HANSARD

Friday, November 7, 1980 — 10:00 a.m.

Speaker: The Honourable Donald Taylor
Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake
DEPUTY SPEAKER — Grafton Njootli, MLA, Old Crow

CABINET MINISTERS

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<td>Hon. Chris Pearson</td>
<td>Whitehorse Riverdale North</td>
<td>Government House Leader — responsible for Executive,</td>
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<td>Hon. Doug Graham</td>
<td>Whitehorse Porter Creek West</td>
<td>Minister responsible for Education, Justice, Consumer &amp;</td>
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<td>Hon. Dan Lang</td>
<td>Whitehorse Porter Creek East</td>
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<td>Hon. Geoffrey Lattin</td>
<td>Whitehorse North Centre</td>
<td>Minister responsible for Highways and Public Works, Municipal</td>
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<td>and Community Affairs, Yukon Housing Corporation, and Yukon Liquor</td>
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<td>Hon. Meg McCall</td>
<td>Klondike</td>
<td>Minister responsible for Health and Human Resources</td>
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Government Members

(Progressive Conservative)

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<td>Al Falle</td>
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Opposition Members

(Liberal)

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<td>Iain MacKay</td>
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<td>Alice P. McGuire</td>
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(New Democratic Party)

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<td>Tony Penikett</td>
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(Independent)

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<td>Maurice J. Byblow</td>
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Clerk of Assembly

Patrick L. Michael

Clerk Assistant (Legislative)

Missy Parnell

Clerk Assistant (Administrative)

Jane Steele

Sergeant-at-Arms

G.I. Cameron

Editor of Hansard

Lois Cameron

ERRATUM

Wednesday, November 5, 1980 - right column - paragraph 9:

The last two lines should read:

business. Because it goes on; it went on a hundred years ago, and it will be going on long after our friend from Riverdale South has left us.
Hon. Mrs. McCall: Mr. Speaker, there is no program in place for teenagers as such, although teenage problems are very much under consideration. It is still something that the department has in the back of its mind though. We know that that is one of the spawning grounds for alcoholism: the teenage years. It is being considered very much just now. I imagine there will be a program implemented.

**Question re**: Alcohol and Drug Abuse Programs

Mrs. McGuire: I have a question for the Minister of Human Resources. On April 17 of this year I asked the question: will the Department of Human Resources be hiring a person specializing in professional counselling exclusively with teenagers and children, drop-outs or otherwise, who are plagued with alcohol/drug and/or mental problems. The Minister advised us at that time that the matter was under consideration. Can the Minister tell us now if an effective program is in place, or what exactly is the situation on this?
Mr. Penikett: I have a question for our friend, the Minister of Municipal Affairs, regarding the Dawson City sewer and water project. In view of the large cost over-runs involved, can the Minister state what measures he will be taking, to ensure that Dawson taxpayers will not be forced to pay the full cost of the over-runs?

Hon. Mr. Lattin: Mr. Speaker, the Dawson sewer and water deficit is of great concern to Dawson. At this particular moment we are reviewing the situation with Dawson. We are scrutinizing the operation and we are trying to come up with some figures that we feel will be realistic. I should point out, Mr. Speaker, that at this particular time, probably the biggest results of the deficit today are in the starting-up procedure. We are confident that the biggest results of the deficit today are in the starting-up procedure.

Mr. Penikett: Given that certain unknown people have questioned the reliability of the new system, can the Minister state whether Dawson City has placed any conditions on its acceptance of the new system, and what steps his department is taking to meet these conditions?

Hon. Mr. Lattin: No, I would not say that they had put any conditions on it. We are reviewing it with them and trying to come to some agreement on it, but at this particular time, Mr. Speaker, I think I would be amiss to say any more on it.

Mr. Penikett: While the Minister is considering the question, I wonder if I could ask him one further supplementary, on which he might also like to take some advice. It concerns the new drainage ditches in Dawson City, some of which appear to have been placed on the wrong side of the street, inasmuch as water drains on the low side rather than the high side. I ask the Minister what steps his officials might be taking to correct this problem, which, in the history of Dawson, has been one both of health and of safety.

Hon. Mr. Lattin: Mr. Speaker, I am sure that if we have the drainage on the wrong side of the street, our department will certainly look into it and correct that as fast as possible.

Question re: RCMP Agreement

Mr. Byblow: I direct my question to the Minister of Justice. Can the Minister confirm whether the present five-year agreement for RCMP policing services expires next year?

Hon. Mr. Graham: Mr. Speaker, the present agreement does expire next year, yes.

Mr. Byblow: A recent statement, Mr. Speaker, by the Solicitor General, Mr. Kaplan, proposes that the provincial, in this case Territorial, share of the cost of the police services be increased to 75 per cent from what I understand to be 56 per cent presently. Is the Minister aware of this?

Hon. Mr. Graham: Mr. Speaker, I am aware of any statement that he made: that Mr. Kaplan would like to see our share increased to 75 per cent. I have heard proposals all the way up to 90 per cent.

Mr. Byblow: I believe that the 90 per cent relates to the municipal portion of police services elsewhere in the country. My question to the Minister would be: since next year's budgetting is being prepared now, and the proposal, if implemented, will cost the Territory substantially more for these services, does the Minister plan any representation to the federal government to present a case for lowering that large increase?

Hon. Mr. Graham: Mr. Speaker, I am aware of the group of Ministers of Justice and Attorneys General from across the country who will be presenting a proposal to the federal minister. As part of that group, yes, we will have our input.

Question re: Affirmative Action Program for Women (Continued)

Mrs. McGuire: I have a supplementary to a question I asked the Minister of Education. Since the Minister has no reason for not tabling the Yukon Plan of Action for Women, other than that he forgot, would the Minister now assure the House that this document will be tabled during this Session?

Hon. Mr. Graham: Mr. Speaker, I will do one better than that. I will table it right now.

Question re: Native Liaison Position

Mrs. McGuire: I have a question to the Minister responsible, regarding the YTG Native Liaison and Advisory position previously held by Mrs. Wabisca, who left the position on a leave of absence. Will the Minister please advise us if the position is still open; and if it should expire, would the Minister now assure the House that this document will be tabled?

Hon. Mr. Graham: Mr. Speaker, I am sorry, Mr. Speaker. I missed the first
Mrs. McGuire: Mr. Speaker, I was questioning the Minister of Education, in regard to the YTG Native Liaison and Advisory position previously held by Mrs. Wabisca, who left the position in a leave of absence. My question was: will the Minister advise us if the position still exists; and if it does, has the position been filled?

Hon. Mr. Pearson: Mr. Speaker, that responsibility falls under my portfolio.

Mr. Speaker, it was our considered opinion that while Mrs. Wabisca did work for us as the liaison officer, there was not, sadly, all that much accomplished. She took a leave of absence, and we granted her that leave and protected the position for that time she was on leave. She subsequently decided to terminate her employment.

We are trying to assess at this time whether it would not be opportune for us to fill the position once again. I would very much like to get some kind of a liaison going and this may well be the means to do it. I would suggest, Mr. Speaker, that it is something that is under active consideration at this moment.

Question re: Yukon Housing Corporation Board

Mr. Penikett: I have a question for the Minister responsible for the Yukon Housing Corporation. I would like to ask the Minister how many positions there are on the Yukon Housing Corporation Board, which, to his knowledge, are presently vacant.

Hon. Mr. Lattin: Mr. Speaker, at this particular moment there are none. We have just made some appointments to the Board: just concluded this week.

Hon. Mr. Lattin: That is good news. I wonder if the Minister might enlighten the House at some point and advise us who these three people are.

Hon. Mr. Lattin: I will, Mr. Speaker.

Question re: Weigh Scales

Mrs. McGuire: Mr. Speaker, I have a question for the Minister of Public Works. In view of the fact that we have just as many outside carriers coming into the Yukon without proper licences as we had before the amendment to the Transport Public Utilities Ordinance, would the Minister consider future plans for installing weigh scales at the Alaska Cassiar Highway intersection?

Hon. Mr. Graham: Mr. Speaker, I do not know where the Honourable Member gets her information as to the number of vehicles or transport units coming into the territory illegally; however, the Department of Consumer and Corporate Affairs is looking at several alternatives, and if the alternative of establishing a weigh scale somewhere on the Alaska Highway south is seen as an appropriate solution, then we will be making that recommendation to my colleague, the Minister of Public Works.

Question re: White Pass Financial Problems

Mr. Penikett: I have a question for the Governor Leader regarding the Minister of Northern Affairs' upcoming visit to Whitehorse. Can the Government Leader say whether, to his knowledge, the Minister will be announcing some decision with respect to the financial problems experienced by White Pass?

Hon. Mr. Pearson: No, Mr. Speaker, I am sorry I cannot.

Mr. Penikett: Earlier this year and for some time before that, this Legislature was operating under the assumption that the problem was not only monumental but urgent. Can the Government Leader advise the House if, as far as he knows, that is still the view of the Government of Canada?

Hon. Mr. Pearson: Yes, Mr. Speaker, I think it is still the view of all of the participants that it is, in fact, a very urgent matter, and we are assured by all Government levels that it is being treated on an urgent basis.

Mr. Penikett: The one condition for a resolution placed by this House was full public disclosure of the financial position of the company.

I wonder if the Government Leader can yet indicate to the House any direction from which this matter might be satisfied?

Hon. Mr. Pearson: Mr. Speaker, the company, in confidence did make full disclosure of its finances to the Canadian Transport Commission, when they did their study. That part of the study was, of course, held in confidence, because it was asked for in confidence by the CTC.

Mr. Speaker, it will be a question of us, as a Government, saying to White Pass that our House would like to see these figures, and it is a decision that they would have to make.

Question re: Tahltan Land Claim

Mr. Byblow: I have a very short question for the Government Leader. On October 16th, the Government Leader announced that he had received a copy of the Tahltan Land Claim. Has he had an opportunity to determine whether his Government will be taking a position on that claim?

Hon. Mr. Pearson: No, Mr. Speaker, we have not had an opportunity.

What we did receive was a very, very broad outline. There were no specifics, and I would respectfully suggest that I would like to keep an open mind with respect to the Tahltan claim; we should see the specifics before we do make any decision.

Mr. Byblow: With respect to his present knowledge on that particular claim, can he determine whether or not it will hold up the land claims process in general?

Hon. Mr. Pearson: Mr. Speaker, I think I have tried to answer that question before, and about all I can say is that I hope not, because it is difficult to tell; it is very hard to say.

Question re: Land Sale North of Whitehorse

Mr. Penikett: I have a question for the Minister of Municipal Affairs. I asked the Minister Monday if the Government had yet reached a decision on the question of price in relation to the planned sale of 29-acre parcels of land north of Whitehorse.

The Minister replied that he is unprepared to say what the decision will be. Could the Minister now say whether the Cabinet has, or has not, made a decision on this question?

Hon. Mr. Lattin: Mr. Speaker, no, the Cabinet has not made a decision on it. I might point out, Mr. Speaker, that I have as yet not placed a submission before the Cabinet to consider. We are actively pursuing it. It is something we are very aware of. But at this particular moment we have not, in the department, myself and the department, have not come up with a figure that we feel we are ready to bring forward. We are still, in other words, engaged in active consultation.

Mr. Penikett: I accept that the Minister has a lot on his plate at the moment, but I wonder if he could tell the House what kind of timetable he has for reaching a decision on this question, and, further to that, how far away these land sales might be?

Hon. Mr. Lattin: Mr. Speaker, we have not locked ourselves into any time restraints as to when we are going to bring it forward. As I said before, we are actively pursuing it. I do not want to be rushed on this matter because I realize that it is a very important decision that has to be made. I want to consider all the ramifications before we make that decision.

Question re: Game Officials

Mr. Fleming: I have a question for the Minister of Economic Development. On October the 27th I asked the Minister a question, regarding threats that may have been made against Game Officials, and also a supplementary which he took under advisement. Is it possible that the Minister can answer those questions today?

Hon. Mr. Lang: Mr. Speaker, I recollect that I have something on my desk with respect to the question that was asked. I will bring it in on Wednesday.

Question re: Pipeline/Inflation Impact

Mr. Penikett: The Government Leader stated this Tuesday that his Government was not in any way planning for rent controls, or food rebates, to low income earners in the event of super inflation during the pipeline period. In view of a recommendation in a report prepared for Foothills that found this to be the most effective method of countering inflation for these groups, can the Government Leader state why he has rejected this alternative?

Hon. Mr. Pearson: Mr. Speaker, possibly there was some misinterpretation of what I said. It is an alternative that is always open, and could be used.

It is our considered opinion at this point in time, Mr. Speaker, that it will not have to be used.

Mr. Penikett: Given that one of the unfortunate consequences of introducing such a controlled program has been the possibility of shortages, raised by a number of retailers and wholesalers, based on their experience in Alaska, can the Government Leader say if his officials have had any opportunity to consider the problem of shortages of essential foods during a pipeline period, or essentials of any kind. More particularly, has he considered what might initially sound like a ludicrous proposal, but is a realistic option, putting some basic foods in, for example, government liquor stores, should that event occur?
Mr. Penikett: I am glad to hear of the Government's flexibility today, in view of the vulnerable position that some communities can be in with regard to this kind of situation, as evidenced by the recent fire in Dawson City.

Can the Government Leader say specifically if there is a contingency plan, at the moment, under the emergency measures plans of this Government, to deal with the potential or the possibility of a food outlet going out of operation in any of the smaller communities?

Mr. Pearson: Mr. Speaker, there is no contingency plan in place, but I want to assure this House that if it had been necessary, we would have had food on an airplane within an hour to Dawson City as a result of that fire. We have that capability.

Mr. Speaker: There being no further questions we will proceed to Orders of the day.

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS

Mr. Clerk: Second reading, Bill Number 62, standing in the name of the Honourable Mr. Lang.

Bill Number 62: Second Reading

Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 62, An Ordinance to Amend the Game Ordinance (No. 2) be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member for Tatchun, that Bill Number 62 be now read a second time.

Mr. Lang: Mr. Speaker, as all Members know, the reason for the amendments to the Game Ordinance is the result of our discussions with Senator Steuart on the COPE Land Claim. You recall that over the course of the last year our Government had taken a very strong stand on this land claim on our northern coast. I am pleased to report to the House, Mr. Speaker, that our stand on behalf of Yukon appears to have been successful.

At the outset I want to make it clear that a number of issues on the present agreement-in-principle have yet to be resolved, and we are acting in good faith that Senator Steuart and the Government of Canada will resolve the remaining issues to our satisfaction to the best interest of Canada, and will also be taking into account some concerns of the people of the Delta.

Mr. Speaker, the amendments before you allow us to create a group trapping area for the people who traditionally have used the area. This amendment will allow those people on the Delta who are within 150 kilometers of the border to apply for a trapping licence. The area in question has not been formally designated, since it will require discussions with the people concerned, but it will take in a portion of the North Slope water shed. I must stress that it will not interfere with the group trapping area used by the Old Crow Indian people, nor for that matter the land in that type of wildlife. I recommend strict guidelines for this person, and I am sure that this person will carry out his or her duties to the utmost. I recommend strict guidelines for this person, when he or she carries out this important task in this area.

Mr. Speaker, the Eskimos and the Indians of the Northwest Territories can sell wild meat on commercial markets. Not too long ago they had an ad in the Vancouver Sun, which emphasized that caribou steaks are available from the communities of Aklavik, Fort McPherson, Inuvik, and the Arctic Red to come into my people's hunting grounds. In this traditional area, if I may call it that, these communities can increase the hunting and trapping population in my constituency in northern Yukon by some 800 to 1,000 trappers and hunters.

Mr. Speaker, I am pleased to know that this Government is intending to construct a building in the Village of Old Crow for the purpose of wildlife management. This will allow the necessary surveillance, and I am sure that this person will carry out his or her duties to the utmost. I recommend strict guidelines for this person, when he or she carries out this important task in this area.

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Mr. Speaker, the Eskimos like to eat their food raw. I like mine well-done. They lived on ocean fish and whales. I used to, and still am, living on the cariboo and the moose and the fish of inland lakes: lake trout. The Eskimos are short and they are bulky. I am tall and weigh 180 pounds, just right for a six-footer. Yes, Mr. Speaker, there is a great difference between my people and the Inuvialuit.

How both of these people can use the same region to hunt and trap together just beats me, Mr. Speaker. So, if and when these questions arise in the future in this regard, I ask this House, Mr. Speaker, to keep these thoughts in mind.

Again, I submit to you that I agree in principle to this bill, firstly because it opens dialogue with COPE in the modern times. Secondly, because it puts a spark to the speed of the land claims negotiations, which, of course, is the Government’s policy. Thirdly, because this special right granted to outside Yukon residents to hunt in the constituency can be monitored at the Old Crow level.

Mr. Speaker, I think this bill will surely pass this House and I hope it does. I speak now because, as you know, I am your Deputy Speaker and Chairman of the Committee of the Whole, and therefore I cannot deal with it at Committee stage.

I think that at this time, before I stop speaking, I would like to thank you for your time on second reading of this bill.

Mr. Penikett: I move, seconded by the Member for Campbell, that debate on Bill Number 62 be adjourned.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Campbell, that debate on second reading of Bill Number 62 be adjourned.

Motion agreed to

Mr. Speaker: May I have your further pleasure?

Hon. Mr. Lattin: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Mr. Speaker do now leave the Chair and that the House resolve itself into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

We will be discussing Bill Number 57, after a short break.

Recess

Mr. Chairman: I call the Committee of the Whole to Order at this time.

On Clause 299(1)

Hon. Mr. Lattin: Mr. Chairman, I just wanted to point out to my friend across the way, that if his vehicle does get towed away, this new provision allows for us to notify him. I am sure he will be very happy with this and I am sure he will support it.

Mr. Penikett: The Members thank the Chairman very much. If the Minister thinks that I am ever going to be happy about any method by which they tow my truck away, he has another think coming.

While we are dealing with Clause 1 as a whole, let me ask something by way of a general question, that concerns the people who are going to be doing the towing away, and issuing tickets, and so forth. We have in this section 1(1) a reference to authorizing a peace officer or any designated officer. Now if I remember correctly, there has been some confusion as to the definition of a peace officer. That confusion may no longer exist but I want to be reassured on that point.

It seems to me there was a period of time during which the city’s by-law officers’ authority to do certain things under Territorial legislation was in doubt.

That, combined with the reluctance of the RCMP, for the most part the other police force in the Territory, to engage in such socially useful activities as issuing parking tickets, created a problem, I think, in terms of policing. One of my observations, during my time on city council here in Whitehorse, was that passing laws or by-laws which you had no way of enforcing was about as useful an exercise as, for example, trying to borrow money from the Leader of the Opposition. I should not say that; perhaps I should say, getting the Government Leader to join the NDP. It was about as useful an exercise as that because the problem of enforcement is a serious one, and I do not think we should delude ourselves about it. It becomes more serious the lower the level of government you go.

It seems to me it is one thing for the Territory to be able to get its laws enforced, if it wishes to have them enforced, with its police contract with the RCMP. It is a much more difficult proposition for a municipal body, even one as large as Whitehorse, to have its by-laws enforced, particularly if there is not a great public demand for them. I can think of a number of by-laws in respect to vehicles and so forth which are not ignored, but which are not enforced aggressively, just because a by-law enforcement group of four or five men cannot possibly look after all these things.

I think that the problem of traffic and parking and so forth is difficult enough, and I think that the City is a long way from solving its own problems, and it is not really the Territory’s business to tell them how to do it; but I would really appreciate hearing from the Minister some indication as to whether the status of the peace officer — particularly the by-law enforcement officer such as peace officers — is being cleared up, and if we can; be sure that, given the authority we are going to have here, that there will be adequate and effective policing of it.

Mr. McWilliam: Mr. Chairman, yes, I believe I can assure the Member that the status has been clarified. In addition to the Motor Vehicles Ordinance, we also have provision in Clause 402, which deals with appointing enforcement officers as peace officers. So it has been clarified.

Mrs. McGuire: In subsection (1) it says that, if a person’s vehicle is impounded, for whatever reason, the person is notified, and there is a time limit of thirty days within which to pay the impoundment fees, or it could be sold to collect that fee. What happens in a case where the owner is not found for a long period of time or, say, for the duration?

Mr. McWilliam: Mr. Chairman, the provisions dealing with impoundment and disposal are primarily contained in the Motor Vehicles Ordinance. The significant change in this section is to provide a requirement for the council to have to notify the person to whom the vehicle is registered. They send that to his last known address. If he has subsequently moved, then the procedures for disposal of vehicles under the Motor Vehicles Ordinance would take place.

Mrs. McGuire: You mean the procedure of selling the vehicle takes place even if they cannot find the owner?

Mr. McWilliam: Yes, Mr. Chairman, that is laid out in the Motor Vehicles Ordinance. After a certain period of time the vehicle can be sold.

Hon. Mr. Pearson: Mr. Chairman, for the information of the Honourable Member: this provision is in the Motor Vehicles Ordinance, and it deals primarily with, and is primarily there, because of a problem that arose in the Territory, when there was no legal way to dispose of abandoned vehicles.

The RCMP and this Government found themselves the dubious holders of a number of abandoned vehicles, and legislation was brought in to deal with this. The safeguards in the Motor Vehicles Ordinance are quite extensive as well. If the owner of the vehicle is available to be found, certainly he will be found.

Clause 299(1) agreed to

On Clause 299(2)

Clause 299(2) agreed to

On Clause 300

Mr. Penikett: The idea of any municipal body in this Territory trying to control insects other than by spraying is a fascinating one. We have trouble catching the dogs; you would have a real good time trying to catch the mosquitoes and black flies.

I want to ask a serious question about the animal things, because, as ludicrous as it may sound, given the municipal boundaries of this city, it seems to me you could have some conflicts in jurisdiction between the Game Ordinance and the municipal by-laws, as far as animals are concerned.

We tend to be lenient in this area about cats. We tend to basically regard them as benign furry little creatures who are allowed to
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They appear to have one of the attributes of rabbits, in that the numbers never seem to decrease, no matter what corrective measures are taken.

We have had municipalities in this Territory that have had capital expenditure for dogs, and it still has not done anything to significantly decrease their numbers.

A lot of time — and I do not overstate this — a lot of time, perhaps as much as ten per cent of the time of most municipal bodies, I would expect, is taken up in dealing with dogs, and how to deal with dogs or how not to deal with them.

But there are other animals around and we have had some serious problems recently, it seems to me, with horses, on both the south Alaska Highway and north Alaska Highway. We have a game farm nearby, and I suppose it is not too ludicrous to suggest you could have a problem with elk, especially if the Minister responsible for Renewable Resources brings many more of them into the Territory.

You could have a problem, theoretically, and let us deal with this quite properly, with moose, with caribou, even within the city limits. My mother-in-law had some difficulties with a black bear within the city limits just this spring, and had to dispose of it. She might have fallen afoul of the laws that are in existence that have got them. There are also going to be some problems, I would guess, with other animals, from time to time.

The problem of horses, I guess, is the more serious one; everyone knows about it. I gather there have been demands placed upon this Municipal Council in the City of Whitehorse to do something about horses. Once again I go back to the problem of the poor by-law enforcement officers. I really do not know how, within the best will in the world they can do very much. I wonder if the Minister thought about this problem when this section was being drafted.

Hon. Mr. Lattin: Not particularly, Mr. Chairman. I realize it is a problem, and I believe, Mr. Chairman, that as long as we have these animals around, we are always going to have areas of contention and problems. I think the only thing that we can do is to use a common sense approach to it and let us say that there is no requirement for an ongoing enforcement officer, that there is no requirement for an ongoing enforcement officer, they would obviously not be exercising their power, and would be looking to RCMP or the Game Officer to perform that function for them.

Mr. Penkett: I remain concerned about the problem of enforcement. If I can, I would like to give to the Minister two examples, and ask what might be the case in each. A moose is wounded and it is a question whether it is within the city boundaries of Whitehorse. Somebody calls somebody to do it. Now, presumably, the Game Department could deal with it, the RCMP could deal with it, or the City By-Law Officer could deal with it. Is it reasonable to expect that, had any citizen asked any one of those officers to do it, they would all be peace officers within the meaning of this ordinance, and would be empowered to deal with it properly?

I have just looked at Clause 402; the clause referred to by the witness. In the same instance, say it was a horse that was wounded and lying near the road, just out by Takini Hot Springs, or some such place, and I guess that could happen. Could anybody in authority ask a policeman to deal with it, or a Game Officer or whoever came along, including a by-law enforcement officer? Are they all peace officers for this purpose? Can we be sure there will not be any buck-passing, or any reluctance on the part of anybody as to who should deal with that kind of problem?

Mr. McWilliam: I believe that, in answer to that question, I should point out that it is the municipal council's responsibility to designate individuals as peace officers. If they have so designated all their by-law enforcement officers as peace officers, there will be no problem. In some of the smaller communities, where there is no requirement for an ongoing enforcement officer, they would obviously not be exercising the power, and would be looking to RCMP or the Game Officer to perform that function for them.

Mr. Penkett: I admire Mr. McWilliam's intelligence, but he is carefully avoiding answering the question I really want answered.

What I want to know is can the municipality designate the RCMP officers within its boundaries, and the game officers within its boundaries, as peace officers, for the purpose of this ordinance?

Hon. Mr. Pearson: Mr. Chairman, the RCMP are peace officers. They are designated as peace officers by legislation. They will be peace officers pursuant to this legislation, because they are designated peace officers.

The same with designated game officers; if they are peace officers then they are peace officers. But the municipality has a responsibility, if it wants to assume it, or has the capability, of as well designating its own peace officers.

Now, Mr. Chairman, if there is an injured horse on the side of the street and someone phones up the RCMP, on a personal basis, the RCMP member might well say, "Well, I do not want to handle it; phone the municipal police officer. We have no control over that kind of thing." But it would be a question of the responsibility of any peace officer, if the problem is brought to their attention.

Mr. Penkett: I thank the Honourable Leader for his answer, for clarifying it in my mind, but the police officer may be personally reluctant. Let me ask him this, not as a point of law but as a point of contract between this Government and the RCMP: would it not be deemed as an unreasonable request if a citizen stopped an RCMP officer and said, "I want you to deal with this problem." He cannot just simply say, "It is a municipal by-law and you have got by-law enforcement officers; go to them."

Mr. McWilliam: I believe the question was addressed to the
Government Leader; however, that is correct. It would not be unreasonable to request any peace officer to carry out a function that the municipality has provided the legal authority to, by law.

Mr. Fleming: My question is just the opposite: the board or the aldermen or the mayor, for instance, in this ordinance you are giving so much power that you are almost making them peace officers.

I am wondering if they are not considered peace officers somewhere along the line, seeing as it looks to me, and maybe if it is explained that it is not I may agree, but in the ordinance there are so many places that give them the power to actually fine, or whatever; impose a certain amount of fines or whatever, and to do certain things, it seems to me, which should only be done by a peace officer.

Mr. McWilliam: I think that Mr. Pearson answered most of the concern there. A peace officer is an individual who has received that appointment under some statute; for example, the RCMP, or in some cases, perhaps a Game Officer has been appointed as a peace officer. What this legislation does is allow the municipality, if it feels it is necessary to have additional enforcement officers under its own control, to provide for them to also become peace officers. So it is discretionary, upon the municipality.

Mrs. McGuire: On subsection (e), "the cutting of trees on lands within the municipality...requires a permit...", is that on private land as well, like your own lot?

Mr. McWilliam: What you are dealing with there is public land.

Mr. Byblow: I have just a general question, sort of relating to all of these sections that we are going through. Because it is going to take, in the case of the smaller municipalities, quite some time to develop regulations or by-laws in these various areas that we are dealing with, simply because there does not exist, and may not exist, a regulation pertaining to a matter, what is the jurisdiction of that kind of thing, then? To use (e) for example, or (d): what if someone wants to take river-bed gravel, and there is no specific by-law, or if somebody wants to cut some timber, and there is no regulation pertaining to that? What is the jurisdiction of that?

Mr. McWilliam: These are permissive powers for a municipality. If they do not choose to exercise then there is no restriction over, for example, the taking of timber.

Mr. Fleming: I might ask the question of the Minister or the witnesses, whether, if the municipalities do not have those by-laws, the Territorial laws would not overrides them?

Mr. McWilliam: That is correct. I should have added in my previous answer that they would still be subject to any Territorial legislation that is in effect.

Mr. McWilliam: That is correct. You could have a contract or an agreement between the municipality and the RCMP. However, at the present time, it would be under the Territorial Police Services Agreement.

Mrs. McGuire: On a point of order, Mr. Chairman: in going back over a few pages I missed in Committee here, I have run across a sentence on page 145. It is near the top of the page in (6). It says, "...an appeal from the decision of that person may be had to the council of the municipality ...".

Mr. Chairman: Has the Honourable Member unanimous consent to re-open clause 294(6)?

Some Members: Agreed.

On Clause 294(6)

Mr. McWilliam: Mr. Chairman, this just provides that, where council has designated one of their employees to be responsible for issuing licenses to taxi cab drivers, if the need to issue or renew a licence, there is an appeal from that to council.

Hon. Mr. Pearson: Mr. Chairman, to answer the Honourable Member's question directly: yes, that is correct legislative drafting. The word "had" is used properly there.

Clause 294(6) agreed to

Clause 300 agreed to

On Clause 301

Mr. Penikett: I just want to be perfectly clear about this. We seem to have now what some people call an open-range system for horses right now, in most of the Territory. What we are doing in this legislation, if I understand it correctly, is giving the power to a municipality to decide that that shall no longer be the case inside a municipality. If they wish to regulate the movement of domestic animals within the municipality, they can. So we could have, for example, at the perimeters of this city, people who, within the city limits, will be under domestic restraints as regards their livestock, and people outside the boundaries could be under a much more liberal regime. Is that correct?

Hon. Mr. Pearson: Yes, Mr. Chairman, that is absolutely correct.

Clause 301 agreed to

On Clause 302

Mr. Byblow: Clause 302(1)(c), in effect, deals with the area of quarrying, does it not?

Hon. Mr. Lattin: Yes, it seems so to me, Mr. Chairman. I might point out, in this particular section, that these are general enabling provisions on items that are of local concern. In previous legislation, it has not been spelled out: there have been a lot of arguments to define them, and we have put this in so that we can attend to these particular sections that were not normally municipal matters previously. It is just for clarification, and that is correct on 301(c).

Mrs. McGuire: On subsection (e), "...the cutting of trees on lands within the municipality...requires a permit...", is that on private land as well, like your own lot?

Mr. McWilliam: What you are dealing with there is public land.

Mr. Byblow: I have just a general question, sort of relating to all of these sections that we are going through. Because it is going to take, in the case of the smaller municipalities, quite some time to develop regulations or by-laws in these various areas that we are dealing with, simply because there does not exist, and may not exist, a regulation pertaining to a matter, what is the jurisdiction of that kind of thing, then? To use (e) for example, or (d): what if someone wants to take river-bed gravel, and there is no specific by-law, or if somebody wants to cut some timber, and there is no regulation pertaining to that? What is the jurisdiction of that?

Mr. McWilliam: These are permissive powers for a municipality. If they do not choose to exercise then there is no restriction over, for example, the taking of timber.

Mr. Fleming: I might ask the question of the Minister or the witnesses, whether, if the municipalities do not have those by-laws, the Territorial laws would not override them?

Mr. McWilliam: That is correct. I should have added in my previous answer that they would still be subject to any Territorial legislation that is in effect.

Clause 302 agreed to

On Clause 303

Mr. Penikett: I just have one question about this, Mr. Chairman. I know that in a small cabinet there is, or at least ought to be, pretty good coordination between the departments. I just wondered if Section 303 in this ordinance which makes reference to the Curfew Ordinance — if that has any implications for Bill Number 54, which has also been introduced in this Session?

Mr. McWilliam: I am sorry Mr. Chairman, I am not aware of what Bill Number 54 is.

Mr. Penikett: I can tell you what it is. My name for it is the Dirty Hippie, Drunken Indian, and Do Not Park Your Pickup Truck At the Airport Ordinance, but the Government calls it the Petty Trespass Ordinance.

Mr. McWilliam: No, I do not believe there is any conflict, Mr. Chairman.

Mr. Penikett: Sorry, perhaps this is not the time to raise it. I just wondered if 54 was supposed to supersede this, because it seems to me that it deals with public places and young people in those public places, and there might be some overlap.

Hon. Mr. Pearson: Mr. Chairman, there could well be overlap if the municipality happens to have a curfew, and it is after the curfew. That is about the only time that there could be overlap.

The petty trespass legislation does not have any time constraints in it.

Clause 303 agreed to

On Clause 304

Mr. PENIKETT: Mr. Chairman, I like pigeons. I think some of the greatest cities in the world have an abundance of them. They not only decorate some of the most magnificent old buildings in the world, but they tend to be loudly biological. I have noticed in this city that there is one building of not very
Mr. McWilliam: The paragraph would read, "require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes, odors, effluvia; and prescribing measures and precautions to be take for such purpose; and for fixing limits not to be exceeded in respect of such emissions."

Mr. Fleming: This subsection (g), I really have a problem with that. Is this a new way of, more or less, to fining people and the penalty is paid, of course, by cash? This seems to be a new way of being able to do that very thing; you can add this type of thing because your property becomes untidy or unsightly and the fireweed is growing all over it, that you can add onto the taxes all of a sudden. Can that possibly be considered as a tax?

Hon. Mr. Lattin: No, Mr. Chairman, I do not think that would be considered a tax. I think it would be a charge against the property, but it is not a tax.

Mr. Fleming: Mr. Chairman, I have not quite got that clear yet. I do not want to hold it up but I would like to have that really clear, because it says "...prohibit the owners or occupiers of real property from allowing property to become untidy or unsight­ly,...", and then it goes on down to the bottom and says, "...the thirty-first day of December in any year, shall be added to and form part of the taxes..." Maybe the Government Leader could explain it to me.

Hon. Mr. Pearson: Mr. Chairman, this is a penalty, but what happens is if the person has not paid the penalty, if the municipality has incurred the cost on behalf of the person, the person has not paid the penalty, then, Mr. Chairman, it becomes part of their taxes and it becomes collectable under the collection procedures of the taxes, that is all. It is a penalty.

Mr. Falle: Mr. Chairman, are we back on 304.

Mr. Chairman: Yes, we are.

Mr. Falle: The more I read this the more I do not like it. Basically, I do not like this pigeon thing, I feel we are picking on pigeons. Well, you are going around shooting those poor pigeons and setting a bounty on them. It seems ridiculous.

Hon. Mr. Pearson: Mr. Chairman, I cannot let that lay. There is no suggestion here anywhere that anybody can go around shooting pigeons.

Clause 304 agreed to

On Clause 305

Mr. Byblow: Does the witness know if there is any Territorial regulation that presently restricts the distance from a community that firearms can be discharged?

Mr. McWilliam: Yes, Mr. Chairman, in the City of Whitehorse, for example, there are distances in municipal boundary.

Hon. Mr. Lang: Also, for an example, you cannot discharge a firearm, I think, within a mile of either side of the Takini Hot Springs Road where there are people living. So there are areas that have been designated and I believe that is actually through the Area Development Ordinance outside the municipality.

Mr. Tracey: Mr. Chairman, I believe it is one mile from any community.

Hon. Mrs. McCall: ...or any inhabited place, like Forty Mile; there is a caretaker there, Mr. Chairman, you cannot discharge a firearm within a mile.

Mr. Byblow: The only reason for my question is that if a municipality is established and firearm discharge is eliminated or prohibited under a Territorial ordinance from within that municipality, then it would raise a question as to the need for this section.

Hon. Mr. Pearson: Mr. Chairman, in this particular municipality, I do know that there is a rifle range; it is established by by-law.

Clause 305 agreed to

On Clause 306(1)

Mr. Fleming: In this section a building includes any fence, scaffolding, structure, or erection, and I was just wondering: for instance, in front of my own place and many of the rest of us, we have a monstrous pole which comes right up the middle of our driveway with a bunch of power lines hanging on it. Could it be possible this could be used to have those removed or put in certain places?

Mr. McWilliam: I do not believe that a pole would be included
Mr. Penikett: I do not know how different this provision is from the existing ordinance, but I would like to have the Minister say something about his intentions in this regard. It is all very well for us to say that a municipality may exercise this power, but I know from personal experience that it is not easy.

I can think of one case in this city where there was a fairly flagrant case of squatting by, not a resident, but a business. The business had sufficient clout in this community that not only did it manage to force the city to support their application for land on which they were squatting, but they stood in absolute defiance of any suggestion that this section might ever come into force. I do not know what they could have done in terms of holding it up in the courts, but they certainly were in a position, economically, to be able to say to the city, “You try this and we will take it as far as it can go.”

So, I do not know how often it has been used. I suspect it could quite easily be used in the case of a building that has only partially been completed, and somebody ran out of money, and it has become a fire trap or something. But I want to know what the Minister has in mind, as far as this section is concerned, because in the instance I have just given previously. I think it would be very hard for a municipality to act unless they were sure that they had the cooperation, the consent and the support of the senior government.

Mr. McWilliam: To avoid commenting on the political question of whether they would have the support of the Territorial Government or not, I would just comment on some of the other things that Mr. Penikett has raised.

This section deals with public nuisances, which means buildings which are dangerous to public safety or health. The example that he raised would not apply under this section. We dealt with, yesterday, a previous section under building standards, where a building could be removed or brought up to standard if it was in violation of a by-law. That would be the section which they would appropriately use.

Mr. Penikett: It does not come up here, but it seems to me, when I was reading this bill before, that some of these powers that can be exercised here can be exercised in cases where a building does not have — I think it was called an “occupancy permit” but I am not sure whether or not that is the correct terminology. I understand what an occupancy permit is, in the case of a new building that has to be inspected and approved before it can be inhabited. But is it contemplated that some consent might be required, after the fact, for occupancy of a building that is already up and in use?

Mr. McWilliam: The sections dealing with building standards give the municipality the authority to establish a system of occupancy permits. As Mr. Penikett has pointed out, that would deal with new buildings or those buildings where there has been sufficient structural renovations that they are going to require an additional approval. I do not think it would be applicable in this case.

Mr. Penikett: I understand what Mr. McWilliam is saying. So I can understand that the normal — even though I do not have the specific clause on it that I should be talking about it under — the normal tradition of grandfathers would occur in terms of existing but, for example, a non-conforming use could continue to exist, but you could not aggravate that non-conforming use.

Mr. McWilliam: That is correct, Mr. Chairman.

Chairman: It now being 30 seconds to 12 o’clock, the Committee will recess until 1:30. But before we recess, the section going to clear?

Some Members: Agreed.

Mr. Chairman: I call Committee to order.

Mr. Byblow: Mr. Chairman, a question has come up on section (7); I would ask for unanimous consent to reopen it and perhaps clarify for the record.

Mr. Chairman: Reopen what?

Mr. Byblow: Reopen section (7) just for one clarification.

Mr. Chairman: Unanimous consent?

Some Members: Agreed.

Mr. Chairman: Granted. Proceed.

Mr. McWilliam: Thank you, Mr. Chairman. It is very nice to know in advance that a question is going to come up. I would first like to comment that this is an existing provision and there have been no problems such as the Member foresees. I would also point out to him that it refers to possession of the land. Possession, in legal terms, would refer to control of the land. This, if the judge permitted, would give the municipality the ability to control the land, for the period that is necessary to correct the deficiency. It does not mention ownership there.

Mr. Byblow: Okay, so just for clarification then: it is possession without ownership, and subsequent disposition.

Mr. McWilliam: That is my understanding, Mr. Chairman.

Mr. Chairman: Mr. McWilliam: It is not something that I have devoted a great amount of thought to, so my comments would be subject to getting legal advice on it. However, I would suggest that, if you check the intent of this section, it is to apply to any building. The question of how that building has been registered in the Land Titles Office, the Minister may be registered or identified in documents dealing with the federal Mining Recorder Office?

Mr. McWilliam: That is kind of an interesting question, Mr. Chairman. Maybe Mr. McWilliam can elaborate on it.

Mr. McWilliam: I am a little foggy on the law in these cases. Mr. Chairman, but I would be interested, since I know the Minister is something of an expert in these matters, to know what the situation is in the Territory, where on certain traditional mining claims people may have erected buildings as part of their assessment work: that such buildings may now, in some cases, begin to fall under municipalities — particularly in the case of Dawson where the boundaries could be expanded under this ordinance — but which buildings may not be identified very clearly in the Land Titles Office in the Territory, but may be registered or identified in documents dealing with the federal Mining Recorder Office?

Mr. Lattin: That is kind of an interesting question, Mr. Chairman. Maybe Mr. McWilliam can elaborate on it.

Mr. McWilliam: It is not something that I have devoted a great amount of thought to, so my comments would be subject to getting legal advice on it. However, I would suggest that, if you check the intent of this section, it is to apply to any building. The question of how that building has been registered in the Land Titles Office, I think, would not be a particular problem.

Mr. McWilliam: I just want to make sure I understand Mr. McWilliam correctly. If there were such a building that may have been registered on a mineral claim and, for example, a non-conforming use could continue to exist, but you could not aggravate that non-conforming use.

Mr. McWilliam: That is correct, Mr. Chairman.

Mr. Chairman: It now being 30 seconds to 12 o’clock, the Committee will recess until 1:30. But before we recess, the section
Mr. McWilliam: Yes, that would be my understanding.

Clause 306(11) agreed to
On Clause 306(12)
Clause 306(12) agreed to

Mr. Penikett: Mr. Chairman, I do not want to sound picky about this thing but I am thinking of a number of cases in the Territory where there are old buildings and what some people might call "junked vehicles", but what other people might call things of historical or museum interest.

Now I am sure that could leave us to consider a number of comic possibilities. I know of several cases myself here there are old buildings that certainly would not meet anybody's building standards nowadays, where here are vehicles which have been machinery used in connection with the mining industry in some previous time, which, because we have no ordinance yet, as I understand it, properly protect some things like that. they might fall into the hands of the municipalities because they were trying to clean up, which is a perfectly proper object for them. They may fall afoul with somebody like the Museum Society in the Territory who wants to protect them for an equally good reason.

I see here some potential for a conflict between two good and legitimate purposes, but which may conflict in the case of buildings and vehicles such as being described here. I admit the cases are unusual, but it seems to me that possibility exists here and I would like to have the Minister comment on it.

Hon. Mr. Lattin: Mr. Chairman, my interpretation of Section 307: to me, says that the notice shall be given to a particular person in whose ownership this particular piece of machinery is in. If we are talking of junked vehicles, we will bring it to his attention and he will have an opportunity to appear and justify the existence of that particular vehicle.

I do not think we are taking away from him in this particular section; we are laying out the procedures of how he can come up and justify his ownership of it.

Mr. Chairman: Order, please. The Chair has not yet passed subsection (12) of clause 306.

Clause 306(12) agreed to
Clause 306 agreed to
On Clause 307(1)

Mr. Penikett: Just in general discussion on the same subject, let me deal for a moment, with the particular possibility of the boundaries at Dawson City being expanded to include some of the old gold fields. There may be some, what might be called "junked vehicles", under this ordinance that are old dredges, for example. I do not mean dredges of Mr. Guggenheim or any of his heirs are going to be jumping on airplanes from New York, tearing themselves away from their art galleries to rush up here to reclaim any of these things, but, presumably, under other ordinances -- such as the one we were dealing with the other day regarding owners of property, the Territory might have an historical interest in some of the things he has there.

I guess my concern is to make sure that we do not have municipalities disposing of things which have archival interest, without the Territory properly protecting, or at least investigating, their historical value.

Hon. Mr. Lang: Mr. Chairman, if the Member reads on, he will see what the definition of a junked vehicle is in subsection (6). We are talking of vehicles, specifically vehicles. We are not talking about artefacts, or buildings that the Member alluded to earlier in his question on the particular matter.

It obvious to me that (a) we are talking about a junked vehicle as defined in the ordinance, and (b) the individual has the ability to appeal to council prior to anything coming forward. So the procedures, as my colleague has pointed out, are very well defined and if there is anything of an historic nature that he has in mind, I am sure that definitely that would be taken into consideration by a municipality in whose ownership this particular piece of machinery is in. I am sure that a municipality in whose ownership this particular piece of machinery is in it would indicate so, Mr. Chairman.

Mr. Penikett: I am pleased to have the Minister's assurance on the last point, as I am sure he knows. The problem is that there are some historic vehicles which I know would fall under this definition — I am not suggesting it be changed because there is no purpose served in that — but I can think of several cases where instruments and vehicles of historical interest certainly fall under these definitions. What I am concerned about in such cases is not that the individual be protected — the former owner who has long since left the Territory, with his money — I am more concerned about the interests of the public of the Yukon being protected, where it comes in conflict with the interests of a particular community, that is all.

Hon. Mr. Lang: The only point I would make is that that would be different legislation, and the member will get a chance to debate it at that time.

Clause 307(1) agreed to
On Clause 307(2)
Clause 307(2) agreed to
On Clause 307(3)
Clause 307(3) agreed to
On Clause 307(4)
Clause 307(4) agreed to
On Clause 307(5)
Clause 307(5) agreed to
On Clause 307(6)
Clause 307(6) agreed to
On Clause 307(7)
Clause 307(7) agreed to
On Clause 307(8)

Mr. Penikett: Earlier on we had a section in this bill which Mr. MacKay complimented, because it permitted lawsuits against officers. We have a clause here, which of course I guess, is one that we see in other ordinances, which protects municipalities or their agents or employees; could I ask if there any legal conventions in this jurisdiction, surrounding things which in this bill are described as any reasonable or necessary acts committed in connection with removal?

Mr. McWilliam: Yes, Mr. Chairman, it is my understanding that both those terms are considered by the courts and they have working definitions for them.

Mr. Byblow: Just before we clear this section I have a question of a general nature. In all the references to the junked vehicle, it appears that the municipality is being given the permission in every case to pick it up and destroy it; the reference to "destroy" is repeated in several of the clauses.

I am wondering if any intent is envisioned, by this entire Clause 307, to salvage any of this equipment? I am not thinking of that in economic terms. I am thinking in terms of salvage for historical purposes. We have a vehicle that has been left abandoned; it has some historic value; it would like to be placed into a museum; can the municipality, under this clause, take possession of that vehicle and restore it, to be placed into that kind of situation?

I only raise that because the reference is, in every case, for destruction of that unit.

Mr. McWilliam: This section is intended to deal primarily with those cars which have rusted out, and have been abandoned, etcetera. I would suggest that the consideration of whether or not that vehicle was to be used for historic purposes or put on display somewhere, would be dealt with, in considering the fate of that vehicle, before you actually include it on the list of vehicles to be destroyed. If you do intend to retain it and fix it up, you would not apply these provisions.

Mr. Tracey: Mr. Chairman, would section (5) not also give the municipality the option of whether they are going to destroy it or not?

Hon. Mr. Lattin: Yes, it would indicate so, Mr. Chairman.

Mr. Byblow: It boils down to a matter of interpretation. Section (5), again, refers to the destruction. I pose this very seriously: if you are giving the municipalities only the permission to destroy it, and not to retain it or restore it, maybe we should consider another term to be extended in there.

Mr. Lang: Mr. Chairman, if he reads subsection (5) fully, it says, in "...conditions which it considers necessary", that they may "postpone the removal and the destruction" thereof. I would suggest it from any lawyer's point of view, and for that matter I would contend, any lawyer's point of view, that gives you the authority to decide whether or not it is an historic vehicle, and if it is, then certain steps that are perceived could be undertaken.

I do not think it is a question of bringing this in in every case or incident: this is just strictly a question of procedure.

Mr. Byblow: I guess if the intention is made clear, as it has been, that you can take a particular unit and restore it, then that is fine with me.

Hon. Mr. Lang: It certainly does not say that it has to be des-
troyed. If you read it, the intent is obviously there. It gives a very wide latitude to any municipality if they are dealing with a question of this nature.

Clause 307(8) agreed to
On Clause 308
Clause 308 agreed to
On Clause 309

Hon. Mr. Lattin: Mr. Chairman, I have prepared notes on this particular one. I think I should probably outline them. The overall philosophy of this part is to enable municipalities to plan for future growth and development of the community, and to progressively acquire the powers and control to implement and manage the development, to this end. A municipality should have a clear idea of its future growth, and this should be set out by statements of policy and maps of the official community plan.

A zoning by-law, which is a tool which manages development and is one of the important instrument tools of a community plan, may only be prepared after the community plan has been prepared. The other major tool, financial provisions of the community plan, is the means by which a municipality may take a positive step to implement this plan. Interim development control is a transitional power which a council may acquire, to cover the period between deciding to prepare a community plan or the by-law, and actually bringing it into effect.

The object is to forestall development that may not be compatible with the new plan or by-law, until the direction of the plan or by-law is firm, and positive decisions have been made. Having adopted a community plan, the council may pass a subdivision control by-law, which will, with the Commissioner's approval, allow it to acquire the powers now held by the Commissioner, to control the design and new development of the land subdivisions.

The provisions regarding the development cost charges enable a council to anticipate the eventual needs for various community facilities, and require a financial contribution toward their eventual provision.

The non-conforming use provisions set out the code that applies to land use and buildings not conforming to the provision of a zoning by-law. These provisions are similar to legislation enforced elsewhere in Canada.

The business improvement area division enables a council to create an area subject to the management of the Commissioner, which would seek to enhance the viability and effectiveness of the area.

The appeal provisions of the ordinance are intended to create uniform Territory-wide processes for dealing with variances and the further appeal, or, in some cases, alternate appeal to the Yukon Municipal Board. This is intended to avoid having to go to court on a matter of a technical or administrative nature.

The miscellaneous provisions division incorporates penalties for the violation of this part of the ordinance, and provisions for entering into a development agreement not in conformity to the zoning and other by-laws. The latter provision is similar to present Yukon legislation.

Mr. Penikett: Mr. Chairman, I thank the Minister for his statement at the beginning of this section because I think it is useful. It would be probably very difficult for us to discuss an innovation like this without having had that kind of general statement by the Minister at the beginning of debate.

Perhaps it would be easiest for us, for the moment or two we are going to spend in general discussion, to talk about a specific case or two.

Now, as I understand it, the concept of zoning itself is fairly new in some communities, and there has not yet been what you would call wide-spread public acceptance of it. The former Minister of Municipal Affairs shakes his head: well, let me challenge him because I think he is wrong about this as he is about a great many things.

I was in Mayo recently and talked to people there about zoning and there seemed to be some feeling in that community that the zoning that they had acquired came as a result of two options that they were given, and I will quote from the minutes: option one was to have one imposed on them by the YTG; now, if I am wrong about that, I would like to hear from the Minister.

Now, I want to ask the Minister, in practical terms: since we are going to get into this business of official community plans and we have the fairly long phasing in period which is allowed under this bill, exactly what steps would they, as the Minister, and the board, be taking, in sequence, to go towards the point where Mayo would end up adopting an official community plan?

If the Ministers opposite will forgive me for this, I think it would be useful for us to have these steps outlined for us, because I think that in order for all of us to understand how these things are going to work and what the implications of these things are going to be, we should understand how they are going to be imposed and how the plans will come into place.

Hon. Mr. Lattin: Mr. Chairman, since the Member is requesting the steps for implementing this plan, I will direct that question to my witness.

Mr. McWilliam: As the legislation outlines in this section, the Minister's intention to have all municipalities adopt an official community plan within two years of this legislation coming into force. I would point out that at the present time all municipalities do have an official community plan, although, in a number of cases, they are quite out of date.

There is also provision in here, that if there is a necessity for an extension of that two-year time period, it can be granted. Once the official community plan is in place, the municipality then has one additional year, in which time, may implement the zoning by-law which is the mechanism for bringing the recommendations of the official community plan into force.

Hon. Mr. Lang: Mr. Chairman, I would just add to that: it should be pointed out, as the witness has done, that all communities have the basis for an official community plan. A lot of money has been spent by the governments over the last ten years to try to get an official community plan, as the Minister has said, to assure some stability in the community and to act as an assurance to those people who have invested, and future investors as well goes on.

I should point out, with respect to the question that the Member has raised about Mayo, that there has been zoning in there for a number of years, within the L.I.D., but there have also been area development regulations passed, outside the perimeter of what is now the L.I.D.

I would suggest, Mr. Chairman, that perhaps he is maybe talking to the wrong people, or not really getting the right information. Most of these communities are already relatively familiar with zoning.

I am sure that I can find in my riding, just like he can find in his, people who will object to zoning. But I am sure that everybody, without fail, in the final analysis, is going to want a system of zoning to ensure that the rights of other people are not being infringed upon and also to ensure that the investment that one is making is going to at least have some stability and some security. This is what this particular section of the ordinance is doing, in philosophy, to ensure that investments are being protected, as well as advanced, and people will know where those investments can best be made.

Mr. Penikett: I thank the former Minister for his statement. If he is curious about whom I was talking to, talk to the L.I.D. board. I would say, though, that I am sure he would not want to leave the impression that the official community plans proposed here are of the same status, weight, and authority as those that were previously in place, because I do not think that is the case. These are a much more serious, permanent and tough provision than the former plans, some of which, let me say in all fairness — and to a certain extent this is true in Whitehorse — were not developed to a sufficient public input. In many cases, from what I saw of them, there might be a big debate about this but it is not necessary — it looked to me like they took the existing land use situation, and straightened out some of the lines and the boundaries, and then just sort of generalized that into a zoning map. That, to me, is good mapping but it is not necessarily good planning.

Let me ask the Minister, because I want to zero in on this point. I do not want the impression to be left that these community plans are going to be like the old ones. The witness was good enough to suggest that there will be quite a bit of flexibility in terms of the planning and about having two or three of these plans come into force; that is, one and a half years, possibly, after this, and then possibly a one-year extension beyond that. So we are talking about quite a bit of flexibility and that is good. We may need it. Let me ask the Minister how he, as the person who is going to be hearing grievances and complaints on this score, expects the plan to work in the following kind of case. You have a new municipality created. Perhaps in some cases the first municipal council in that
Mr. McWilliam: I think Mr. Penikett is very correct in indicating that if you have gone through a considerable amount of thought and public scrutiny about preparing an official community plan, you have also to ensure that the same careful consideration is given to any amendment of that official community plan.

This legislation provides that, where an amendment is necessary or desirable, it go through the same process of public scrutiny.

I would point out to Mr. Penikett that somewhat later in this division, in section 221, if he wants to refer to it, we provide that the council must review their official community plan on a regular basis.

We are providing here that at least every five years it must be considered. They can also be requested to do so by the municipal board or by the inspector, if there appears to be some problem, or they could initiate a review of their official community plan at any time. In that way a new municipal council who had some political difficulty would be able to exercise their option to have the plan reviewed.

Mr. Byblow: On this very principle, with a community plan being in a sense a rather enshrined document towards the development of the town. I raise the question of areas of high growth: where in very short order it may be necessary to do some revisions or to permit some non-conforming uses of a general area, which, in effect, cannot be done according to the restrictions of the plan itself.

Can the witness or the Minister respond, with respect to how municipalities will deal with the sort of individual cases where it is almost impossible to develop in a non-conforming pattern? We are talking about five year plans; we are talking about revising it from time to time; and we know that the period will take almost up to two years to change.

From personal experience I know that we instituted a community development plan in 1977. Within three years it was out of date, and another one had to be put into place and is being presently developed. I suggest to you that we need time to develop in contradiction to the community plan. How are we going to address the cases of immediate, fast-growth situations?

Mr. McWilliam: I should point out that if Mr. Byblow is under the impression it would take two years to do an amendment to the official community plan, that is not quite the case. What we are providing here is where you do an amendment to the official community plan, you must go through the same process of having public scrutiny and full consideration. What we are attempting to avoid is having piecemeal amendments made to the official community plan, that may totally change the basic principle that that plan was developed on. So, in a case of a community like Faro, which is developing rapidly, and where that development was not foreseen, there, I would suggest, adequate provision here to amend the community plan.

Mr. Byblow: Well perhaps we are getting into specifics, but how long does the witness see the length of time being, to initiate a change to the plan?

Mr. McWilliam: I believe, Mr. Chairman, we are into specifics now. We provide certain protection in here against an adoption of a community plan or amendment without proper consideration. So there are some time requirements for appeals, et cetera. I would say that, in general, what you are talking about is a matter of months.

Mr. Chairman: I would ask the witness whether the line of questioning is going to be dealt with in further sections here?

Mr. McWilliam: I would believe that Mr. Byblow’s concern would be addressed in the following sections.

Clause 309 agreed to
On Clause 310

Mr. Penikett: The matters to be included within the framework of these plans might lead one to wish that the Government of the Yukon Territory had one, if it were possible.

The purposes laid out in Clause 310 talk about a framework, a guide. Land development is a critical factor. Then subsection (c) is an interesting proviso. It talks about identifying critical problems and opportunities concerning the development of land and “the social, environmental and economic effects thereof.” Now, I guess those are all planning considerations anyway. Normally, if you hired a planner who is of the holistic school of planning, rather than the engineering school, he will want to look at the engineering factors and the social factors and all that.

The trouble is, with the possible exception of a place like Faro, even a town as old as and as sophisticated as Dawson City would have some trouble, I would guess, making accurate assessments of the social and economic forces at work in their community all the time.

I am therefore bound to ask, even though we may come to this later, what kind of assistance from this Government, beyond the Department of Municipal Affairs, is planned to offer to these communities, in making these kinds of judgements? We have a department, ERPU, which may be able to give them some population statistics; for example, which may be able to give them some reasonable projections about the rate of growth in some communities, even if the Government Leader obviously inflated those figures when he was on the Jack Webster Show. Mr. Lang’s department may be able to make some assessments about some probable economic developments in the region, but unless that material is available to the municipalities, they will not themselves be in the position to be able to make. I think, reasonable judgments about what will be going on, partly because we get to this whole problem of turnover again. We might think that, in Whitehorse, for example, because we went through those years, we had to develop in contradiction to the community plan: directing a municipality’s attention towards them, asking them to consider all that wide range of matters.

In addition to the assistance through the Department of Municipal Affairs’ personnel, which does include professional planning expertise, we also provide to the municipalities, through the Community Assistance Ordinance, funding for community plans.

There are also other departments in this Government who, at the present time, are doing things such as regional planning which would work very well. I would suggest, in conjunction with a municipality considering its official community plan.

Mrs. McGuire: I just want to point out a typo in (e).

Mr. Chairman: Line 2 in (e), typo, there is an “h” missing in the word “the”.

Mr. Penikett: I am beginning to understand what the department is about a little better now. Let me ask the Minister a direct
question which he may refer to the witness.

Let me use the case of Mayo, since I have such fondness for the place. Who does the Minister expect to prepare the first draft of the new official community plan for Mayo, given that he has identified some resource in the department and given that he has also said there may be some funding available if the people of Mayo have some reason not to wish to employ Mr. McWilliam and his friends. Who would the Minister expect, given the statement about regional plans and so forth, to do the first round because I doubt that anybody in the L.I.D. would be able to do as comprehensible a document as this, I would guess.

Hon. Mr. Lattin: Mr. Chairman, I always had a great faith in the ability of people to work together. I think it will be a cooperative effort between the people in a particular community and the expertise in our department. I think, Mr. Chairman, that is the only way I can foresee developing a plan with any type of expertise, which would still satisfy what I would consider to be the needs of the people who are affected, and that is the people in the particular community.

Mr. Penikett: I want to compliment the Minister for learning his case almost as well as his colleague from Porter Creek East. With respect, while I understood his answer and I appreciate it, and the sentiments expressed in it are delightful, would he expect, in the case of Mayo, for example, that officials in his department would be preparing the first draft of the community plan? I know this is going to be the product of discussion, I hope it is going to be the product of discussion with the people of Mayo, and I am pleased to have the Minister's assurance about that.

Would the first draft probably come from the Department of Community and Municipal Affairs? Someone has got to start somewhere, I assume, and I just want to know what the baseline document is going to be.

Mr. McWilliam: To use the example that Mr. Penikett has, Mayo, I would suggest that in that case, similar to the exercise that we went through with the Mayo periphery area, the department would be preparing a draft that we would solicit comments. It is quite difficult, as all Members probably realize, to sit down without something to comment on and somewhere to start from, so the department will certainly be available to provide that assistance.

Mr. Byblow: If I am interpreting the discussion correctly, the department is going to assume the major role in drafting up and presenting the community plans. My familiarization with community plans that have been done is that they have been solicited from consultants and have gone home, been congratulated on settling it, and I had had some paper at least which will provide the basis of discussion for the community. That certainly would not preclude the possibility of using consultants and I would suggest that in larger communities, because of the limited resources that the department has, you would undoubtedly find that the municipality will also be utilizing consultants.

Mr. Penikett: Small communities, wherever they are, are whether they be Yukon or Mayo itself, always have a problem finding the expertise that they need. I am glad to extract from Mr. McWilliam the view that there will be, if not a first draft, some paper at least which will provide the basis of discussion for the community. That is good. Perhaps in the case of Mayo it might be some kind of regional plan of the peripheral zoning that has been done.

Let me ask the Minister how he sees the process developing. Given that the local council has an obligation to develop the plan under this law, and the responsibility for it before the plan is in place; before you get to your favourite subject, the municipal board, how would he deal with the kind of conflict, for example, where Mr. McWilliam or Mr. Livingston go to Mayo and they have some really good ideas, and the elected body in Mayo, such as it is, says, "No, that is not the way we want to go. We do not like the way you divide up the town. We like it the way it is now."

I can just see this possibility. There is an irreconcilable conflict between the view of this Government, which is trying to introduce some planning concepts for the good of the whole Territory, and the view of Mayo as seen by the people who live there. And that is quite possible; that could easily happen.

Now, as I understand what is proposed here, the board is not yet in a position to be brought into play: to have hearings or to do the actual drafting. From the Minister's point of view, what would happen then, if that happened?

Mr. McWilliam: I think the key point is that this is an official community plan for that municipality. If Mayo becomes a town constituted with a municipal council, they would be the ones who would be responsible for the preparation of that plan. We can provide recommendations and assistance to them but it is their plan.

If there were to be, as Mr. Penikett pointed out, irreconcilable differences between departmental officials and the community, over what the plan entailed, it would be the community. I would suggest, that would be the one to dictate how that plan was prepared, presented to the Yukon Municipal Board, and then to the Commissioner for approval. At the Commissioner's level, the political decision may be made that they wanted changes.

Mr. Penikett: That brings me to my next question, Mr. Chairman! The Catch 22 is surely that, having perhaps an impasse with the department, an agreement to disagree, they then proceed on their own. The department, through C.A.P. or some other means, provides for the community to hire a planner and they develop their own plan. The problem is that once it goes through, or does not go through, the Municipal Board, it is this Government who has the final say. Having done that, you then still have the problem that all subsequent zoning decisions have to fit in with that plan.

Let me ask the Minister: is the Minister satisfied that the communities which are going to be affected by this fully understand the implications of that?

Hon. Mr. Lattin: Yes, Mr. Chairman, I think I would be. I think one of the keys, Mr. Chairman, is the transitional period, the lead time, as it were. I think they will have time to understand it and I think they will have time to understand the implications and their questions answered during this particular period.

When we get into the plan, I foresee everybody having a fair idea how to proceed with it — what the restrictions are; what the method is; what their particular powers are. Again, I have a lot of faith, Mr. Chairman, in the ability of common sense. I am not saying that there will not be times when we may have a little bit of gnashing of teeth, but, in the overall situation, I foresee that we will accomplish the goal we set out to accomplish.

Mr. Hanson: Mr. Chairman, after listening to Mr. Penikett talk so much about Mayo — he was only there for a quick stand over­night, and he seems to be an expert on the town; or two-night stand, one last spring. We have had problems between the L.I.D. and the municipal government, in the two years I have been in the House, on some three occasions. I have not even said a word to anybody. I have gone home, been congratulated on settling it, and I had had nothing to do with it. The department has shown a lot of common sense.

I would not, myself, living in a small community, really be concerned with it, because so far they always seem to have ended up with the right answer. It might take a little arguing but we always seem to get some kind of a fair judgment out of it. I see no objection to it.

Mr. Penikett: I just want to say to the Member for Mayo that a one-night stand in Mayo would be a month of sleepless nights in Whitehorse. I am sure everything is working wonderfully between the L.I.D. and the Department of Local Government, and that is as it should be. I hope it continues to be that way.

I am not asking these questions to be frivolous. I am using Mayo as an example because it seems to me it is a community that may not yet have accepted all the professional wisdom about planning and engineering and so forth as it is in Whitehorse.

Mr. Chairman, there is one question I wanted to ask the Minister before we leave this matter, and that is the question asked by Mr. Byblow, Mr. McWilliam had explained the kind of cautious, slow process that would be involved in changing official community plans. There will be times, no doubt, for example, when a new ore body is developed in a place like Faro, or when the company decides they want to build a smelter, where everybody will have to accelerate their decision-making process or the process of amending the plan, because the zoning changes required will not fit into it. Could the Minister just outline very briefly how he would approve,
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or what kind of circumstances he would see, accelerating the amending process to the plan, where it was required?

Hon. Mr. Lattin: Mr. Chairman, I have not really contemplated that particular aspect in detail, but I would believe that the flexibility is in there for us to do that.

I think I should direct the question to the witness, who is far more capable than I to deal with the technical aspects of this procedure.

Mr. McWilliam: I would suggest that we are dealing here with two steps. The first is a consideration of those items which should be reviewed in preparing an official community plan or an amendment, consideration of the things that were laid out in Clause 310.

The second step is the provision for adequate public notice and the opportunity for anyone who feels that they have something to contribute to make their position known.

In the case that Mr. Penikett has raised, where there is a very obvious requirement to amend the community plan, I would suggest that it would not be difficult to curtail the amount of time that was necessary for the consideration of all those factors that go into a community plan. The reason for the amendment should be very clear at that point in time, and the consideration of the impact on the overall plan would not take that much time. I would, however, suggest that it would be far more difficult to try to curtail any of the public notice or inquiry process. That would still take some time and I would suggest that, for the safeguard of that community, you would want that.

Mr. Byblow: I do not know how many communities are involved presently in developing community plans, but as I understand this entire section: if a council simply has to endorse a community plan, then we are going to have some problems because if that community plan meets all the requirements, under this section; is it possible then to adopt that plan without doing another one, through all this sequence of steps?

Mr. McWilliam: I would suggest that if the community plan that Mr. Byblow refers to has considered all of the aspects necessary for an official community plan, and it is not just an engineering document, has been the case in some community plans in the past, then there should be no problem implementing that as the official community plan.

It comes down to what the council is satisfied with as an official community plan is they are going to operate under. It is their consideration.

Clause 310 agreed to
On Clause 311
Clause 311 agreed to
On Clause 312

Mr. Penikett: I guess there is nothing that can be said about this section, Mr. Chairman, other than that I am sure, at some point in the history of this ordinance, that you are going to have a community elect a council which runs against that community’s official plan. Then we are going to have a problem because then there is no consideration of the plan that they are required to do under this plan, they are going to have one imposed upon them. I do not know how that would work out. I think the most likely case, I guess, where this provision could be used, is where a community just does not have the resources or just cannot get it together to prepare a plan, and they more than likely have to call on the department to do it for them as an interim measure.

Clause 312 agreed to
On Clause 313
Clause 313 agreed to
On Clause 314
Clause 314 agreed to
On Clause 315

Mr. Byblow: It seems to me this section has been identified for amendments.

Hon. Mr. Lattin: Sorry, Mr. Chairman, I am remiss. I was trying to find my place. Yes, Mr. Chairman, we do have an amendment to this particular clause. I move that Bill Number 57, Municipal Ordinance, be amended as follows:

in Clause 315(2) on page 166, by substituting the following:

"315(2) The Yukon Municipal Board, in reviewing an official community plan, shall consider only

(a) whether the official community plan confirms to the require-
ments of this ordinance
(b) whether the council has, in preparing and adopting the official community plan, complied with the requirements of this ordinance.

in Clause 315(3) on page 166, by deleting paragraph (b) and (c) and substituting new paragraph (b) to read: "The Yukon Municipal Board, after considering the proposed plan, may hold a public hearing, and in such case the provisions of Section 313 shall apply mutatis mutandis and shall

(a) approve the plan or
(b) refer the plan back to the council with recommendations for modification".

Mrs. McGuire: I just have a question, Mr. Chairman, on Clause 315(3) where it says, "The Yukon Municipal Board after considering a plan, may hold a public hearing."

I think "may" is a very weak word. I think that they should have to hold public meetings where the plan would be scrutinized by everybody concerned, even though there are provisions on the top of the page that say that the plan is open to interested persons for inspection. That does not always cover everybody. That mileage is not always available to people in communities.

When we are down to "may hold a public hearing", you are at the end of the line as far as the plan is concerned; you went through the council, through the individuals, and on to the planning board. So I think it is of the utmost importance that they do have to hold a public meeting, or otherwise you will probably be coming up with a lot of problems from this ordinance itself.

Mr. Chairman: I must inform the Honourable Member that it is normal procedure, when a Member has concerns, and is not satisfied with the amendment proposed, you can, under Standing Orders, produce a sub-amendment to the amendment.

Mrs. McGuire: I do not believe that portion was amended; (b) and (c).

Mr. Chairman: "In clause 315(3), on page 166, by deleting paragraphs (b) and (c) and substituting new paragraph (b) to read ...

Hon. Mr. Lang: Well, Mr. Chairman, I recognize what the Member is saying, but I think that there are enough safeguards put into the legislation here. In 313(1), while in the preparation of the plan itself, they must give public notice to people that they are putting a community plan together. It gives the council the capability, if they feel that the public should have more input into the plan, and are interested, to make a hearing available to the public so that they may view it. Then the council checks and balances in the system with the municipal board — which allows for that as well. If you put a "shall" in, and there is a common consensus in a community, and the Department of Municipal Affairs as well as the council have had hearings and everything, you may well be going through a very fruitless effort on that last step, if there have been no changes made and there has been a hearing held during the final preparation of the official community plan.

I think it is a question of trust; some discretion must be left to the municipal board. Nine times out of ten, they will decide to have a hearing. But if circumstances dictate that such is not necessary, why force the municipal board to hold a hearing? There will be enough cooperation and, I am sure, enough publicity, with respect to an official plan for a community, that if it is necessary there will be a hearing. Changes and amendments can then be made as necessary. But, I think, to make it a "shall", you could well bring about a situation of the whole board going to a community and nobody showing up, and that does not make any sense either. So I think you have to allow for that discretion.

Mr. Penikett: These amendments appear to somewhat clarify the role of the board and do seem to be an improvement in the drafting, as I read it. They do, in part, meet the concerns that I had about it. I have no remaining hope that I should be sufficiently eloquent and persuasive as to persuade the Members opposite that it may be a flawed concept.

I must say that I still find it a bit of a peculiar beast combining, as it were, nominees from both the Territorial Government and the Association of Yukon Municipalities, especially since that method of appointment neither guarantees that the Board will have expertise nor that its members necessarily represent all the interests concerned. However, the Government seems to be bound on this course.

So I would like to make a couple of suggestions, not by way of
amendment, but by way of discussion on this bill. I still think that, even though specific reference has been removed to Clause 311 from 315 — and I think that is a good idea — given that some members still have concerns about the board concept, they may still be inclined to want to advise councils that have not sufficiently developed their plans in the areas enumerated: the environment, the economy, and social questions; none of which areas. I say with the greatest respect, most municipal councils in the Territory are competent to deal with. I use the word "competent" in the strict legislative meaning of "competent."

Let me fantasize for a moment: if I were to form a government tomorrow, and be stuck with the kind of boards that we have, and this is a view that I have expressed to the Government Leader privately, but let me say it to him for the record, my inclination would be to take certain of these boards which seem to me to have enormous power, the Public Utilities Board and the Transport Board, these boards because they are acting in areas of significant policy importance for the Territory. I would want to have a way for the Minister to have the kind of accountability that the Workers' Compensation Board, or any of these other major boards, and particularly the municipal councils which have some reservations about the board concept: this board particularly, having had some background and some experience, I think the chairmanship of government boards, as I am sure the Government Leader and the Ministers will agree, is a useful arena in which to gain some experience about government policies and government practices. If back benchers, whatever the party, can from time to time gain some experience about government policies and government practices, it would provide, perhaps, a way of getting off the political level for consideration. If it has not, it will refer the plan back to them for consideration of those points. If the council then turns around and says, well, we feel we have complied, it goes on to the political level for consideration.

Mr. McWilliam: The municipal board is only checking the official community plan to make sure that the council has done its homework. If they feel there is an area where it is deficient, this is where the reference is to refer the plan back with recommendations. If the council then feels that they have considered that matter in sufficient detail, the plan then goes forward to the Commissioner for approval.

Mr. Penikett: I just wanted to say that I think Mr. Fleming did ask an important question here; this is unlike the previous proposals where the board can say, "Zap, the plan is no good." The ball has always been put back, under this proposal, to the municipality, and that is the way it should be.

Amendment agreed to
Clause 315 agreed to
On Clause 316
Mr. Fleming: I am assuming, in that (3)(b), then, "disapproves" means that that would be the protection of the plan?
Yes.
Mr. Penikett: I just want to ask the Minister one question. I could have asked it in the last one, but I might as well ask it now.

Throughout this bill there are references to the Municipal Board. There are also references to the Inspector of Municipalities, as there were in the old one. Could the Minister explain to me why, in this section, the Inspector could not have carried out the functions that are given to the board?

Mr. McWilliam: As I believe the Minister has previously indicated, the department is frequently a party to any consideration of an official community plan, and it is the department that is needed to prepare it. Because of our role in land development, the effect of an official community plan reflects back directly on the Government. I would suggest that, if this role was exercised by the Inspector, there would be some concern as to how unbiased he might be.

Mr. McWilliam: Mr. Chairman, I am not going to dwell on it now, but believe me, there is going to be some question about that, whoever you appoint to the board; if he is close to the Minister, you are going to have a problem. If I may, I would quote a lawyer I was talking to recently: conflict of interest is when someone complains.

Clause 316 agreed to
On Clause 317
Mr. Penikett: We are talking about Clause 317 and I would love to know how we can get away with 317(3).

Mr. McWilliam: Mr. Chairman, my immediate reaction to that is to say: we can try.

Perhaps the Government Leader has something to say.
Mr. McWilliam: I am not sure I completely understand subsection (2) in conjunction with (4). Perhaps we could have an example.

Mr. McWilliam: I do not believe that (2) and (4) should be considered as being completely married and inseparable. In subsection (2), you are indicating that if the official community plan restricts development, you are bound by it. However, in subsection (4) you are indicating that the council cannot, without the consent of the Federal Government, acquire any land necessary for the Whitehorse airport or do something on it. The Government Leader has indicated that the Federal Government might deem or consent to be subject to that legislation. This is just a statement of our hope, I guess, is the best way that we can put it.

Mr. McWilliam: I love the Government Leader’s answer. Legislation contains clauses which are statements of hope: believe me, I could suggest lots of amendments for lots of bills that were statements of hope. The Government Leader will concede that there is a great deal of legislation we deal with that is so submissively portrayed, when it comes to the questions of federal powers and federal authority here, almost to make us to seem like a supine legislature, which is not, I am sure, the way we would like to have ourselves portrayed.

Let me just ask, as a purely practical matter though: there is nothing in this legislation that would really allow us to tell the federal government that they could not expand the Whitehorse airport or do something on it. The Government Leader has indicated that the Federal Government might deem or consent to be governed by it inside municipalities; I think they clearly have never shown particular reverence for the zoning laws in Whitehorse. I do not know why they would anywhere else. Does the Government Leader have any indication that the federal government is prepared to submit to this ordinance in this respect?

Hon. Mr. Pearson: No, Mr. Chairman.

Mr. McWilliam: The provisions that would deal with that are in the community plan and recommend that the council take a look at it.

Mr. McWilliam: That is correct, Mr. Chairman. It is for an exceptional case.

Mr. McWilliam: From this and other provisions in the bill, I am a little confused about who initiates these boundary changes. If I could just give you the kind of problem: it seems to me it is one thing for Whitehorse to decide that it wants to expand its boundaries to take in the Carcross Road or the Mayo Road area. It might however be another thing for the Territory to decide that it would be a good thing for Whitehorse to take those in, for planning purposes.

However, the people in those areas might not want to become a municipality, which is a possibility. They might also want to have a separate municipality. Now, somebody has to initiate this process and it seems to me it is not inconceivable that you could have two competing applications, and the applications might not just be to have to competing municipalities, but you might have, conceivably, two different groups of people wanting the boundaries in different places.

Hon. Mr. Pearson: Mr. Chairman, expropriation is designed so that an owner’s rights are not taken away from them. They are paid money instead of, type of thing.

Mr. McWilliam: It, again, relates back to some of the other functions which the Municipal Board conducts: for example, where they act as an appeal agency under the zoning by-law. In the process of considering an appeal, they may recognize a deficiency in the community plan and recommend that the council take a look at it.

Mr. McWilliam: Surely that would be an exceptional case. Surely the problem is to adjust zones to the plan, rather than plans to zoning?

Mr. McWilliam: That is correct, Mr. Chairman. It is for an exceptional case.

Mr. McWilliam: From this and other provisions in the bill, I am a little confused about who initiates these boundary changes. If I could just give you the kind of problem: it seems to me it is one thing for Whitehorse to decide that it wants to expand its boundaries to take in the Carcross Road or the Mayo Road area. It might however be another thing for the Territory to decide that it would be a good thing for Whitehorse to take those in, for planning purposes.

However, the people in those areas might not want to become a municipality, which is a possibility. They might also want to have a separate municipality. Now, somebody has to initiate this process and it seems to me it is not inconceivable that you could have two competing applications, and the applications might not just be to have to competing municipalities, but you might have, conceivably, two different groups of people wanting the boundaries in different places.

How do you get started when there are two of them? Do they both just go to the board, and the board sorts that out? How does the Minister see that happening?

Mr. McWilliam: The provisions that would deal with that are under the sections that cover boundary expansion in the first part of the ordinance. All that Clause 322 deals with is the situation where the decision has been made to alter the boundaries, to ensure that the community plan is expanded to include that area.

Under the earlier sections, for which I believe there is an amendment proposed, there are two ways that boundary expansion could be considered: either at local initiative or as a request of the Commissioner.

Mr. McWilliam: No, I was on 322, Mr. Chairman, but that is alright.
Mr. Byblow: I am not sure I completely understand 324 in its relation to 323, because the one clause says that everything, as per existing zoning, stays in place, and then Clause 324 adopts a new zoning by-law. Perhaps what it means is that you just enshrine that by-law.

Hon. Mr. Lang: Mr. Chairman, it is strictly a grandfather clause until you get a community official plan into place.

Clause 324 agreed to
On Clause 325
Clause 325 agreed to

Mr. Fleming: I think maybe the Minister may have explained it, I am not sure. However, just so that I am clear: when it comes into force, an L.I.D. is then a municipality. What happens to existing zoning laws in that community? Do they take effect at that time, or are they completely washed out, and you start over, making by-laws and re-zoning that area?

Mr. McWilliam: No, Mr. Chairman, the existing development regulations could be adopted by the new municipality as their interim zoning by-law.

Clause 326 agreed to
On Clause 327

Mr. Byblow: Could I have an explanation of the meaning for 1b).

Mr. McWilliam: Yes, Mr. Chairman, I presume that Mr. Byblow is referring to the word “amenity”; without reference to Mr. Penikett’s dictionary for non-lawyers, I have been informed that it is to ensure that the municipality takes into consideration those things that are beneficial for the area.

Mr. Tracey: Am I correct in assuming that we have passed 325 and 326?

Mr. Chairman: Yes, Clauses 325 and 326 are cleared. We are now dealing with 327. The direction I gave was that it was partly on page 171.

Clause 327 agreed to
On Clause 328

Mr. Byblow: The reference to “board of variance”; is that within the municipal structure or within the municipal board structure?

Mr. McWilliam: The board of variance is a board which is set up by each individual municipality.

Mr. Penikett: Mr. Chairman, in the case of the City of Whitehorse, it is the planning board who can hear applications for variance, and they do not need to go to council.

Clause 328 agreed to
On Clause 329

Mr. Chairman: We will deal with clause 329 section by section. On Clause 329(1)

Mr. Penikett: Mr. Chairman, I want to hear from the Minister about development and use permits. Development agreements, as I have seen them operate in the Territory, have not been very successful. I am thinking of two particular development agreements: one with the Cassiar Asbestos Corporation and the other with Cyprus Anvil Mining Corporation, most particularly the one with Cassiar Asbestos Corporation, which governed the years in which the mine was going to operate and the terms and conditions of local employment, and so forth, all of which were immediately ignored, and no one was around to enforce it.

It is very easy for a council to impose a modest contingency or restriction, it seems to me, on a small operation. It is a very much more difficult proposition for them to impose something on a big outfit. I have not seen much evidence that they have been successful; such negotiated agreements never seem to have the force of universal law.

Hon. Mr. Pearson: Mr. Chairman, the development agreement with Cassiar Asbestos in respect to Clinton Creek was with the Government of Canada, not the Territorial Government. It is regrettable that it was not enshrined to the benefit of all of Yukon.

Mr. Chairman, I do believe that the development agreement with respect to Cyprus Anvil has been adhered to quite closely, and I know it is referred to often. The company has indicated its willingness to live up to that agreement.

With respect to smaller outfits, I think I would agree with the Honourable Member; it will be easier to deal with them.

Mr. Penikett: Mr. Chairman, I do not disagree with the Government Leader at all; in fact I do not know the one with Cyprus Anvil particularly well at all. I am quite willing to concede that the company, because of its nature, has been willing to go along with it. Were there a different group of individuals running that company, or had it new owners, they might be less willing, and there is nothing, as I understand it, that we could do to prevent their breaking it. It is, in fact, good faith.

That is the problem I have with them as a rule, because if you are dealing with a bad corporate citizen, they may be just bits of paper.

Hon. Mr. Pearson: Yes, Mr. Chairman, I agree 100 per cent with the Honourable Member on that point.

Clause 329(1) agreed to
On Clause 329(2)
Clause 329(2) agreed to
On Clause 329(3)

Mr. Byblow: I guess this is the section which, in effect, is the catch-all for everything relating to land use and development.

I am wondering if it is not possible, through section (3), when the community plan is being developed, to qualify an area with enough latitude for the type of activities that can go on within that area. That may eliminate the need for changes to the community development plan. If you give a zone several different types of development that can go on within it, you can then control more specifically, by by-law, what you can do within it. Can either the witness or the Minister comment, as to whether this is perhaps the avenue to go if you want to assure yourself that you will not have to change the plan as often as high growth or rapid development may dictate?

Mr. McWilliam: The provisions in subsection (3), here, just identify those things that council may consider when doing a zoning by-law. There are certainly all sorts of flexibilities provided here for them, when they are preparing the various zones or districts. One example would be in Teslin: at the request of the people there, where the area development regulations were prepared, there was one type of residential zone. It was not differentiated into multi-residential, single, et cetera.

Mr. Fleming: Are we discussing (3) in its entirety?

Mr. Chairman: Yes, we are treating the clause section by section.

Mr. Fleming: I am just wondering if I could get a little explanation on (d): “prescribe the class of use of land or buildings”, or how and buildings shall be excluded from these types of things. I wonder if we could get a little explanation on that?

Mr. McWilliam: Mr. Chairman, this is a fairly standard provision in legislation, providing for a zoning by-law. The municipality may want to exempt certain types of buildings from a given zone. This just gives them the opportunity to carry out their wishes.

Mrs. McGuire: I would just like to know the reasoning behind a paragraph here, on 329(3)(1), page 174, where it says: “regulate the location of buildings or structures to ensure the optimum exposure of buildings to the sun, and to ensure that no building inhibits the exposure of another building, whether on the same lot or adjacent land . . . .”. Is that a new “right to light” thing?

Mr. McWilliam: Mr. Chairman, that is essentially what could be done here. Perhaps Mr. Byblow could provide more information on it, since this is something that Cyprus Anvil are currently experimenting with in their new development at Faro.

Mr. Byblow: Excuse me, Mr. Chairman, but the witness has challenged me. I do not know whether you have to spell it out in here, but this seems to be a section with a fairly comprehensive set of areas in it which council may wish to regulate by by-law. The witness is quite correct. A considerable amount of attention was taken to ensure a maximum amount of exposure to the sun in experimental buildings in the particular development which is going on in Faro now. But whether you want to stipulate that to be happening all the time is at the discretion of the council, if I understand this correctly.

Hon. Mr. Lattin: Yes, Mr. Chairman, that is correct.

Mr. Fleming: Under (k) where it reads: “regulate or prohibit the public display of signs and advertisements and regulate the nature, kind, size, location, colour, illumination . . . .” and so forth and so on.

I assume that, under some of the legislation that we have now, there may have to be some changes made to allow for this; or will
Mr. McWilliam: This is similar to an existing provision in the Municipal Ordinance. Also there is reference to it in most regulations that are set up under the Area Development Ordinance, so there will not be any problem with a transitional period.

Clause 329(3) agreed to
On Clause 329(4)

Mr. Byblow: I have a general question, and it relates to a specific instance. I suppose this has posed a number of problems for a number of municipalities and communities. Where you have a special situation of a non-conforming use, such as a cottage industry in a residential area — let us assume that that situation exists presently in a municipality or in a community, and it is going to be written into the new community development plan for as long as that particular facility stays in place.

The question would be: when the plan is developed, is there a time at which this particular facility, under a non-conforming use, has to be eliminated from that zone, or could the plan take into account this particular non-conforming use, and apply it to more of the same in that particular zone?

Mr. McWilliam: The provisions dealing with non-conforming use are dealt with in a separate division in here. As Mr. Byblow will note when we get to those, it is fairly clear as to how non-conforming use should be handled. Subsection 4 here is dealing with a different matter. This is permitting temporary use of a zone.

An example, again, would be in the case of Faro, where a construction camp was located within the community.

Mr. Byblow: I recognize that (4) deals with special circumstances and temporary situations but my general question is a little broader. Can a community development plan make a multiple use situation out of a zone, and then the by-law regulate each individual case?

Mr. McWilliam: Yes, Mr. Chairman.

Clause 329 agreed to
On Clause 330

Mr. Byblow: I just wanted to point out a typographical error. On Clause 331 line 12 it is “‘required’”.

Mr. Chairman: Unanimous consent?

Some Members: Agreed.

Clause 331(2) agreed to
On Clause 332

Mr. Byblow: Could I inquire of the witness to what extent this procedure varies from the present Municipal Ordinance?

Mr. McWilliam: This sets out, in considerably more detail, the process which must be gone through in attempting to pass a zoning by-law or an amendment thereto.

Clause 333 agreed to
On Clause 334

Mr. Byblow: I have a small procedural question. The other day the Government Leader explained that we have passed out of the stage in our legislation where we describe the limits of the Commissioner’s power, the restraints of the Commissioner’s power. Now because the Commissioner has no power, we are not creating any new legislation which allows flexibility for both those people who are governing and the Minister. We have a bit of an anomaly, it seems to me, in the sense that we keep referring to the Cabinet in this bill as the Commissioner; yet there are other people like the board and the Inspector who are quite clearly identified. The Inspector is an officer of the Minister of Municipal Affairs.

I wonder if it might not make sense — and I suggest this not as an amendment now, but something for the Minister to think about, since he has an officer of high rank in his department called the Inspector who reports to him — to make it quite clear, the next time he gets around to looking at this, that when you are talking about approvals for a third reading of zoning by-laws, you simply say “the Inspector”, since the inspector is going to do what the Minister tells him anyway. You could then do away with this fiction that the Commissioner really has anything to say about it.

Hon. Mr. Pearson: Mr. Chairman, I acknowledge that we on this side accept in good faith what the Honourable Member has just said.

Clause 336 agreed to
On Clause 337

Mr. McWilliam: I am one of those people who thinks he understands this section, but it is sufficiently complicated and important that I think it merits some explanation by the Minister, Mr. Chairman.

Clause 337 agreed to
On Clause 338

Mr. Byblow: I notice that there is no time referred to, with respect to the failure to adopt either a by-law or a plan in relation to the development of a certain area. Would that not be necessary?

Mr. McWilliam: No, I do not believe it would be advisable to put any time qualifications in here, because the consideration of an amendment to the community plan or the zoning by-law may vary in detail, and the time could vary substantially.

Mr. Byblow: What I am getting at is, if a particular amendment to a zoning by-law is being held up indefinitely, then any activity that is being requested to be done on that is also being held up. Is that the situation?

Mr. McWilliam: No, that is not the situation, Mr. Chairman. What this deals with is the situation where council has put these interim controls on, so that they can re-evaluate a portion of their community plan or their zoning by-law. The procedure is there for public notice and for appeal, by anyone who wishes to carry out a development. However, what this Clause 342 deals with is that, if the council fails to make an amendment to the official community plan or the zoning by-law, then it reverts back to the existing official community plan and by-law.

Mr. Byblow: I can only conclude by saying that I assume the witness is quite confident that there is not an indefinite period of time before something is agreed to be amended or not amended; that it could not be just sitting on the shelf.

Mr. Lang: Mr. Chairman, that is exactly what 342(1) does.

Clause 342 agreed to
On Clause 343

Hon. Mr. Lattin: On this particular section, Mr. Chairman, Divisions and Subdivisions, this division introduces a number of new powers regulating the subdivisions of land within a municipality. The powers initially will be exercised by the Commissioner, and where the community has adopted a community plan, it may also pass a subdivision by-law.

The object is to set certain Territorial-wide standards regarding
the subdivision of land, so that in all cases certain basic requirements are met. Provision for local by-laws and Commissioner's regulations would allow for variation to suit local circumstances and the circumstances of particular subdivisions.

Section 343 also defines two terms used throughout this particular section.

Mr. Fleming: I just wonder if the Minister might explain something for me. I know in many areas before, that we had to give back to the Queen, of course, 30 per cent, on any certain subdivisions that were made. I wonder if the Minister could clarify whether there is anything that may cause a problem in this area anywhere?

Hon. Mr. Lattin: I do not think so, Mr. Chairman. I think we deal with that further on, but I will ask the witness.

Mr. McWilliam: We do deal with the concern that Mr. Fleming has, in Clause 347, Dedication for Public Land. When we get there, I am sure he will notice where there is land which is already subject to the reversionary rights of 33.3 per cent: under this new legislation, if we take the 10 per cent dedication which is proposed, those additional reversionary rights would be waived.

Clause 343 agreed to
On Clause 344
Clause 344 agreed to
On Clause 345
Mr. Penikett: In Clause 346(1) there is an interesting spelling of the word "authority" there. Mr. Chairman.

Mr. Chairman: Unanimous consent.

Clause 345 agreed to
On Clause 346
Mr. Penikett: Mr. Chairman, I believe there is another typo in 346 that we probably should draw attention to, and that is that at the end of 345 there should be a period, not a semi-colon.

On Clause 346
Mr. Chairman: Unanimous consent.

Mr. Byblow: If I am reading 346(1) correctly, it says that access to a subdivision has to be provided by the prime developer. Is that what it means?

Mr. McWilliam: Yes, Mr. Chairman.

Mr. Byblow: It would appear to me that that is a new innovation. Perhaps only in a sense. I am perhaps confusing the cost of something as opposed to the development of something. Is there any relationship to cost here?

Mr. McWilliam: Mr. Chairman, there is certainly always a cost in providing road access. This is not a new provision, under the existing subdivision provisions in the Municipal Ordinance. There is a similar requirement.

Clause 346 agreed to
On Clause 347(1)
Mr. Hon. Lattin: Yes, Mr. Chairman. I move that Bill Number 57, entitled Municipal Ordinance, be amended as follows: in Clause 347, on page 182, delete subsection (1) and substitute the following:

(1) Every plan of a proposed subdivision shall make provision for the dedication to the public use, in addition of streets and mains to a maximum of 10 per cent of the land to be subdivided, except that the requirement of this section shall not apply to:

(a) land to be subdivided into units four hectares or over in an area;

(b) land intended for a railway station ground or right-of-way, or a right-of-way for a ditch, irrigation canal, pipeline, telephone line or power transmission line, or a reservoir or a sewage lagoon; and

(c) land to be subdivided for the purpose of correcting or rearranging boundaries of land previously included in an area, subject to the requirements of this section; and

where reversionary rights have been exercised on any subdivision, no further dedication for public use shall be required.

Mr. Penikett: Just a small textual question following the reading of the amendment: I notice that there is no change in the wording of what was formerly (d). Is it the Minister's intention that that is a separate section (d) — the last two lines of his proposed amendment — or is it simply part of the body of the main clause?

Hon. Mr. Pearson: No, Mr. Chairman, when we were looking at this, we recognized that there was a problem and it was in the drafting. It is intended that there not be a (d); it does not read right with the way it was originally. So there is no change in the wording really, it is just in the drafting style.

Mr. Fleming: Pardon the ignorance, but I have forgotten just what a hectare was. How many acres is a hectare?

Hon. Mr. Lattin: Two and a half acres, I believe, Mr. Chairman.

Mr. Byblow: What is the present provision in subdivision development for the amount of public use land?

Mr. McWilliam: As Mr. Fleming was pointing out before, where it is private land, the Crown has its right, under reversionary rights, to 33.3 per cent. That is over and above streets and roads.

Amendment agreed to
Clause 347(1) agreed to
On Clause 347(2)
Mr. Penikett: There is a lot of loose talk in this bill. Section 347(2) refers to a parcel of land "of such width as may be determined by the approving authority lying between the bank of the land containing the water and the land to be retained by the owner,...". Is there a convention in this regard? I seem to remember there was 100 feet, or something. Is that the kind of amount we are talking about here, or are we dealing with different environmental situations in Yukon which may require more? Or, in some cases, are we considering less than that?

Mr. McWilliam: As Mr. Penikett will note, this section provides a maximum in here. He is correct in recognizing that there is a standard for public reserve on waterfront now, but, since most of that land falls under the federal authority, it is not something that we have been all that directly involved with.

Mr. Fleming: I think that possibly this is the same question, but I did not quite hear all of the answer. I was wondering: in the case where the Crown gets 33.3 per cent back, I am just wondering what happens then? Say it is the Territorial Government administering this situation and a municipality such as Whitehorse subdivides a large area and it goes back to the Crown; just what happens to it in this case?

Mr. McWilliam: Yes, Mr. Chairman, under section (1), as amended, it is very clear that where the provisions for dedication of land of 10 per cent are exercised, then there is no further reversionary right.

Clause 347(2) agreed to
On Clause 347(3)
Clause 347(3) agreed to
On Clause 347(4)
Mr. Penikett: Well, I may as well ask it here since I did not ask it in the previous one. The approving authority here has some power to do things which, because of the availability of land here, we certainly would not be dictating to them in many other parts of the country. I am sure if we had much good agricultural land here we would not be taking all the flat land and putting houses on it.

I guess in other parts of the world there are some places where they have to build houses in swamps or ravines, because there is nothing else available. Is there any reason, other than convenience, that this legislation would specify that, except where permitted, — I know parks and all that kind of stuff, but that we want to avoid these things. It seems obvious that a developer is not going to pick a swamp if he can get some other place to put houses.

Hon. Mr. Pearson: Mr. Chairman, what this section is saying is that, in the area that the developer is developing, he is required to dedicate 10 per cent to the authority. He cannot choose that swamp and dedicate that; use that as his dedication; on the basis that the authority may well want to use the dedicated area for a public park, and it simply would not be suitable.

Mr. Fleming: I take it that it is in the next section who is the approving authority; then this could be the case.

Hon. Mr. Pearson: Mr. Chairman, little doubt about it. If the approving authority wanted the swamp in order to create a public park or for some other reason, then, by all means, there is nothing stopping that. There is no reason to stop at all in that case.

Mrs. McGuire: We have gone past (2), have we?

Mr. Chairman: We are on subsection (4) now, page 184.

Mrs. McGuire: I would just like to point something out here on (2), where it says that the authority is approving a parcel of land on width while lying on the bank. It needs a comma.

Mr. Penikett: I think Mrs. McGuire is concerned about the
health of the approving authority if they are found lying between
the bank of land containing the water and the land. It seems a
peculiar position for the approving authority, that is all.

Mr. Chairman: Unanimous consent?

Some Members: Agreed.

Clause 347(4) agreed to
On Clause 347(5)
Clause 347(5) agreed to
On Clause 347(6)

Hon. Mr. Pearson: There is a typo, Mr. Chairman, in the word
"dedicated", in the top line.

Mr. Chairman: Unanimous consent?

Some Members: Agreed.

Mr. Byblow: In subsection (6), when it says vested in the
Crown within a municipality, what is the full meaning of that, in
relation to what the municipality can do with it?

Mr. McWilliam: There is a section a little further on in this
Clause which provides that the Crown can transfer management of
that land to a municipality. Basically all that subsection (6) deals
with is clarifying the ownership of the land: that it rests with
the Crown, and, on a technical matter, that we ensure that there is,
on a plan of survey, proper designation.

Clause 347(6) agreed to
On Clause 347(7)
Clause 347(7) agreed to
On Clause 347(8)

Mr. Fleming: He is merely “dedicating the land” to it. Nothing
has really happened yet. …thereof the applicant be required to
pay to the municipality a sum of money. Has anything really
happened that he yet has to pay a sum of money for?

Is this before the fact or after the fact?

Mr. McWilliam: This provides that, if there is no requirement
for public land in that area — for example if it is an industrial
subdivision and the community would be better served by park-
land in a residential area — they can obtain a sum of money in lieu.
It also gives the authority the capability to direct the time and
method of payment. They could, for example, indicate that the
developer would have to make payment as he sold those lots.

Clause 347(8) agreed to

Hon. Mr. Pearson: Mr. Chairman, I am sorry I missed it.
There is an error in subsection (7)(b). The term in the bottom line,
“the fair market value of the required land;", the word “market"
is redundant and should not be used. I would request the Commit­
tee’s concurrence that we take that word out,

Mr. Chairman: Do I hear unanimous consent?

Some Members: Agreed.

On Clause 347(9)

Mr. Byblow: I believe that what is referred to in subsection (9)
is when, according to subsection (8), there is no public use land
designated or identified or set aside; what you are doing is paying
in lieu of that absence of land. Because you are dealing with what
amounts to 10 per cent of that particular development; you are
probably talking about 10 per cent of the cost of development of
that land.

Hon. Mr. Pearson: No, Mr. Chairman, not at all. Possibly, Mr.
Chairman, Mr. McWilliam could explain this best.

Mr. McWilliam: Mr. Chairman, what you are dealing with
here is setting a value on the land which should be dedicated to the
public. This establishes the method whereby the developer and the
municipality shall agree on what amount he is required to pay in
lieu of providing land.

Mr. Byblow: I guess I am just not sure what criteria you are
using to determine the value of that land.

Mr. McWilliam: That is what this section is intended to do:
describe how that land value is arrived at. The Assessment and
Taxation Ordinance deals with what things must be considered in
determining fair value. That is why the reference to the Assess­
ment and Taxation Ordinance.

Hon. Mr. Pearson: Mr. Chairman, I might help the Honourable
Member a little bit. It has no relation whatever to the cost of
development. It is the value of that land; that is what we are
dealing with.

Mr. Byblow: My problem is that you are talking about a no-
nentity, because there is no land that was set aside. You are paying
in lieu of and I was just having some difficulty here as to how you
establish a value on something that does not exist.

Hon. Mr. Pearson: Well, Mr. Chairman, 10 per cent of that
particular land does exist. The assessment taxation legislation in
place has a procedure for determining the value of land, and that is
what is used. That is the criterion that is used.

Clause 347(9) agreed to
On Clause 347(10)
Clause 347(10) agreed to
On Clause 348
Clause 348 agreed to
On Clause 349

Mr. Penikett: Yes, I have been noticing those designations:
“Buffer Strip B1, Buffer Strip B2, Utility Lot U2” and so forth.
Apart from causing me to reminisce about spy planes and so forth,
are these designations standard now, or are they new innovations
by the department? I assume that they would, in any case, have to
be something that would fit fairly readily into existing zoning
maps.

Mr. McWilliam: At the present time in land development, it is
not really clear as to whether a parcel is being dedicated for public
use, green belt, or whether it is really utility easement. There has
been some confusion, and in some cases, where an individual felt
that he had a green belt behind his house, he was somewhat per­
turbed when they came along and cut down the trees to put a utility
line in. This, I would suggest, provides some clarification of that.

Mr. Penikett: Well, probably not, Mr. Chairman, because I
notice that there are a lot of fire-breaks in this town, and when it
suits real estate agents, they are suddenly described as green
belts.

Clause 349 agreed to
On Clause 350
Clause 350 agreed to
On Clause 351
Clause 351 agreed to
On Clause 352

Mr. Chairman: Is the Minister prepared to make an amend­
ment?

Hon. Mr. Lattin: Yes, I am, Mr. Chairman. I move that Bill
Number 57, entitled Municipal Ordinance, be amended as follows:
in Clause 352(2), on page 188, by deleting subsection (a) and
substituting the following:

“(a) prescribe reasonable conditions respecting the submission
of plans to the council, governmental agencies and public utility
organizations, the information to be shown on plans or otherwise
supplied, and proof of the suitability of the land and its proposed
subdivision.

Mr. Penikett: Could I have just an explanation as to why the
Minister prefers the amendment to the original drafting?

Hon. Mr. Lattin: Suitability.

Hon. Mr. Pearson: There did not seem to be any need to prove
the need for the land, but there had to be need to prove the suitabil­
ity of the land.

Amendment agreed to
Clause 352 agreed to
On Clause 353
Clause 353 agreed to
On Clause 354

Mr. Penikett: Mr. Chairman, I have one brief question. In the
past, certain people have obtained land from the Crown in the
Yukon, on certain conditions, one of the these conditions being that
they not subdivide the land. Now, some time ago, there was one
cause that I know of where someone who had obtained land in
this Territory did subdivide it, was challenged by the Territory,
went to court, and had their right to subdivide the land upheld.

Could I ask the Minister if he is quite sure that the authority of
the Territory to decide how and when land should be subdivided, or
where it should be subdivided, is not changed by this ordinance;
particularly in respect to those people who obtain land for one
purpose and now, with a change of ownership, may want to subdi­
vide it, even though they originally obtained it through a farming
Mr. McWilliam: I believe that the case to which Mr. Penikett refers was not overturned on the basis that there was no right to subdivide. It was a question of whether there was requirement for reversionary rights, and the decision was based on the fact that it was not being subdivided into town-site lots. So there was a subtle distinction there.

Basically, this will not change the process for subdivision, except that it now permits municipalities to become the approving authority, within their own municipality.

Mr. Penikett: Perhaps what I am slightly more concerned about, Mr. Chairman, than even the municipalities having some authority, which is obviously desirable, is the rights of people immediately beyond the boundaries of municipalities to subdivide in a way that may negatively affect the plans of those municipalities.

Mr. McWilliam: Mr. Chairman, I would suggest that the Minister has already answered that concern, when he pointed out that there is some consistency across the Territory. Outside of municipalities, the Commissioner would still be acting as the approving authority. In the case of a concern about how that subdivision is going to affect the municipality, I would suggest that is where the concept of regional planning becomes very important.

Mr. Penikett: Does the Minister mean consistency as in the case of the Mayo Road and the Carcross Road?

Hon. Mr. Lattin: Mr. Chairman, I think we have two different plans, in those two particular areas.

On Clause 354

Clause 354 agreed to.

On Clause 355

Clause 355 agreed to.

On Clause 356

Mr. Byblow: Under 356, where you require the plan of a whole subdivision to be registered in the proper Land Titles Office. The registry with the Land Titles Office requires, in most cases, a long period of time. If you are not permitting approval to a development, you would therefore be holding back that development; is this the situation that could be created here?

Hon. Mr. Lattin: Mr. Chairman, the way I interpret this particular section is that approval may be revoked, by the approving authority, up to the time of issuing of a certificate of title. A revocation is subject to appeal to the Yukon Municipal Board.

On Clause 356

Clause 356 agreed to.

Mr. Penikett: Mr. Chairman, you did announce an order of the day earlier today, and I just wanted to call your attention to the time.

Mr. Chairman: I still have 30 seconds. I declare a short break at this time.

Recess

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

On Clause 357

Clause 357 agreed to.

On Clause 358

Clause 358 agreed to.

On Clause 359

Mr. Penikett: I just want to make absolutely certain that the planned development of subdivisions inside a municipality like this one will, of course, continue to be a cooperative venture between the two levels of government. There is nothing here that would enable the municipality to dictate development, to any great extent, in the case of the Territory.

Mr. McWilliam: Yes, that is the case. It would continue to be a cooperative effort.

On Clause 360

Clause 360 agreed to.

Mr. Fleming: I just ask the question concerning: "Notwithstanding subsection (1) the time allowed for consideration of an application may be extended with the approval of the Commissioner." I take it that is before that 90 days has elapsed, not afterwards.

Hon. Mr. Lattin: Yes, Mr. Chairman, that would be before the 90-day period had expired. It is anticipated that this would seldom occur.

Mr. Penikett: I wonder if the Minister could just give a brief explanation of this clause. I think I know what he is talking about here, but it may have something to do with the kind of situation I was referring to earlier.

Hon. Mr. Lattin: This particular section, 362(1), requires that leases be subject to subdivision approval. Also documents such as agreements for sale and mortgages which, upon foreclosure, could result in a non-acceptable subdivision.

Also, Mr. Chairman, since I am on my feet: subsection (2) prevents raising separate titles to two parcels separated by a row, or similar surveyed right-of-way, without the approval of the approving authority.

On Clause 362

Clause 362 agreed to.

Mr. Byblow: Perhaps we could have an explanation of the full import of this section. As I see it, there is some delineation of who pays for what costs of a development, given that there is private developer. My past experience has been that this has been a contentious area. Perhaps I could just have from the Minister or the witness an explanation as to what this section is intended to do, with respect to that delineation.

Hon. Mr. Lattin: Clause 363(1) allows a municipality to levy development cost charges, in order that a municipality obtains funds to provide municipal services to new developments created by subdivision, where there is an intensification of development of an existing lot. Changes are to be established by by-law.

In subsection (2), they may not be levied unfairly, and, in (3) they may be established geared flexibly to the nature and the scale of the development involved.

In subsection (4), provision is made in (5) and (6) to ensure that the money is used for the intended purpose and that the by-law is subject to the Inspector's approval.

Subsection (7) is to ensure that it is not unreasonable or discriminatory.

Mr. Byblow: I guess that subsection (7) has a lot of implications. I have a specific question: if I am reading subsection (5) correctly, it says that any development charges imposed on the development are retained within the municipality. Is that correct?

Mr. McWilliam: This is one of those examples where reserve funds do become quite important. These costs that are levied by the municipality upon the developer have to be deposited in a special reserve fund of the municipality. Then it goes on in subsection (6) to describe how those funds may be used.

Mr. Byblow: Referring to subsections (2) and (3), it is my understanding there that, prior to the approval of the development plan, in creating a subdivision, it is going to be clear what costs shall be borne by the developer, and what costs shall be borne by the municipality at large. And, further, it is going to be determined what costs will be assessed against the development, for future expansions to the various systems which may be created as the result of this stage of development. Is that generally what is happening?

Mr. McWilliam: Yes, Mr. Chairman, that is the case. In subsection (2) you are saying that you cannot change the rules of the game after it has started. The developer has already initiated action; if there is going to be any development costs charge levied, they must be known to him in advance, and agreed upon.

On Clause 364

Clause 364 agreed to.

On Clause 365

 Clause 365 agreed to.

On Clause 366

Mr. Penikett: I know everybody wants to get out of here and get done with this, but I do not want to skip through this section too quickly. I think I know what it means, but I want to ask the Minister's interpretation of one section, since it has implications for a part of town which he represents.

I remember, during my time at Whitehorse City Council, that we had a real problem with homes in the downtown area; older homes...
particularly, which were bona fide residences, they were not rental housing units, and they had not been converted into businesses, which we have seen technically non-conforming. In some cases, on some small ground. They did not fit in with the present building code; they were on the wrong sized lots, or they were in the wrong position on the lot.

People who lived in those houses wanted to maintain their homes and, in some cases, wanted to do a major repair such as putting a new roof on, which seems to be a perfectly acceptable, desirable improvement. They were running into problems because they were told by municipal inspectors that, if they did this, their house would become more non-conforming, or that they could not do these kinds of improvements to their home, even adding a porch or a garage, or something modest like that, because it would make the house more non-conforming. When in fact actual common sense would say that all they were doing was making the dwelling more habitable, and maintaining it in the existing housing stock, as a useful, comfortable dwelling.

I think that many of the people who found themselves in such circumstances were not financially secure enough to buy a new home in Riverdale, or whatever, and simply wanted to renovate their existing accommodation, but fell afoul of the law, which in my opinion was created for an entirely different purpose. I just wonder if the Minister has considered such circumstances; and whether or not this provision will make things better or worse in cases such as those.

Hon. Mr. Lattin: I pray it will not make it any worse. I realize that these things have arisen from time to time, but I think it is quite clear in this particular section that the nonconforming use of a building may be extended throughout the life of the building, but that no major alterations contrary to the zoning by-law are permitted. Distinction is made between permissible repairs and maintenance, on the one hand, and acceptability of no major structure operations on the other.

Mr. Chairman, I would suggest — the Honourable Member was talking about a new roof on a building, on this particular example he quoted — I will submit that repairing a roof or putting on a new roof would not change the structural design of the building. It is my interpretation that that would be permissible.

Mr. Penikett: I hope that interpretation is perfectly correct, and is conveyed to all concerned. I want to assure the Minister that if he does not know of cases in his constituency, I do. There are cases where people were stopped from doing exactly that, under the present law.

Hon. Mr. Pearson: There was one thing the Honourable Member did mention and it should be made clear: a roof can be rebuilt or reconstructed, but a porch cannot be built on, because that is adding to the size.

Mr. Penikett: Mr. Chairman, I was using sloppy language when I said that. I said that in order to make the distinction between the two kinds of things, I accept the Minister's commitment.

Clause 366 agreed to
On Clause 367

Hon. Mr. Pearson: Mr. Chairman, in line 3, in order for the section to read properly, the word "or" has to be inserted between "plan" and "zoning".

Mr. Chairman: I understand that the section has to be amended; am I correct in saying that?

Hon. Mr. Lattin: Yes, Mr. Chairman. I am sorry I was a little bit slow on rising to my feet.

Mr. Chairman, I move that Bill Number 57, "Municipal Ordinance, be amended as follows:

In clause 367(1) on page 195, by deleting the words "official community plan zoning by-law", and substituting the words "official community plan or zoning by-law".

Amendment agreed to
Clause 367 agreed to
On Clause 368

Mr. Penikett: Mr. Chairman, I hope this clause will not prevent a municipality from putting a restriction on a zone, as occasionally happens where there is one non-conforming use. That operation may have a little bit of spot re-zoning done, but there is an restriction on it, that the moment that present business retires or comes to an end, that zoning expires, and that special use goes out of existence.

Hon. Mr. Lattin: No, Mr. Chairman, on this particular clause, a change of ownership or tenancy is not in itself a reason to require a change in use. This protects an individual who acquires a non-conforming use lot: for example, a house that is sold as a home in an area now zoned commercial. So this is a protection.

Mr. Penikett: Mr. Chairman, just let me make a small point with regard to this section, just before we finally clear it. A number of times in this bill, the Minister has given commitments about the meaning and the intent which frankly were not always clear to me from the wording of the ordinance. They may be clear to a lawyer or to an expert. That is fine.

I understand that, when there is some indecision as to the interpretation of some legislation, it goes to the courts; the courts cannot consider the Hansard of the day as evidence at all, but only the legislation as it is. I can understand the reasons for that.

When officials, Mr. McWilliam's successors some years hence, are interpreting an ordinance, is it permissible for them, or is it ever the practice for them, to go back to the Debates and to try to ascertain the legislators at the time?

I am not talking about legal interpretation; I am talking about administrative practice.

Mr. McWilliam: Yes, Mr. Chairman, all I can comment on that subject is that myself or my successors are directed in our duties by the Minister and the Cabinet of the day. They are certainly the ones who would direct our actions, not previous Hansard.

With reference to your concern in Clause 369, you are dealing with a temporary use situation there, and that was previously dealt with in Clause 329(4).

Clause 369 agreed to
On Clause 370

Mr. Byblow: I wonder if I could have a clarification of "municipally owned property". Does that necessarily mean the requirement of property in the nature of a land bank, or are we talking about streets, roads? What is the reference to "municipally owned property"?

Hon. Mr. Lattin: Mr. Chairman, I think before I answer that particular question that I should make some general comments on this particular clause. The business improvement area concept, in which a management commission may be established to clear for municipally owned property and promote the area, is a new concept in Yukon. In principle, council has the power to create a commission, turn over certain civic powers to the commission, and devise a suitable means of funding the commission.

The business improvement area may only be created where there is suitable provision in a community plan.

On Clause 370

Mr. McWilliam: No, the commission cannot levy or raise that money. It is the council that would be doing that. What the management commission may be empowered to do is to direct the spending of those monies, as instructed by council.

Clause 370 agreed to
On Clause 371

Mr. Penikett: I have tried to understand the purpose of this section. The board of variance referred to in subsection (1) shall consist of not less than three or more than nine members, and shall hear and determine appeals made to it, pursuant to this part. That is fine. But subsection (2):

"Where the population of a municipality is more than five thousand the board shall be composed of persons other than aldermen of the municipality."

Now, the 5,000: what they are talking about there in the second clause is the City of Whitehorse, basically. The board of variance, as it now exists — I think we talked about this previously — is the planning board, which contains two aldermen. Is it proposed here that the planning board of the City of Whitehorse shall no longer include aldermen?

Mr. McWilliam: Perhaps I should point out that, while the planning board provides the function of the board of variance, they are, nevertheless, established as a board of variance; one body doing two separate jobs. What this legislation provides for — and it
was dealt with earlier in this part — was that a board of variance must be established. It is now a requirement. It is intended to ensure, again: where possible, to remove any concern about the objectivity of the board.

Mr. Penikett: So, all of a sudden, the board of variance in Whitehorse is going to be the planning board minus the aldermen. Is that the circumstance? They are going to have to separate their agenda accordingly, so that when they are sitting on planning decisions generally, they will include the aldermen; when they are sitting on variance applications, the aldermen will have to leave the room? Is that what is being proposed?

Mr. McWilliam: It could work in that way, Mr. Chairman.

Mr. Penikett: Well, I must express some concern about this, Mr. Chairman, because it may be a good idea, but I really do not think we are the people who should be deciding that. Of all the boards with which I have had the pleasure and displeasure of being associated, I would say that the planning board in this City, which includes a majority of non-elected people, has been one of the best I have had anything to do with. In fact, the fact that it has two aldermen on it, who participate in the discussions and then bring forward the decisions of that board to the council, is a very good idea, and is consistent with what I was proposing to the Government Leader earlier about boards of this Government. It works so well that we should only tamper with it very cautiously. I seriously ask the Minister if the Council of Whitehorse really knows the implications of this? If they do not, I am not sure that we should pass it so quickly.

Mr. McWilliam: This specific provision was put in at the request of AYC, which also represents the City of Whitehorse.

Mr. Penikett: Well it may be: having been involved with AYC when I was on city council, I am not sure that every member of council knows what AYC is doing, or vice versa.

If it is not going to delay passage of the bill too long, I would appreciate it if the Minister would set aside this clause until he has satisfied himself that the Whitehorse City Council knows. If this goes through, you are going to have a radical change in the planning board procedure, such as they are going to have to separate the agendas — the variance applications as opposed to the other business of the planning board. They are going to have to have two separate agendas, and they are going to have to sit as two bodies.

It is quite conceivable now that an alderman, for example, can sit as chairman on the planning board. There is nothing wrong with that. The planning board elects their own chairman; they govern their own procedures that way.

What they will now be required to do is to have a chairman of the board of variance who will be a citizen, especially if they had an alderman chairman; he would have to sit as two separate bodies. To make their procedures very clear, they would have to reconstitute themselves as separate boards. To keep separate sets of minutes to make them legal. I am not sure they have thought out all those things. I am not sure that there is a good reason for doing it, even if they have thought it out.

Mr. McWilliam: While I cannot comment on whether or not the House would want to stand this section over. I would point out that the difficulties which Mr. Penikett is suggesting may occur have been considered; however, it was thought that where you have a board of variance which is, in effect, an appeal board, there is considerable merit to recognizing it as precisely that: an appeal board of variance which is, in effect, an appeal board, which should be, at least for the consideration of appeals, optional decisions for boards. Before they have made the decision, the board; that does not usually happen. They usually make a decision, and then they will be drafting the reasons, because it is very hard to adjourn and start all over again. I do not know what the answer is. I just want to tell the Minister I think this is going to be a real problem for him, because it is one thing for a board to say yes or no, which the board is very well equipped to do — something which, I think, most of these boards are not well equipped to do. They are going to have to function separately whereas they function very well as one entity. It seems a little contradictory for this Government to be arguing that this board cannot carry out two functions, whereas the Municipal Board which we are proposing, is going to carry out several. I have some problem with the logic there.

Clause 372 agreed to
On Clause 373
Clause 373 agreed to
On Clause 374(1)
Clause 374(1) agreed to
On Clause 374(2)
Clause 374(2) agreed to
On Clause 374(3)
Clause 374(3) agreed to
On Clause 374(4)
Clause 374(4) agreed to
On Clause 374(5)
Clause 374(5) agreed to
On Clause 374(6)
Clause 374(6) agreed to
On Clause 374(7)
Clause 374(7) agreed to
On Clause 374
Clause 374(8) agreed to
On Clause 374(9)

Mr. Penikett: Mr. Chairman, I think I know why this section is here, and I may even be partially to blame. I am not sure I like it any better for that. One of the things that human beings who are not experts or specialists do, is they make judgments about people or about things, without always knowing fully their reasons for doing so.

Sometimes, in hearing an application, a citizen board, it seems to me — since we have now knocked off anybody who is politically accountable — is going to make judgments on whether they like the sound of what or whether they think it fits in: such general attitudes like that. The people at the municipal level who are equipped to be able to write reasons are the people in the bureaucracies, the professionals, because they are the people who are intimately aware of ordinances like this, and can say that such and such is not acceptable, because it falls afoot of Clause 43 of the by-law, et cetera. It is my experience that even elected people do not do that very well. In fact they do not do it very often, and when they do it they do it very well. To expect part-time citizen boards to be able to write those kind of decisions is even more unreasonable.

I know that the courts have said that tribunals like this cannot make decisions without stating their reasons clearly, and I understand that a court will do that, because they want to be able to write their judgments in such a way that they can become a precedent.

It seems to me that, having removed the political people from this thing, we have now created a circumstance whereby the boards in this case are going to be totally dependent upon the officials who serve them.

The officials who serve it are, in every case, going to be officials accountable, responsible to the elected politician. You are going to have a very peculiar situation, where the officials are going to have to participate in the making of decisions of boards or going to be writing optional decisions for boards. Before they have made the decision, they will be drafting the reasons, because it is very hard to adjourn the board; that does not usually happen. They usually make a decision, and then have to write the minutes of it. You are going to have the officials who are not accountable to the board, but are responsible to the elected people. Writing decisions, or drafting decisions for a board. You are going to have political people having no input, and you are going to have the board — instead of simply saying yes or no, which the board is very well equipped to do — justify itself in language which satisfies lawyers and judges. It is something which, I think, most of these boards are not well equipped to do.

I do not know what the answer is. I just want to tell the Minister I think this is going to be a real problem for him, because it is one thing for a board to say yes or no. It is one thing for a board to say yes or no, and the application is approved or denied, but it is another thing for them to have to cite chapter and verse of the laws in the sections of why it is approved or disapproved. I think that is something which, without very good advice and a lot of official talent, they are not going to be able to do.
Hon. Mr. Pearson: Well, Mr. Chairman, I must take issue with a couple of comments that the Honourable Member has made. The board makes its decision based on facts and merit: that is all, nothing else, no politics, nothing else. Mr. Chairman, the board makes its decision and puts its decision in writing. It gives its reasons for doing that. Now, I just do not accept the fact that this has to be an iron-clad legal document, that is going to fly to a court of law at that point in time.

Mr. Penikett: Well, as is often the case, the Government Leader is speaking common sense and I am inclined to agree with him. Unfortunately, I am not sure the courts do. In one decision I know of, if I remember correctly, the courts required the decision be written in the language which he said was not possible; that is my problem with the clause.

I do not think you can do anything about the clause. I just want to go on record as expressing a concern about it, because it is something that some judges are requiring us to do, and I think it is going to be very difficult. In practical purposes, for boards in small communities, it will be almost impossible.

Clause 374(9) agreed to
On Clause 374(10)
Clause 374(10) agreed to
On Clause 374(11)
Clause 374(11) agreed to
On Clause 374(12)

Mr. Penikett: Mr. Chairman, I cannot let this section go by without expressing my concern that we have got a whole system of appeals here — notwithstanding the Government Leader’s objection — on matters that have a strong political content, but without political people having much of a voice. In fact, you are going to have one group of appointed people making a decision and then another group of people over-ruuling them. There is no accountability to the elected people or the public, anywhere along in the process.

Clause 374(12) agreed to
On Clause 374(13)
Clause 374(13) agreed to
Clause 374 agreed to

Hon. Mr. Lattin: Mr. Chairman, I move that you do now report progress on Bill Number 57, and beg leave to sit again.

Mr. Chairman: It has been moved by the Honourable Member for Whitehorse North Centre that the Chairman do now report progress on Bill Number 57 and beg leave to sit again.

Motion agreed to

Hon. Mr. Lattin: I move, Mr. Chairman, that Mr. Speaker do now resume the Chair.

Mr. Chairman: It has been moved by the Honourable Member for Whitehorse North Centre that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Chairman: The witness may now be excused.

Mr. Speaker resumes the Chair

Mr. Speaker: I will now call the House to order. May we have a report from the Chairman of Committees?

Mr. Njoottli: Yes, Mr. Speaker, the Committee of the Whole have considered Bill Number 57, Municipal 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 for Mayo, that we do now adjourn.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Mayo, that we do now adjourn.

Motion agreed to

The following Legislative Returns were tabled Friday, November 7, 1980:

80-3-22
Realignment of Alaska Highway in the Morley River area (Oral Question - October 30, 1980 - Page 525)

80-3-23
T.V. maintenance contract (Oral Question - November 4, 1980 - Page 586)

The House adjourned at 5:26 o’clock p.m.