certified mail so that they are fully aware of what the decision was and that will allow the individual in turn, if he or she is not happy with the decision, to go the appeal route.

So, you do not want more time. If anything, you want less time.

**Hon. Mr. Pearson:** Possibly it could be said another way. The assessor has six days to get a letter into the mail. The Legislation does not require how long it is going to take for the mail to be delivered, but, rather, the assessor has six days to get a letter into the mail to you.

**Mr. Tracey:** Mr. Chairman, I can sympathize with Mr. Fleming in this regard.

You go back to Section 27(1), it says "ten days' notice must be given" and that is the same problem there. How do you know, after you have mailed the notice that the person is going to get it in ten days or in six days or whatever?

**Hon. Mr. Lang:** There are a lot of things that I have to stand up and account for but one of them is not the Post Office.

All I can say is that we are allowing for registered mail and this kind of thing, I am not trying to be frivolous, but all I could is that we are doing everything we possibly can to ensure the decision is expedited as quickly as possible. I am sure that even the Assessor may go to the extent of phoning an individual to say, "Look, a decision has been brought forward and your letter is on the way."

If an individual was that concerned about it, the Assessor is available. He can always phone him as well. It is a two-way street.

**Mr. Tracey:** I do not have any problem with the assessor with the six day one. I did have a small problem with the ten day one and that was a notice that the Assessment Review was going to be held. If you do not get that notice within that ten day period you are going to miss your chance at the Review Board.

**Hon. Mr. Lang:** The other point is that we are locked into a time-frame and therefore the dates are scheduled accordingly. All we can do is attempt to inform people that these avenues are open to them and they are going to have to take some initiative on their own. I concur with the Honourable Member, but at the same time, like I say, we have a time schedule there. You can see it has been worked on and it is attempting to coordinate everything as it is supposed to develop and resolve the problem so that the various local taxing authorities will have valid assessment roll.

Clause 31 agreed to  
On Clause 32(1)(a)  
Clause 32(1)(a) agreed to  
On Clause 32(1)(b)

**Mr. Byblow:** The question I have on 32(1)(b). If (a) deals with the hearing and complaints, does (b) include investigation of the assessor's factors used in determining the assessment even if there were no complaint? What is the jurisdiction of (b)?

**Hon. Mr. Lang:** I think it is fairly evident that if there is a class action or an investigation or a cross action of the assessments or of the assessment roll itself, the point we are trying to make on this particular section is that by the 15th day of March, their deliberations have to be completed.

**Mr. Fleming:** I think the Member to my right is trying to find out why the two. You complete the hearing and determination of all complaints made to it under this Ordinance. You have done that, now you start all over again and complete another investigation of assessments, classes of assessments. Why the two? I think that is the problem with me, too. It is duplication in other words.

**Mr. Chairman:** Would one of the witnesses care to answer?

**Mr. O'Donoghue:** The witness does not particularly care to answer.

**Mr. Chairman:** Well will you please answer?

**Mr. O'Donoghue:** I guess it is nailing the box down because there are occasions when a complaint gives rise to an investigation of assessments in a region or a district for comparison purposes. This can happen. They have that kind of power, first of all, all single complaints and then all the general complaints and it is just tidying up the language.

On Clause 32(1)(b)  
Clause 32(1)(b) agreed to  
On Clause 32(1)(c)  
Clause 32(1)(c) agreed to  
On Clause 32(2)  
Clause 32(2) agreed to  
On Clause 32(3)  
Clause 32(3) agreed to  
On Clause 32(4)(a)  
Clause 32(4)(a) agreed to  
On Clause 32(4)(b)  
Clause 32(4)(b) agreed to  
On Clause 32(4)(c)

**Mr. Penikett:** Yes, I have not read the following section carefully enough and my question may be answered in it. This requires the Chairman of the Assessment Review Board to forward the authenticated or the amended assessment roll, or whatever, to the taxing authority. Presumably, if there is a subsequent appeal, the taxing authority will automatically be notified before they proceed to do any of their required things with that assessment roll.

**Hon. Mr. Lang:** Mr. Chairman, if I understand the question cor-

rectly, once the Assessment Review Board has completed its hearings, the assessor has a maximum of six days to advise the individuals involved and then they would be advised that they have fifteen days to lodge an appeal against the review board's decision if they are not happy with the decision. Is that the question that the Honourable Member raised?

**Mr. Penikett:** No, Mr. Chairman, but I will not waste any more time in the Committee.

Clause 32(4)(c) agreed to

On Clause 33(1)(2)(3)

Clause 33(1)(2)(3) agreed to

On Clause 34(1)(2)

Clause 34(1)(2) agreed to

On Clause 35

**Mr. Penikett:** Yes, it is probably a procedural point. I have never served on one of these boards so I do not really know how they work, but, if you had a vacancy of one on the board and you have a chairman, presumably then there is only one person who, if you like, has voting power in making a decision. Or does the chairman, in fact, if you like, have a "vote" in this situation?

**Mr. O'Donoghue:** Mr. Chairman, the chairman has a vote, normally, unless you say he has not got a vote. He is a member, as well as being a chairman.

But, there have been cases in the past where, when in a three member board with one missing, courts have said there is not a total board, therefore it is illegal and you have got to begin again.

These technical sections are, whenever we remember them, put in a section saying that a vacancy does not impair the right of the remainder to act. It is a technical section for that special reason.

**Mr. Penikett:** Mr. Chairman, could I just ask a further piece of knowledge from the Legal Advisor?

If the chairman has a vote and the other member has a vote, there is a vacancy and there seems to be some irreconcilable conflict between those two, have you provided for that eventuality in the drafting of the Legislation?

**Mr. O'Donoghue:** No, Mr. Chairman.

**Hon. Mr. Lang:** Mr. Chairman, in respect to a vacancy, we would foresee that to be probably very temporary so, say for half a day the individual could not make it, and I am sure if they could not resolve the situation that they would wait for the other member to attend.

If it was due to illness or something like that, it would be quickly brought to our attention and we would immediately see that somebody was appointed to the board.

**Mr. O'Donoghue:** Might I make one small point, Mr. Chairman?

The basic common law provides that in that situation, where in an appeal situation, there is a split of votes, the lower court or board's decision stands.

Clause 35 agreed to

On Clause 36(1)(2)

Clause 36(1)(2) agreed to

On Clause 37(1)(2)

Clause 37(1)(2) agreed to

On Clause 38(1)

Clause 38(1) agreed to

On Clause 38(2)

**Mr. MacKay:** I notice that in the setting up of the assessment review board that the Commissioner makes such rules regulating its conduct, and now they have a change at the appeal board level.

Why would we have the difference?

**Hon. Mr. Lang:** This will be a more formally structured board, as the Legal Advisor has pointed out. There is a certain amount of direction in respect to the conduct of the board, but the remaining conduct would be discussed amongst themselves and they would apply the rules accordingly.

I cannot see much problem with that. The only reason in respect to the other assessment review board and the Commissioner doing the regulations is throughout the Territory to attempt to try to come up with a common denominator. After a period of time we have had some experiences with the regulation of these boards, and to give some direction to the lay people that are serving on the boards.

**Mr. Penikett:** Supplementary to the same question, does the Minister envision, during his Administration, the appointment of lawyers or justices of the peace, or even magistrates as individual

members of such appeal boards?

**Hon. Mr. Lang:** It could well be someone from the legal profession, it would not be a magistrate or anything like that. We would attempt to try to get a cross-section of the population, but at the same time, some professional expertise, perhaps in the area of law.

**Mr. Penikett:** I have asked the question, Mr. Chairman, because I can understand the propriety of a quasi judicial body setting its own rules. It seems to me in order to do that with any propriety, they would need some kind of legal advice, and if that were advice contained amongst its members it will probably assist them a great deal.

**Mr. MacKay:** If a complainant went before an appeal board and decided that, in essence, it was a kangaroo court, and he did not agree with the way the rules regulating its conduct in proceedings were laid down, would that be a point of law for which the complainant could appeal to the Supreme Court?

**Mr. O'Donoghue:** Mr. Chairman, basically the rules must deal with natural justice, and allow everyone to be heard, to cross-examine witnesses and to say his piece. They must be in the procedure.

But if it is a question that they object to having the board sit on Tuesday, for example, because they have to play bridge on Tuesday, so he does not want to go to have his case heard on Tuesday, he is out of luck. Some cases will go to the court on appeal and some would not.

Clause 38(2) agreed to

On Clause 39(1)(a)

Clause 39(1)(a) agreed to

On Clause 39(1)(b)

**Mr. Penikett:** This section, in fact, states something much more strongly than I think some of the provisions of 38. It says: "throughout the Territory to hear and adjudicate upon questions of law, and questions of mixed fact and law," that seems to me to be making a very powerful case for having someone with some legal knowledge on the appeal board. It would seem to me that failing that such an appeal board would have some difficulty deciding those questions of law without either professional advice or someone with some special training being a member.

**Hon. Mr. Lang:** Mr. Chairman, I agree, and I am sure that there will be somebody with some legal background which would be a member of that particular board.

**Mr. MacKay:** I think that it is important to note the difference between sections (a) and (b). For section (a) says that it is "exclusive". I presume that by omitting "exclusive" under section (b) that it is permitting further appeal to the court and I am establishing that because we get to the next subsection (2), I will want to discuss that "exclusivity".

**Hon. Mr. Lang:** That is my understanding, but I would have to turn to Mr. O'Donoghue.

**Mr. O'Donoghue:** Mr. Chairman, the intention is that no fresh evidence would be heard by the court later on. It would be decided on the questions of law. The finding of the facts would be made in the lower court, which in this instance would be the assessment appeal board.

Clause 39(1)(b) agreed to

On Clause 39(2)(a)

**Mr. MacKay:** Maybe I am belabouring the point again, but 2(a) would not necessarily be merely a question of fact, is that correct?

**Hon. Mr. Lang:** Mr. Chairman, come again?

**Mr. MacKay:** Just to revert, it has been established that there is exclusive appellate jurisdiction on questions of fact, the review board.

I am saying, in 2(a), that the complaint about land improvements being valued too high or too low would not necessarily be exclusively a question of fact.

**Hon. Mr. Lang:** Mr. Chairman, I would suggest that it depends on your definition of fact. It would be as close as possible that can be determined that the information that is given is factual.

I do not think that we want the board designed so that we are listening to a social, economic impact or anything else. It is a case of what is your property valued at in respect to that particular year.

**Mr. O'Donoghue:** Mr. Chairman, usually these are questions of value and comparison so the court will have evidence of the factual situation of a number of properties being sold, the number of properties being placed on the market and unsold and similar things. These are questions of fact.

The valuers, then, or the lawyers, argue to the court that, based on these facts, this particular property should be raised in value or lowered in value. That is a question of opinion. It is founded on fact, but it is a question of opinion and therefore would be a question of law for the superior court to decide whether the values were proceeding on wrong principles.

**Mr. MacKay:** That is the answer I was looking for. Thank you, Mr. Chairman.

Clause 39(2)(a) agreed to

On Clause 39(2)(b)

Clause 39(2)(b) agreed to

On Clause 39(2)(c)

Clause 39(2)(c) agreed to

On Clause 39(2)(d)

Clause 39(2)(d) agreed to

On Clause 39(2)(e)

Clause 39(2)(e) agreed to

On Clause 39(3)

**Mr. MacKay:** On (3), this is a point to clarify. This section, then, permits the appeal board to go back and do exactly what the review board may have done. They have that option to go back to all the original facts.

**Hon. Mr. Lang:** That is correct, Mr. Chairman.

Clause 39(3) agreed to

On Clause 39(4)

Clause 39(4) agreed to

On Clause 39(5)

**Mr. Penikett:** Mr. Chairman, just before you conclude that, I know what the wording here means in (5), but presumably, as in the case of the review board, you could possibly have a situation where the members of the board refuse to hear a case simply because they have the direct or indirect involvement.

I hope that section will not confuse anybody on that score.

**Mr. O'Donoghue:** Section 36(2) covers it, on page 26, Mr. Chairman. Where any of them are prevented from acting, the Commissioner may appoint a new board or extra members. So the question is cleared up.

The board, as such, cannot refuse; individual members may. They would individually be able to say that there is a conflict between their interest and their duty.

Clause 39(5) agreed to

On Clause 40(1)

Clause 40(1) agreed to

On Clause 40(2)

**Mr. MacKay:** On (2), again, I guess we are locked into timetables.

I was trying to find anywhere, though, where there is a possibility of the Commissioner allowing an appeal to go on, even though there has been an expiration of the fifteen day period. The problem could be that the person was not at home when the mail was received. There are any number of human problems that can arise and I am wondering if there is any section anywhere that could permit the Commissioner to make an exception?

**Hon. Mr. Lang:** No, Mr. Chairman.

**Mr. MacKay:** If there were to be such an exception made, would that irrevocably mess up the timetable that you have got in place, or would it be possible to make that exception?

**Mr. O'Donoghue:** I hesitate to speak for my Minister, Mr. Chairman, but it would be possible to compose a section that would say "except by special leave of the board, an appeal shall not be." That then throws a very heavy onus on the person to get special leave as opposed to a routine postponement.

I am not saying that the Government will accept this policy, but it might be possible to construct such a section.

**Mr. MacKay:** In view of the concerns expressed on this particular section, perhaps this section could be stood over to allow the Minister to consider that kind of amendment.

**Hon. Mr. Lang:** Mr. Chairman, I have no problem looking at that, to leave that provision in there.

At the same time, I think it has to be stressed that we are working under a timeframe and the timeframe is going to have to be taken into serious consideration that we do not get too many situations like that arising and subsequently, really putting the whole system, if you like, in jeopardy.

**Hon. Mr. Lang:** I would be prepared to set that section out, but I was just wondering, could I ask the Legal Advisor just exactly where we could draft that section and what subsection so that we could look at it so that we do not leave the whole subsection up in the air?

**Mr. O'Donoghue:** I am not exactly sure what the Minister said because I was speaking to my cohort on my right Mr. Chairman, and his voice is louder than my Minister's unfortunately.

**Hon. Mr. Lang:** I am asking just exactly where in 40(1), in these subsections that we are going through, which subsection could we consider putting in such a section?

**Mr. O'Donoghue:** Subsection 2, Mr. Chairman.

**Hon. Mr. Lang:** Then perhaps we can set that subsection aside, and continue on with the Section.

Clause 40(2) stood over

On Clause 40(3)

Clause 40(3) agreed to

On Clause 40(4)

Clause 40(4) agreed to

On Clause 40(5)

**Mr. MacKay:** I am curious to know the Minister's reasoning on (4) the reason for the ten dollars as opposed to five dollars as opposed to a hundred dollars.

**Hon. Mr. Lang:** If my memory serves me correctly, in the old Legislation, I believe that it was five dollars and two. We have gone a long ways away from what a fin was actually worth, five years ago. To me it is a commitment by the individual involved to have to put something up and they are serious in what they are doing. I do not think it is too much but at the same time it is a commitment. I mean, if we had fifty cents in there, there would not be any value at all, so it is an arbitrary figure, really.

Clause 40(5) agreed to

On Clause 40(6)

Clause 40(6) agreed to

On Clause 40(7)

Clause 40(7) agreed to

On Clause 40(8)

Clause 40(8) agreed to

On Clause 40(9)

Clause 40(9) agreed to

On Clause 40(10)

Clause 40(10) agreed to

**Mr. Chairman:** At this time we will take a ten minutes break.

Recess

**Mr. Chairman:** I shall call Committee of the Whole to order.

On Clause 41

Clause 41 agreed to

On Clause 42

**Mr. Fleming:** I take this section to mean that the appeal board can charge for that appeal by a person?

**Mr. O'Donoghue:** No, Mr. Chairman. The services of the board are free. Actually, the Government would be paying the cost of the Board. But there are costs of witnesses which would be called by either party, and occasionally the cost of a lawyer. Those are the costs which are meant by costs, similar to court costs.

**Mr. Fleming:** In other words, Mr. Chairman, as we were speaking here before on another section regarding the subpoena of a witness, then the person that has the appeal there can be charged the cost of that witness.

**Mr. O'Donoghue:** The normal rule, Mr. Chairman, would be that the winner takes all. The winner gets his costs paid by the other guy, the loser.

**Mr. Fleming:** It would not pay to put in a losing appeal, would it?

**Mr. MacKay:** Perhaps I may have missed the original discussion, I am sorry if I did, Mr. Chairman. It seems to me that because the appeal board is going to be a central one we may be assessing a large cost or penalty to people in the outlying areas, and would it be contemplated that the appeal board would travel around the Yukon to hear cases?

**Hon. Mr. Lang:** Mr. Chairman, once again it would be determined by the number of cases or complaints that would have to be heard by the Board. It is a Territorial-wide Board, and if it was justified



for the Board to, say for instance, have to go to Dawson City, well then it would be definitely put into their schedules. That would really be a decision of the Board itself for justification for a Board to travel. There would not be much point for an individual or a board to travel to Dawson to hear one complaint.

At the same time, that individual could come in to Whitehorse and be heard, or for that matter, he does not necessarily have to be there himself. He can either have an agent there or else he can submit his arguments in writing to the Board. There are a number of options available. Perhaps Mr. O'Donoghue could elaborate further.

**Mr. O'Donoghue:** Mr. Chairman, the assessment appeal board should be regarded something as a court. It will have to make its own judgment, having regard to the evidence it requires to hear, the cost to the parties and, if their are lawyers involved, the extra costs involved by moving a team of lawyers to Dawson, where it might take an extra day or two. They have to balance those things out.

But, ordinarily speaking, the litigants want to come to Whitehorse because they can get the professional witnesses and professional help in Whitehorse, which is not readily available in an outlying area.

Clause 42 agreed to

On Clause 43

Clause 43 agreed to

On Clause 44

Clause 44 agreed to

On Clause 45

Clause 45 agreed to

On Clause 46

**Mr. MacKay:** This is the assessment appeal board. What kind of direction would we be talking about? This is an assessor, presumably not fulfilling the direction he receives. I cannot think of any other person who would be subject to this section.

**Hon. Mr. Lang:** Mr. Chairman, this could well apply, and I would have to bow to the Legal Advisor once again.

For example, to inform the collector that, for an example, the taxing authority, that they have to pay X amount of dollars back to the individual affected.

In other words, there is an onus on the taxing authority, or something like this. Perhaps Mr. Smith could elaborate further.

**Mr. Smith:** Mr. Chairman, this particular section could refer to a witness that was requested to produce some documents or, as another example, there are two or three different areas where the board could direct.

**Mr. Chairman:** Any further questions, Mr. McKay.

Clause 46(1) agreed to

On Clause 47(1)

Clause 47(1) agreed to

On Clause 48(1)

Clause 48(1) agreed to

On Clause 48(2)(a)

Clause 48(2)(a) agreed to

On Clause 48(2)(b)

Clause 48(2)(b) agreed to

On Clause 48(3)

**Mr. MacKay:** Perhaps I have not found it yet but what is the timeframe for a complainant to take his appeal from the appeal board to the court? Is there a time limit? This appears to be concerned only when board takes the initiative. Is there a time limit for the complainant?

**Mr. O'Donoghue:** No, Mr. Chairman.

**Hon. Mr. Lang:** I do not think, Mr. Chairman, but I would like to ask the Legal Advisor, that is necessary because the assessment appeal board can sit after the assessment roll has been adopted and authenticated and it leaves the flexibility for that year for an individual to say, "Look this has come to my attention, I am going to go further into the courts with the matter at hand." At the same time, we are leaving the timeframe open for deliberations of those particular questions to the judge because, it really does not matter, because now, with the introduction of this Legislation, it will mean the assessment roll has been adopted. It does not mean that the whole assessment roll will have been held up pending decisions of the court. Is that not correct, Mr. O'Donoghue?

**Mr. O'Donoghue:** Well, that is not correct but once the question is raised, I prefer to see a time limit on an appeal being taken by a lay person elsewhere. We fix thirty days, and thirty days is a standard term, but in this section there is nothing limiting the time in which a person can use for appeal and, with due respect, I think there would be no harm to have it in.

**Mr. MacKay:** That was the thrust of the question. You may never finalize your assessment roll, or you may never really know if the thing has died, and so evidence can get lost, witnesses can move and you can create quite a difficult situation.

**Hon. Mr. Lang:** Then would 48(1) the subsection that that would be put into for an amendment.

**Mr. O'Donoghue:** No, Mr. Chairman. It should go into the place where it allows a person to appeal on a question of law from the decision of the Assessment Appeal Board to the Supreme Court. So it is an automatic thirty days from the Supreme Court to the Court of Appeal. We need it somewhere, and I am not certain it is in elsewhere, but if it is not elsewhere, I think it should go in somewhere, a thirty day appeal period.

**Hon. Mr. Lang:** Mr. Chairman, we will make a note of that and include it in one of the subsections.

I do not think, Mr. Chairman, it is necessary to keep the whole section back, as long as we have the understanding of the House that we will attempt to find an applicable subsection and put the necessary amendment in.

Clause 48(3) agreed to

On Clause 48(4)

Clause 48(4) agreed to

On Clause 48(5)

**Mr. MacKay:** On (5), under this section, which is Section 48, 48(1) says that "Where a question of law arises in the course of proceedings relating to an appeal...at the request of a person who may be affected by the proceedings..." the question may be submitted to a court of law.

Then it says, in (5) here, that the Commissioner is going to make regulations as to how that person makes a submission. Surely that would be left up to the individual's representative to try and decide.

**Mr. O'Donoghue:** Mr. Chairman, the procedure, which is in Section 48 is technically referred to as a case stated. One side prepares for the approval of the appeal board, a listing of the facts and then asks the question, either what is the law on this subject or is the decision correct in law. There might be a subsidiary question. It is a formalized thing usually found in court rules.

So, it is required to be technically set, the format, the type, the submission to the board, the date of return from the board, all of that jazz, all of that procedure must be put into it.

Clause 48(5) agreed to

On Clause 48(6)

Clause 48(6) agreed to

**Hon. Mr. Lang:** Mr. Chairman, could we perhaps refer back to one section that we did not clear. I think it can be cleared through. I believe it is Section 25.

**Mr. Chairman:** What is the page, Mr. Lang, if you have it.

**Hon. Mr. Lang:** Page 21.

On Clause 26(2)

**Mr. Chairman:** We had stood the whole section over.

**Hon. Mr. Lang:** The clarification of that is that a person whose name appears on the assessment roll, in other words, you would have to appeal to the assessment review board of that particular area.

I think that answers the question that the Honourable Member across the way had. Perhaps we could clear it through.

**Mr. MacKay:** Yes, I am satisfied as to what this section means.

Clause 26(2) agreed to

On Clause 49(1)(a)(b)(c)

Clause 49(1)(a)(b)(c) agreed to

On Clause 49(1)(d)

**Mr. Fleming:** Mr. Chairman, we cannot clear this one. I am just wondering, for one thing, that the wording here: "held by or for the use of any religious body and is used chiefly for divine service, public worship, religious education or community service". I am worried about every cult in the world being able to get tax free land, and, of course, it is going a little too far when you include community services. Community services can mean almost anything. I am wondering whether that is necessary there at all. Of



course, I would ask the question, just what religious bodies and how many do we really consider?

**Hon. Mr. Lang:** Mr. Chairman, it would be very difficult to list them. I would be the last one in the world to say that one religion should be recognized and some other one should not be. I do not think that you or I or anybody else would want to be put into that situation. We are simply prepared to accept the old legislation with some extension, and the major reason is the religious education or community service is the community service aspect of it.

It is for example, situations such as the Salvation Army, and in speaking to the principle of the Bill, I referred to it. I just do not feel that they should have to go through the necessary paper work and everything else in respect to tax exemptions. They are a religious organization, and at the same time, they do provide necessary community services to the community in that particular case.

If you recall correctly the past administration, and at the same time you have a situation such as Mary House. These are organizations that I think that should be looked at accordingly and should be given due consideration. Otherwise, if they are not paying it then everyone that uses it will.

**Mr. Tracey:** Mr. Chairman, Mr. Fleming said that under this we could recognize any cult or anybody that claimed that they were a religious organization. Would it not be much better to insert the word "recognized" religion?

**Mr. O'Donoghue:** Mr. Chairman, this kind of thing is as broad as it is long. You can add words, or take them away. The House knows precisely what it means. It also knows the dangers. It is a question of balancing the risks against the dangers and working out any problems you have with the operation of this section. This expression "chiefly for divine service,....and religious education" is used in the existing Ordinance. The addition is "community service". The question is: have we had problems with it up to date? I am not aware of any, but there might be some.

**Mr. Fleming:** This being the case, and we will say that Mr. Lang, or somebody in that area decided that under religious organizations that he has gathered together that they are going to have a piece of property, and I wish to appeal that situation to the appeal board and I personally put in an appeal against that piece of property?

**Mr. O'Donoghue:** Yes, that can be appealed.

**Mr. Fleming:** That would satisfy me in that case, then. In other words, there is something that might settle the situation as to where, if it is really a religious thing or a service, that it is on the merits of that party.

**Mr. O'Donoghue:** Mr. Chairman, it would be open to the decision-maker to hold that it was a sham, that it was a front for a private person pretending to operate as a religious body when it was not so. That would be open, on an appeal, at each level.

**Hon. Mr. Lang:** The key words here are "chiefly for divine service". Of course, that is a subjective decision, once again, but that would be the criteria that, if one were to appeal, that one would look at it and say, really, is it used for that chiefly, or is it used for something else.

**Mr. MacKay:** I would argue that just a little bit, because I think that "chiefly" would also apply to public worship, "chiefly" for religious education or "chiefly" for community service. I do not think it is any one of these things that will qualify it as an exempt property. Is that not correct?

**Mr. O'Donoghue:** Yes, Mr. Chairman.

**Mr. MacKay:** Just to continue on in this Section, I want to make sure we are not building in too much of an exception here. It does not require ownership by the religious body to qualify for this exemption. Is this correct?

**Mr. O'Donoghue:** The technical words, Mr. Chairman, are, "held by or for the use of". So, this formula is to allow trustees. The common way of holding religious property, in some organizations, is to have it held in the name of trustees of repute in the town, who hold it for a religious body, for technical reasons. There are two corporations selves that can hold land, but the others, I think, hold it through the trustee. So, you need that formula to allow that to occur.

**Mr. MacKay:** So, there would be a question of the assessor's judgment then, if, for example, a private owner rented a store to the Salvation Army, that was a community shop, that he would not then be able to claim that he did not have to pay property tax because it was being held for the use of any religious body on community service.

**Mr. O'Donoghue:** No, Mr. Chairman, that would not be within the meaning of that. That would then be held by the religious body. A landlord transfers property by lease to somebody else. He does not

hold it. The tenant holds the property. So, the Salvation Army would be the people who held it.

What I am suggesting is that perhaps some member of the organization might hold it in trust, as a trustee, allow his name to be used. It might be a body of three trustees. That is the situation which permits, "for the use of." "The use of" is a technical 16th Century word meaning trust.

**Mr. Falle:** I direct this question to our Legal Advisor again. Are we not putting the onus on our inspectors or assessors to say whether it is a religious organization, whether or not it is a recognized one, or whether or not it is solely held for worship? Are we not sort of deeming him as a judge of that?

**Mr. O'Donoghue:** He is already a judge because he has to judge everything about that property, the tax it pays, who holds it, the use it is for, whether it is within the zoning and everything else. It is only a small little step to decide whether it is held for God or for the people.

**Mr. Falle:** I beg to differ with you there. To judge whether it is for the purposes of worshipping God, I do not think is the prerogative of the tax assessor.

**Hon. Mr. Lang:** In fairness to the situation I think that it is fair to say that this authority was vested with the assessor in the past, under the exemptions of the previous piece of Legislation. I think also at the same time it is fair to say that it is a very subjective decision that has to be made.

The point is, with the assessment review board, and the appeal board, these are the courts that will decide, quasi courts, if you like, judicial courts, that will decide whether or not they are, if somebody appeals against it. Is that not correct, Mr. Smith?

**Mr. Smith:** The assessors, throughout the time have had to make these kinds of judgment and it is the practice of the people in my department, if there is any doubt, to assess, and that way it can then go before one of these boards. It has to decide.

Now, if the assessor is not in any doubt, and it is in his opinion it would qualify as exempt property under this definition, then any other tax payer in that authority, has the same privilege of appealing that exemption before the board, so then it really becomes the board's decision on whether it is exempt or not, not the assessors.

**Mr. O'Donoghue:** Mr. Chairman, we have had cases in Whitehorse dealing with this very issue which have been decided by the Supreme Court.

**Mr. MacKay:** Just concentrating for a minute on the "or community service", these three words, would they encompass, perhaps a home for old age pensioners built by a church. Would that qualify as community service?

**Hon. Mr. Lang:** I will have to bow to the Assessor.

**Mr. Smith:** Mr. Chairman, in my opinion it would not, because an old people's home is a residence, so it would be assessed as a residence. Now, I bow to the Legal Advisor on whether my interpretation is correct, but that would be my interpretation.

**Mr. O'Donoghue:** I would concur with the judgment of my learned friend.

**Mr. Penikett:** I would not want to suggest that such an event would ever happen in Whitehorse, but I guess it is not unknown in some parts of the world for allegedly religious institutions to be expending a greater part of their energy, and in fact, probably a greater part of their space on having nightly bingos, for example. I am curious as to whether, if such bingos even had a marginally charitable purpose, if they would qualify as a community service.

**Hon. Mr. Lang:** I think, once again, all the points that have been raised in this particular section, we have talked to great length and all I can say is the subjectivity, once again, of just exactly what is a religious organization, what is not, and like the Assessor has pointed out, there is the ability for a taxpayer to appeal an exemption. You do have the assessment review board as well as your assessment appeal board and for that matter going to the Supreme Court in respect to the decision as to whether or not a certain improvement is exempt. But I think it basically boils down to whether or not people are prepared to accept the fact that religious organizations that have property should be tax exempt.

**Mr. Penikett:** Mr. Chairman, on that point, I would be curious to know just whether anyone in the Government had the courage to propose exactly that, whether, in fact, in this day and age of some, I think relatively wealthy religious institutions, that maybe their tax exempt status ought to be brought into question at some point?

**Hon. Mr. Lang:** Mr. Chairman, I do not think I have to answer that question.

**Mr. Fleming:** Mr. Chairman, I still must raise my position on the last three words, "or community services". I think if you have a

religious body for divine services, public work or religious education and so forth, you are going far enough, without adding something else that has not been there before.

If any religious body has a reason such as was mentioned a while ago, the Salvation Army or something, that they wish to extend that to a community service of some kind, I think that also should go on its own merits, not us put in here something that would leave loopholes for any of them to become unreligious, as maybe they should be.

I would like to see that removed, those three last words, actually.

Clause 49(1)(d) agreed to

On Clause 49(2)

Clause 49(2) agreed to

On Clause 50(1)

Clause 50(1) agreed to

On Clause 50(2)

Clause 50(2) agreed to

On Clause 50(3)

Clause 50(3) agreed to

On Clause 51(1)

**Mr. Fleming:** I would like to have a little explanation of 51(1). This comes up so often now in everything, I find, where the Commissioner, by regulation may exempt any person from so many things. I would just like a little explanation on this.

**Hon. Mr. Lang:** Mr. Chairman, this is the reflection of what has taken place in the past in respect to the Recreation Development Ordinance, where that particular piece of legislation was used to give, by regulation, an exemption for the community hall's taxation. This is the provision under the Taxation Ordinance, where it should be in the Taxation Ordinance, to allow us to do that.

At the same time, it allows us within the municipalities, where they forgive taxes, we can jointly then forgive the school taxes.

Clause 51(1) agreed to

On Clause 51(2)(3)

Clause 51(2)(3) agreed to

On Clause 52

Clause 52 agreed to

On Clause 53(1)

Clause 53(1) agreed to

On Clause 53(2)

**Mr. MacKay:** It is just a small procedural point, Mr. Chairman. I appreciate that we are trying to move expeditiously through this, but I would also appreciate it if you would allow other Members, other than the Ministers furnishing the Bill, to call out "Clear" to ensure that nobody is being left behind. I appreciate that the Minister is trying to get this thing through as expeditiously as possible, but a little longer might be useful.

**Mr. Chairman:** Maybe the Chair has been a little bit remiss, but I have had a couple of questions referred back so I will try to be a little bit slower.

**Mr. MacKay:** It was not really a complaint to the Chair, it was more to the Minister.

**Hon. Mr. Lang:** Mr. Chairman, all that I am trying to do is fulfill my obligations.

**Mr. MacKay:** All I am trying to do is to fulfill mine, Mr. Chairman.

Clause 53(2) agreed to

On Clause 53(3)

**Mr. MacKay:** This is a very important section, in my opinion, because it now permits the, what I could call discriminatory taxes to be levied, and I do not mean discriminatory in a negative sense. It is just that they discriminate one from the other.

I think that the Territorial Government, in its wisdom, should reconsider this section, because I think that what the Territorial Government is doing is giving up some of its authority to the taxing authorities within its boundaries to set priorities as to what they feel is the general thrust of taxation.

I am sure that my friend to the left here, wearing his other hat, may very well say we should have that authority, but I question it seriously, because I think that there is a preponderance of the voters in one municipality. That, effectively, as a Government, we are giving up authority to that municipal group, which has a tremendous effect upon the whole Territory.

If that particular taxing authority decides that they wish to dis-

criminate in their tax structure against certain activities, they can effectively discourage that, and this the Government will be helpless to protect, because, in this Section, you are giving away that power.

If, as a Government, you accept the responsibility for the economic thrust and direction that you want to see this Territory take, I think that, in this Section, you are giving away some of that opportunity to make that direction.

So, that is the real political part of it. From a theoretical part of it, in terms of a taxation system, where you are going to permit the inflation of certain tax rates, and the deflation of others, you are really distorting very much the intent, I think, of a taxation system, that is, to try and levy taxes in a fair and equitable way across the community.

There is a saying that there is no equity in taxation. I do not think that you always have to accept that as a maxim. I think that you can try and make sure that there is equity in taxation, and that you are always going to run into places where it is not, but, in doing this you are handing over, I think, a development tool, an economic policy tool. You are handing it over, essentially, to the City of Whitehorse, because that is the only one, really, that is going to make a big difference on this.

While I appreciate that we have very fine aldermen in the City of Whitehorse, their interests may not see beyond that of the City of Whitehorse. Since the City of Whitehorse is such a large part of the Territory, the whole Territory may suffer as a result.

I urge the Government to actively reconsider this section.

**Mr. Penikett:** Mr. Chairman, I have heard some regrettable slurs passed upon the City Council of Whitehorse before, but I do not think I have heard any so great as to suggest that they would actually discriminate against a certain class of residents. To suggest that a City Council, which is now dominated by people who reside in that prestigious area of town, Riverdale, would ever do anything that would damage the interests represented by the Member from Riverdale South, I think is an unfortunate suggestion.

I would also hesitate to suggest to my friend to my right that he is sometimes confused in his constitutional thinking, but it pains me to say, that I see evidence of that again today.

What is proposed here, Mr. Chairman, and I say this to the Government Bench, is a thoroughly commendable devolution of authority. It is in the grandest tradition of the transfer of powers that we have recently seen this week from Ottawa to the Territorial Government.

To suggest that this Government would do something which directly contradicted that natural evolution of power and authority down to the grassroots, I think, would just be to betray everything this Government stands for. I think it is ludicrous to even suggest such a thing to this group opposite.

Furthermore, the fundamental principle behind this Bill, and I think with one or two exceptions, it is firmly enshrined, is that there shall be a clear division between the assessing authority and the taxation authority.

The taxation authority in the case to which my friend referred, is the City of Whitehorse. A thoroughly competent body and I think, in recent years, there have been those that have asserted that it was perhaps even more competent than the senior government that resides in Yukon. I, for one of course, was not one of those people, but there have been people who have said that.

I think it must be said, perfectly seriously, that for a city to effectively implement its own development policies, and to do the kind of planning which we all hope the municipality will do, it must not only have the zoning instrument, but it must also have the potential to use the tax instrument.

Without both of these instances, the ability to plan becomes severely curtailed. I think this section of the Ordinance, I think that the powers suggested in it are something that we have been asking for for a long time. I think that they are highly desirable. I certainly hope that the Members opposite will not be swayed by the eloquence of my Liberal friend, and even on those occasions when he is less than Liberal.

I think the prospect of a city council discriminating against a class of citizens in any punitive way in the city is not great, and I would remind my friend that the opportunity for the voters to severely punish such elected people were they to do such a thing occurs much more frequently than it does in the case of this Government.

**Hon. Mr. Lang:** I think that there has been a great deal of thought given to this particular section. I think in deference to our municipalities that we have gone a long ways over the last ten

years. A lot of responsibility has evolved to them. To a certain extent, I have to concur with my colleague from Whitehorse West in respect to the evolution of the authority to these various bodies.

I think that it is fair to say, in reviewing the provincial jurisdictions, in a lot of cases this responsibility is with the municipalities, but, if it is used, it is used very judiciously. It is a major political decision, and it is one that has to be thought out very, very carefully by any municipal council.

It is not a case of the decision being recommended one day and the decision being made that night. A lot of care and a lot of attention would have to be given to it.

I think in fairness to the municipal councils, as I said earlier, we are getting people, for example, and we have referred specifically to the City of Whitehorse, the responsibility that is vested with them, this is going to give them an opportunity, if they so wish, to fluctuate to a certain extent. But, like I say, it would be used, I am sure, very judiciously just like anything in this House regardless of what the Honourable Member, my colleague across from me, the Leader of the Official Opposition, who is threatening tax increases every second day and I am glad that he is not on this side of the floor, because I think we would probably have a very vicious argument. It is a fact that if there is a decision to raise taxes, it is a very, very well thought out, considered decision that has to come to. It is not something that has to be made over night.

I think in fairness to the situation, I think that the municipalities should have this responsibility because we are giving them the taxing authority. We are saying, "You are the taxing authority, and you are going to bear the responsibility." I think that one of the important aspects is that they do face the electorate every two years.

**Mr. MacKay:** I have enjoyed hearing the orations of these two like souls. It shows that if you go far enough left, and far enough right, you will meet at the other side. Being in the middle of the road, as usual, I would suggest that the number of the arguments that you agreed are not logical, and that the very fact that the City Council has to face the voters every two years may very well tempt them to shift the burden of taxation away from the people who vote for them, onto a smaller group who may be less vocal or less powerful than the electorate. What I am saying is not that Porter Creek can expect an increase in taxation. I would suggest that, perhaps, the business area is going to see increase in taxation.

My friend has obviously thought of this before, and hopefully you have, too, across the floor, that it is very easy to impose a higher tax on a small group of businessmen, who comprise, perhaps, one-twentieth of the voting population, and give the breaks, then, to the voters. If you are going into an election every two years, this could very well begin to weigh in their minds. I am concerned about that becoming a politically motivated situation, and I am certain, as my Honourable friend across the floor is, that any such changes would be carefully thought out and carefully presented.

Nevertheless, I would suggest that there are many American cities, today, that are almost dead on the inside. New York is probably the primary one. It seems that the taxing authorities tried to soak, and soak, and soak, as much as they could out of the business community, to the extent that that business community moved out. I am not suggesting that we are in New York, but it is a precedent, and I find that argument in having to face the electors not a bad one, in fact it only reinforces my concern.

The other argument about the devolution of authority, I can see was a very telling argument for those across the floor, but I do not think that they should be deluded by that argument. The situations are quite different. What we are talking about is a portion of the Territory, which represents probably about seventy per cent of the Territory living in one area, who are really largely dependant upon the outside areas for their existence. That is to say, the town of Faro, the town of Elsa, and all these other towns, are the reason why Whitehorse exists, and if you take away these other things, then, really, Whitehorse does not have to be there, so when you are suggesting that you are going to hand over that kind of power to one section, I do not think they will necessary have at heart the benefit of the rest of the Territory.

That is the concern I am expressing. I do not think the devolution argument exactly fits, with all due respect, and so, again, I think you have to consider the economic tool that this represents. It is clear that the City of Whitehorse desires it for the very purpose of using it for an economic tool.

I am suggesting that that tool should not really be in the hands of that level of government because it is this level of government here that is trying to set the economic tone for the whole Territory.

**Mr. Penikett:** My friend made reference to logic and I am sure that as an accountant, consistency is one of the highest values in his

personal philosophy, so I would just recite for him his assertion the other day that there were something like sixteen hundred businesses in the territory, and I suspect a very large majority of those happen to reside in Whitehorse. Sixteen hundred happens to be about the number of people who vote in municipal elections, and I am sure that those sixteen hundred are heavily represented among the electorates in municipal elections, and to suggest that these are somehow some small, long-suffering minority who would be much put upon by the autocratic rulers of the City, is, I would suggest, to speak nothing more than nonsense.

I happen to know something about the fiscal payrolls of the City of New York, and I would suggest that the next subject with which we are about to deal, school taxes, has an awful lot more to do with their decline than any municipal power to relocate or shift tax burdens within that area. Thank you Mr. Chairman.

**Hon. Mr. Pearson:** I think one point that the Honourable Member from Whitehorse West made is worth reiterating one more time. This Ordinance does clearly delineate the responsibility for taxation, as opposed to the responsibility for assessment. A very, very fuzzy area has always existed in this territory in respect to municipal taxation. Who really is responsible, the Government of the Yukon Territory, or the Municipality? Now, we are putting the municipalities, and particularly the City of Whitehorse, on notice. They are going to be responsible from now on, and they will have to stand up and be counted in respect to taxes in the future.

Clause (3) agreed to

**Hon. Mr. Graham:** Mr. Chairman, seeing the time and knowing what a contentious issue school tax may be, I suggest that you report progress on Bill Number 26 and I move that Mr. Speaker do now resume the Chair.

**Mr. Penikett:** Mr. Chairman, before the formality of a vote on this, I could ask the Minister if he has yet received a communication from the Association of Yukon Communities, and if that will be raised in Committee at the first opportunity tomorrow.

**Hon. Mr. Lang:** Yes, Mr. Chairman, it would be my intention to table it tomorrow.

**Mr. Chairman:** It has been moved that Mr. Chairman do report progress on Bill Number 26 and that the Speaker do now resume to the Chair.

Motion agreed to

**Mr. Chairman:** At this time I would like to thank the witnesses for being with us. You may be excused.

Mr. Speaker resumes the Chair

**Mr. Speaker:** I now call the House to order.

May we have a report from the Chairman of Committees.

**Mr. Lattin:** Mr. Speaker, the Committee of the Whole has considered Bill Number 26, An Ordinance to Amend the Taxation Ordinance, and directed me to report progress on same and ask leave to sit again.

**Mr. Speaker:** You have heard the report of the Chairman of Committees. Are you agreed.

**Some Members:** Agreed.

**Mr. Speaker:** Leave is so granted.

May I have your further pleasure?

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member from Hootalinqua, that we do now call it 5:30.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Hootalinqua, that we do now call it 5:30.

Motion agreed to

**Mr. Speaker:** This House now stands adjourned until 1:30 p.m. tomorrow.

The House adjourned at 5:16 o'clock p.m.

#### The following Legislative Returns were tabled on October 16, 1979:

79-2-20

Medicare Premium Collection with regards to arrears  
(Written Question No. 8)

79-2-21

Kindergarten Bus Run - Teslin

(Oral Question - Page 336 of Hansard - October 9, 1979)

