

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Wednesday, April 25, 2012 — 1:00 p.m.**

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

*Prayers*

**Speaker:** We will proceed at this time with the Order Paper.  
Tributes.

## TRIBUTES

### In remembrance of Bertram Arthur Deer

**Hon. Mr. Kent:** Mr. Speaker, I rise today on behalf of all members of this House to pay tribute to Bertram Arthur Deer, more commonly known as “Art”.

Art was born on July 17, 1928, in Edmonton to Fred and Bessie Deer, and he passed away peacefully on April 12, 2012, at Whitehorse General Hospital.

Art is survived by Faye, his wife of 55 years, and four children: Barbara, Catherine, Peter and Christopher; and four grandchildren: Jeffrey, Tyler, Anders and Patrick.

Working briefly for the *Ottawa Citizen* newspaper where his father was a typesetter, Art opted for a career in the RCMP undertaking training at Regina and Rockcliffe. He immediately volunteered for northern service, and after short postings at Winnipeg and Brandon, he stepped off a military transport aircraft in Whitehorse on June 10, 1949. He was posted to Whitehorse, Haines Junction and Watson Lake where he carried out the highway patrol duties during the early years of the Alaska Highway from 1949 to 1953. He made many friends from Watson Lake to Beaver Creek.

Art then took an opportunity to go to the eastern Arctic with a posting to Frobisher Bay from 1953 to 1956 where he was fortunate to experience and photograph an incredible but vanishing way of early Inuit life.

In 1956, following a three-year engagement, Art and Faye were married in Edmonton and began their life together during postings to Yorkton and Ottawa in the forensic identification services. Missing the north, Art reapplied for northern service and received postings to Baker Lake from 1960 to 1963, Whitehorse from 1964 to 1966, and Inuvik from 1966 to 1969. Art returned to Whitehorse in the fall of 1969 as staff sergeant of the Whitehorse detachment, retiring from the force with long service in 1973.

Opting to stay in the north, Art worked until 1986 with the Yukon government as head of security and Emergency Measures Organization. During his time in the Yukon, he had a very strong sense of civic duty, serving as a Whitehorse city councillor on most terms from 1975 to 1991, as well as belonging to a number of community organizations including the Masonic Lodge and the Yukon Order of Pioneers.

As a husband, father and friend, Art will be dearly missed. On a personal note, I had the opportunity to meet Art while

campaigning for election in the 2000 Yukon general election. He and Faye lived on Rogers Street downtown.

I certainly struck up conversations with him and hit it off right away. One of the pieces of advice that he gave me as aspiring young politician was that a smile and a hello costs you nothing. It's those types of personal stories that I'm sure a number of Yukoners can pass on about Art.

I'd like to ask members of the House to join me in welcoming Faye Deer; Peter Deer and his wife Leona and son Patrick; and Catherine Deer, to the gallery here today.

*Applause*

### In recognition of Administrative Professionals Week

**Hon. Ms. Taylor:** Mr. Speaker, I rise today on behalf of the Government of Yukon to pay tribute to all administrative professionals whose service to society and the Yukon government is cause for both celebration and public recognition. This week marks the 60<sup>th</sup> anniversary of the origins of Administrative Professionals Week with April 25 marking the 60<sup>th</sup> anniversary of the origins of Administrative Professionals Day. This year's theme, “Admins, the pulse of the office” speaks to the critical role our administrative professionals play in keeping the engines of our collective business running smoothly. Over the decades, the job of an administrative professional has changed dramatically.

However, these professionals have remained the centre of efficiency in helping us to continue to move forward in getting things done on time and on budget.

As a frequent first point of contact for our clients and colleagues, our administrative professionals present the face of our government and our business. They help us stay organized and keep track of people, places and things important to our clients and our business. We look to our administrative professionals as masters of data in an age where accurate and speedy movement of digital information is not only essential but expected. We also know that our administrative professionals often go far above and beyond the call of duty in their efforts to build and maintain positive client and business relationships.

Administrative Professionals Week is now one of the largest workplace observances, with the event celebrated worldwide by millions of people coming together for community events, educational seminars and individual corporate activities recognizing support staff. I am very proud of the work performed by our administrative professionals throughout the territory and throughout the Yukon government, and thank them for their skills, loyalty, and commitment to public service excellence.

**Ms. Hanson:** I too rise on behalf of the Official Opposition to pay tribute to this week and day for administrative professionals. It is celebrated on the last Wednesday of the last week in April each year in many countries.

This is a remarkable 60<sup>th</sup> year for the recognition of professional administrators. It began as a National Professional Secretary's Week and National Secretary's Day in recognition of the importance and value of the administrative support provided by secretaries to an organization, whether it was a business, an NGO or a government department. The title of secre-

tary has evolved to better describe the various responsibilities of this important position. The work secretaries, receptionists, administrative assistants and executive assistants do is often in the background and not completely noticeable to the rest of us. As a result, they do not get the credit, thanks, praise and support they so rightly deserve.

There is a column that I noted from an administrative professionals blog that describes a bit about what these people do for others. It is worth reflecting on. They arrange your travel, they keep an eye on the office budget, they schedule the meetings, organize them and find conference rooms. Let's not forget that they also make sure that your meetings are not snackless. They keep the office supply room stocked with exactly what you need. They prepare office computers for new employees and are always able to find those mysteriously disappearing documents or addresses. They manage your calendar. They help you prepare and set up your presentations, even at the last minute — and those who have done this for us know who they are. They handle those calls that only a saint with the patience of Job can or would take on your behalf.

And the list goes on. The workplace is constantly placing new demands and pressures on these professionals.

Mr. Speaker, the typical administrative professional today is 45 years old with at least 15 years' work experience and a college education. He or she supports at least three managers or directors with all the attendant joys of juggling demands and egos.

This year, the theme for Administrative Professionals Week is "Admins, the pulse of the office". All of us can attest to that designation as we have witnessed and had the benefit of the hard work of the people who hold this position in our offices. Administrative professionals are in constant contact with all levels of the organization, internally and externally, as well as the public. They know the secrets and the history of the organization because of their unique and often-overlooked role as lynchpin. These are multi-talented, multi-tasking, big-picture people, and there are few things that might not fall into their job descriptions.

So, Mr. Speaker, what can we do to recognize the administrative personnel who work among and with us. A better question might be this: Why haven't we done anything yet? You can be sure that the local florist and other businesses want us to know that this is Administrative Professionals Week, but, you know, they could use recognition from us more than once a year. Perhaps a good starting point would be to say, "Thank you" often — daily. Your needs would not be so well met and your life in the office would not be so efficient if it weren't for these professionals.

Mr. Speaker, as we recognize those who often go unrecognized, perhaps we could reflect on the African proverb: "He who is carried on another's back does not appreciate how far the town is."

**Mr. Silver:** I rise on behalf of the Liberal caucus to pay tribute to Administrative Professionals Week, 2012. This year's theme, as mentioned, is "Admins, the pulse of the office". Formerly known as "Secretary's Week", the name was

changed in 2000 to encompass the changing job titles and expanding responsibilities of today's administrative work staff.

Today is a day to recognize and celebrate the work of secretaries, administrative assistants, receptionists and other administrative support professionals for their growing and diverse contribution to the workforce. According to Stats Canada, there are 476,000 administrative professionals —

Mr. Speaker, I'm actually going to change gears a bit. This tribute was originally written by a Liberal caucus administrative assistant, Ms. Jude Layzell, and it was full of facts and information. It was of a standard we have come to expect from Jude. In fact, it is days like this when you sit back and think that sometimes you don't really appreciate how much you rely on the quality work from assistants like Jude.

I decided to change the tribute today and say thank you and tribute our Jude. She has a sixth sense when it comes to politics, a corporate memory that is photographic, but most importantly, she truly cares for people. That is only one of her many gifts that I have the privilege to tribute here today.

My colleague, the Member for Vuntut Gwitchin, asked me to add that the job description is just a formality for Ms. Layzell and she has often gone above and beyond the call of duty over the years, subbing in as a babysitter, a mother, a taxi driver and most importantly, a friend.

Come to think about it, the Yukon has actually provided me and my colleagues in education with a list of excellent administrative assistants as well. Bonnie Barber at Robert Service School was my mom-away-from-home for many, many years; Sonya Stephenson and Elaine Gaudet currently run the ship there; they had big shoes to fill and continue to provide excellent assistance to an amazing staff. I miss them dearly and I would like to say a thank you to them as well. But the focus of this tribute is Jude. On a funny side note — and Denise next door will get a kick out of this — I called the florist today and I said, "Did you prepare an arrangement for the NDP administrative assistant today?" They said, "Yes." I said, "Great. This is the Liberals calling and we want one that's bigger and better for our Jude."

So, Jude, on behalf of our caucus and on behalf of everybody who passes by our door, you go out of your way to brighten their day with a cheerful "good morning." We salute you because you are the quintessential administrative assistant and we owe you so very, very much. Thank you.

*Applause*

### **In recognition of National Immunization Awareness Week**

**Hon. Mr. Graham:** Just before I get into my tribute, I would like to point out that at 8:30 a.m. this morning, as I came through, I dropped in on both of the opposition offices, as well as our own. At that time, there was only one administrative assistant that had a nice, fresh, potted flower on her desk and some chocolates. I am very happy to hear that more will now be getting them. I was going to send you an e-mail, actually.

I rise today to acknowledge April 21 to 28 as National Immunization Awareness Week. We take advantage of this week every year to raise the profile of immunization in this country and in Yukon. The reason governments all over the

world encourage their citizens to get immunized is very simple — immunizations save lives. The World Health Organization reports that in 2010, there were 109 million infants vaccinated with the diphtheria, tetanus and pertussis vaccine. This vaccine alone averts two million to three million deaths from diphtheria annually. Here at home, despite the safety of immunization, a robust publicly funded immunization program and the importance of immunization in keeping healthy, hundreds of Yukon children remain under-immunized.

Allow me to repeat: immunization is the safest, most effective public health approach to vaccine-preventable diseases in the Canadian population, and yet there has been a decline in immunization rates in Canada. This is partly due to complacency and partly as a result of misinformation. At a time when most young Canadian doctors have never seen a case of measles, it is natural to believe that we are safe from the diseases that haunted previous generations. However, when immunization rates decrease, diseases return.

In the United Kingdom, a decrease in vaccinations for measles, mumps and rubella began in 1998. By 2007, there was a 20-fold increase in measles cases in the United Kingdom. Just because there is very little prevalence of a certain disease at home, it does not mean that we are safe and secure. Diseases know no boundaries. We get visitors from all over the world, some of whom could carry vaccine-preventable diseases into our territory and spread them to people in this territory who are not vaccinated.

Not all immunizations provide lifelong immunity. Immunizations against some diseases — such as tetanus, lock jaw, among others — need booster shots to remain effective. That is why it is important for adults to check the status of their immunizations. They may need a booster or they may have missed an important immunization. Under-immunized adults are at risk of contracting diseases such as measles, mumps or whooping cough — diseases that then can infect infants who are not yet fully immunized.

I encourage all Yukoners to call their local health centre to learn the status of their immunizations. The Whitehorse Health Centre holds regular drop-in hours each weekday and their hours are posted.

Finally, a word on misinformation: there are a lot of websites and other sources of information that seek to discourage us from getting immunized. While everyone has the right to their opinions, I urge Yukoners to obtain their information from credible sources that provide solid, scientific evidence and accurate facts. In my lifetime I have seen the eradication of smallpox, a disease that killed over two million people in 1967 alone. In 1979, after decades of immunization work, the World Health Organization was able to certify that smallpox was finally eradicated. This is miraculous. No one living on Earth today needs to worry about a disease that used to kill one-third of the people who caught it. I long for the day, as I'm sure all of us here do, when we can say the same about most of the diseases against which we are now immunized.

**Speaker:** Are there any introductions of visitors?

## TABLING RETURNS AND DOCUMENTS

**Speaker:** Under tabling of returns and documents, the Chair has for tabling the report on subsistence, travel and accommodation expenses of Members of the Yukon Legislative Assembly, 2011-12.

Are there any other returns or documents for tabling?

**Hon. Mr. Nixon:** Mr. Speaker, I have for tabling the following document: *Victims of Crime Strategy Update, Spring 2012*; I also have for tabling a brochure from Victim Services entitled "Victims of Crime"; I also have for tabling a pamphlet from the Victim Services Unit entitled "Victims' Rights"; I also have for tabling a pamphlet from Victim Services unit entitled "Protective Court Orders"; and also for tabling another pamphlet from Victim Services unit entitled, "Victim Impact Statement." I would also like to table the contact card with Victim Services' phone number on it.

**Speaker:** Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

## NOTICES OF MOTION

**Mr. Hassard:** I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to develop a strategic action plan for the Yukon information and communications technology sector (ICT) that will provide a vision and a road map for Yukon's ICT sector, which will enable its continued growth and will enhance Yukon's economy.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to use the 2012-13 budget to commence bridge work of \$6 million for major rehabilitation, including substructure improvements and deck repairs for the Upper Liard bridge.

**Ms. McLeod:** I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to continue to use the 2012-13 budget to support the local film and sound industry by providing the following funds:

- (1) film location incentive;
- (2) film training initiative;
- (3) filmmaker's fund;
- (4) film development fund; and
- (5) film production fund.

I further give notice of the following motion:

THAT this House urges the Government of Yukon to continue to implement the *Victims of Crime Strategy* by:

(1) focusing the *Victims of Crime Strategy* on five inter-related areas that include:

- (a) strengthening the focus of needs of victims of crime;
- (b) focusing on addressing violence against women;

- (c) exploring legislative options;
  - (d) mentoring and capacity building in communities;
- and
- (e) integrating responses for victims, offenders, families and communities;
- (2) ensuring a plan for supporting victims of crime in all Yukon communities has been developed and is being implemented;
- (3) establishing a victims of crime emergency fund, including emergency cellphones, to address costs of being victimized;
- (4) guiding the implementation of the *Victims of Crime Strategy* by an implementation advisory committee with representatives from the RCMP, Public Prosecution Services of Canada, First Nation groups, women's groups and women's shelters;
- (5) ensuring rural communities are receiving regular and consistent support from Victim Services workers and strengthening partnerships;
- (6) using the strategy as a foundation on which to seek funding from other sources, like the Government of Canada, for specific initiatives such as:
- (a) coordinated response to child victims and witnesses;
  - (b) increased policy and capacity development;
  - (c) enhancing the victims of crime emergency fund;
- and
- (d) support for rural offices.
- (7) supporting victims of crime and strengthening the focus on the needs of victims of crime by developing a plan that includes the following items:
- (a) hiring additional workers using the four-year funding secured through the *Victims of Crime Strategy*;
  - (b) assigning each community a Victim Services worker who will attend all court circuits as well as meet with clients at other times to attend inter-agency meetings and work with other allied resource people;
  - (c) establishing an inter-agency working group to guide work on responding to child victims and witnesses.
- (8) Supporting mentoring and capacity building in communities by developing a plan that includes the following items:
- (a) exploring the development through the Northern Institute for Social Justice of an "Essential Skills for Northern Victim Services Workers" program, targeted at existing Victim Services workers and others in communities who want to respond to victimization;
  - (b) developing a plan to address compassion fatigue and vicarious trauma;
  - (c) developing a training plan to focus on risk assessment and safety planning.
- (9) providing information to Yukoners in support of the public education campaign "Victims of crime have rights".
- (10) continuing to implement the new *Victims of Crime Act* by recognizing that victims have rights, including the following:
- (a) the right to be treated with courtesy, compassion and respect;

- (b) the right to the consideration of and respect for their privacy;
- (c) the right to expect that reasonable measures consistent with the law will be taken to minimize their inconvenience and to protect them from intimidation and retaliation;
- (d) the right to information;
- (e) the right to have views considered;
- (f) the right to return of property; and
- (g) the right to have needs, concerns and diversity considered.

**Hon. Mr. Nixon:** I rise to give notice of the following motion:

THAT the Yukon Legislative Assembly, pursuant to section 17(1) of the *Human Rights Act*, does appoint Jolene Waugh as a member of the Yukon Human Rights Commission for a term of three years.

**Hon. Mr. Cathers:** I rise to give notice of the following motion:

THAT the membership of the Select Committee on Whistle-blower Protection be amended by:

- (1) rescinding the appointment of Darius Elias to the committee; and
  - (2) appointing Sandy Silver to the Committee;
- and

THAT the mandate of the committee, as stipulated in Motion No. 120 of the First Session of the 33<sup>rd</sup> Legislative Assembly, be amended by adding the following:

THAT if the committee believes its final report will not be completed in such time as to be tabled during the 2012 fall sitting of the Legislative Assembly, the chair of the committee shall table in the House, during the 2012 fall sitting, an interim report on the committee's progress which shall inform the House of the committee's expected date for completion of a final report.

## INTRODUCTION OF VISITORS

**Ms. Stick:** On a point of order, I would like to introduce to the House today Bonnie Duffee, who is a longtime Yukoner and a constituent in the Member for Klondike's riding.

**Speaker:** Are there any other notices of motions?  
Is there a statement by a minister?

## QUESTION PERIOD

### Question re: Affordable housing

**Ms. Hanson:** Members on both sides of the Legislature recognize the serious housing shortage in this territory. When there are shortages, there are those who will take advantage of the situation. One constituent recently told us their rent had gone from \$1,100 to \$2,000. This huge jump of \$900 a month represents an increase of over \$10,000 a year. Who can afford that? Another constituent told us their landlord gave one month's notice of a rental increase of \$500 a month or \$6,000 a year.

Mr. Speaker, these are not isolated cases. My question for the Premier is this: What is this government doing to level the playing field for renters?

**Hon. Mr. Kent:** Again, just to answer the member opposite's question, I spoke on this issue yesterday on the floor of the Legislature. We certainly recognize that housing is the number one priority of Yukoners. It was on the doorsteps during the October election, and it continues to be.

It doesn't matter where one resides on the housing continuum — whether in the transitional shelters, social housing, the private market rental or home ownership — we are addressing the needs of Yukoners through strategic investments in transitional housing, such as at Kaushee's Place and the significant investments in social housing made by prior Yukon Party governments. We have plans as well to invest in social housing — and \$35 million in lot development. Again, I will reference the engagement with the private sector on developing rental property Lot 262.

I think the key to stabilizing the rental market is to add units. It is our choice to engage the private sector, to engage First Nations, to engage municipalities to work to that end.

**Ms. Hanson:** The March 2012 rent survey showed that the vacancy rate is still critically low at 1.3 percent. That is despite a 20-percent increase in the number of rental units. This past year, the median rent has increased by 6.5 percent to \$825 a month. That is the median rent, Mr. Speaker, not average, which means that many people are paying much more. Behind these numbers are people — people on fixed incomes who are desperate. Some young families are forced to double up in apartments. Other families are forced to move back with their parents if they have room. Workers new to the Yukon are finding it hard to get established. Rents are increasing faster than people's incomes. It is an unsustainable situation and it's getting worse.

Other jurisdictions have mechanisms that offer some protection to renters. What mechanisms does the government have and will it use to protect tenants from rental increases now that are driving people out of their homes and adding to the housing problem?

**Hon. Mr. Kent:** Many of the situations the member opposite talks about are situations that I encountered in my riding of Riverdale North. It is something that we certainly recognize and, again, two short days after being sworn in we put out the expression of interest for Lot 262, which included the development of additional units for the private rental market.

Of course, Yukoners had a choice last fall and there were some clear choices that were made. The Yukon Party government chooses to engage the private sector, engage municipalities, and engage First Nations in solving the housing crisis. The Yukon New Democrats would offer a different way of addressing that through regulation and legislation and that type of thing. We on this side of the House believe that the best solution is to work with our partners to make strategic investments that we can on behalf of the government and use those methods and those types of initiatives to increase the number of private market rentals and homes for Yukoners.

**Ms. Hanson:** I guess the record will show that for two days in a row, in addressing these questions, we have had just a “woulda, shoulda, coulda.” You know, the Yukon Party watched this housing crisis develop and deepen over nine years. During the election campaign, the Premier said, and I quote: “People shouldn't have to spend between 50 and 60 percent of their paycheques to put a roof over their head.”

But that is exactly what is happening as rents keep going up. Implementing a modern *Landlord and Tenant Act* is one way government can act to provide some relief and some certainty to renters.

Will the minister responsible tell us if the new *Landlord and Tenant Act* will include provisions to protect renters from unreasonable rent increases?

**Hon. Ms. Taylor:** I want to thank the member opposite for raising the question. As my colleague to the right has already alluded to, this government recognizes the very importance of making land available and affordable housing available for all Yukoners. That is in fact what we are doing. In addition to the \$100-million increase in affordable housing initiatives that this Yukon Party government and previous Yukon Party governments have invested in, unlike those the previous NDP governments have invested in, we continue to make land available. \$35 million housed within this year's budget will see over 300 pieces of land made available for residential properties by the end of 2013. When it comes to modernizing legislation such as the *Landlord and Tenant Act* that was part of the Yukon Party platform, and that which we were elected on, work is currently underway. That certainly will demonstrate a measured and responsible approach toward protecting the interest of tenants as well as landlords, while promoting a healthy, private rental market.

#### **Question re: Home building standards**

**Mr. Barr:** According to the Yukon Bureau of Statistics, the average single-family home in Whitehorse is now selling for \$432,600.

It was under \$300,000 just four years ago. Buying a home is the single most important purchase in a person's life. Around Whitehorse, we see condos popping up and new subdivisions being planned. There is a rush to build and with the rush comes concerns about shoddy work and worry that big structural problems could emerge, leaving homeowners on the hook for big payments for repairs.

Does the government support introducing measures to protect homeowners from deficiencies in their new homes or condos?

**Hon. Mr. Kent:** I know that we will be speaking on this later on this afternoon with respect to a motion raised by the Member for Mount Lorne-Southern Lakes.

There are different approaches across the country to home warranty protection. A few jurisdictions have enacted legislation while most jurisdictions leave the decision to provide warranties to the individual, home builder and the private sector. The Yukon government supports and encourages all potential homeowners to thoroughly research new home warranties offered by Yukon home builders. There are a number of different avenues that home builders can take to protect themselves.

While members of the NDP would choose to regulate and legislate, which is their choice, we on this side of the House choose to encourage the private sector to develop quality homes.

The type of work that's being done through the Yukon Housing Corporation on energy efficiency is but one of the many things that we do. I'm sure the Minister of Community Services would also speak to the building standards and, as well, those that exist within the municipality.

**Mr. Barr:** The NDP has long championed homeowner protection measures. We hoped the current government would be willing to look at the issue. This afternoon we will be debating, as the minister opposite says, whether the government should bring in legislation that would make participation in a new home warranty program mandatory. New home warranty programs exist in most parts of the country. Warranty programs basically provide some comfort to the customer by ensuring that defects that appear over a certain length of time, say, to the foundation, will be fixed at no extra cost, without a lengthy court process.

Does the government support encouraging builders in the Yukon to be part of a new home warranty program, in order to both guarantee the quality of their work and protect new home buyers?

**Hon. Ms. Taylor:** The Government of Yukon is very much committed to protecting Yukon homeowners' investments and we do this in a number of ways. As the minister responsible for Yukon Housing Corporation has already outlined, there are a number of approaches that are taken by various jurisdictions. Most are voluntary; some are government administered.

Within the Government of Yukon and within the Department of Community Services, the department, I can say, works diligently to ensure that the National Building Code is followed for all work conducted under valid building permits. In fact, under the National Building Code every home receives between five and eight inspections by qualified building inspectors, whether that be under the Yukon territorial government or the City of Whitehorse.

Again, renovations, repairs to existing homes are also inspected by the Yukon government and the City of Whitehorse to ensure that work is done properly. I would also say that Yukon is very fortunate to have a very skilled building industry with some of the most qualified and experienced tradespeople and home builders in the country.

When it comes to protecting homeowners' investments, we very much agree that this is very important and we'll continue to make resources available for building inspectors to ensure that the building code is adhered to, and will continue to also update legislation like the *Landlord and Tenant Act* and the *Land Titles Act*.

**Mr. Barr:** I have spoken with several long-established Yukon builders about this issue of homeowner protection and they are for it. Like homeowners, they worry that fly-by-night operators are taking advantage of the housing crisis and are putting new units on the market that will lead to problems down the road for the Yukon public. They worry their reputa-

tions are tarnished by fly-by-night operators who do shoddy work. They support measures like the new home warranty programs and want to be involved in the discussion about effective measures to protect new homeowners' most important investment.

Will this government make homeowner protection a priority and begin the conversation with home builders and the home-buying public on improving our rules?

**Hon. Mr. Kent:** Again, just to echo comments by the member opposite: a home is quite possibly the largest purchase somebody will make in their lives. Due diligence by the potential new homeowner before making the deal is vital to ensuring the consumer knows what they are buying and any issues or deficiencies with the property are identified.

The building inspection branches of the City of Whitehorse and Yukon government inspect new construction to ensure compliance with the National Building Code. Purchasers should also consider hiring private sector home inspectors to identify any deficiencies in the home, purchase the home through a licensed real estate firm and negotiate a comprehensive warranty from the home builder. The warranty should be reviewed by a legal firm to ensure its validity.

When it comes to purchasing a home, most members in this House who are homeowners will recognize that there is a duty on their behalf to ensure that they are investing in a quality product.

Again, I would echo what the Minister of Community Services mentioned in her answer, that we have a very strong and capable and professional homebuilding private sector here in the Yukon that is very competent when new construction is undertaken.

#### **Question re: Dawson City housing for child services**

**Mr. Silver:** Mr. Speaker, I am obliged to return to an issue that has been raised repeatedly but still goes without an answer from the government. I hope that today will be the day that I can return to my constituents with good news on this very important and increasingly pressing issue. The Canada Prenatal Nutrition Program and Child Development Centre offer necessary services to Dawson City families. Unfortunately, they are about to lose their rental premises. They contacted the Minister of Health and Social Services some time ago, but have received no direction to date. On their behalf, I raised the issue in the House last December and again earlier this month, but I am also still waiting. When is the minister going to respond to these community groups and will it be before they are forced to close their doors to their current location?

**Hon. Mr. Graham:** The Dawson City Women's Shelter Society administers Health Canada's Canada Prenatal Nutrition Program. Currently, it is conveniently located at a local residence in Dawson City. Unfortunately, the reason for the delay is that we have been attempting to contact, through the Yukon Housing Corporation and our own resources, suitable alternative accommodation for this program. However, to date, we have not been successful.

This is a federally funded program and it provides subsidies such as food, shelter and childcare, which they make

available to support mothers travelling to Whitehorse for delivery. The Yukon Housing Corporation up until now has provided space in a unit and they simply don't have any other spaces available in Dawson City.

**Mr. Silver:** The Canadian Prenatal Nutrition Program and the Child Development Centre are caught in Dawson City's housing shortage. They currently rent a home for their operations. Their landlord gave them almost a year's notice to vacate the home from where they currently work. Faced with a housing crunch, however, they are unable to find another place to rent. Their notice is almost up and they have nowhere else to go. We are simply looking for a yes or no here. Seeing as the minister related that it is Health Canada that funds the program for the benefit of Yukon residents, couldn't the minister here at least help to find programming space?

**Hon. Mr. Kent:** I was fortunate enough to visit with the two individuals who run both the organizations that are housed in that same location when I travelled to Dawson City earlier this year.

They did contact me as minister responsible for Yukon Housing Corporation back in November, early December. When it comes to housing in Dawson City, although there is a very small wait-list for social housing — almost zero actually — staff housing is where we are seeing the crunch in Dawson City. With the advent of the new Dawson City Hospital, we expect that to grow even more and that is why we are addressing staff housing through the budget that is before the House right now.

Beyond that, at that meeting I did have in attendance with me the president of the Yukon Housing Corporation and Deputy Minister of Education. We have also been exploring other options, and we are hopeful that something can be worked out for space for both of those organizations, but it is very specific space that they are looking for — more along the lines of a house, and that is simply not available through the Housing Corporation or through the government at this time.

**Mr. Silver:** I do appreciate the minister's responses. These programs provide valuable services to Dawson City families, including respite care, early nutrition intervention and family support. They also provide direct therapy services for children with learning struggles and a follow-along program that helps keep families informed of development. The community Romp & Run is well attended and very much appreciated in my community. None of these programs can be offered without an appropriate rental space, which means my constituents will have to do without unless a housing solution is found.

If the Minister of Health and Social Services or the minister responsible for Yukon Housing Corporation cannot help find space for these two very important programs, what advice do they offer these groups and to the families that they serve?

**Hon. Mr. Graham:** As I said before, we appreciate the work done by the Dawson City Women's Shelter organization in administering the Canada Prenatal Nutrition Program. However, as I stated previously, we simply have been unable to find a location in which to house this program. We're still looking, and we hope that something will come available, either through the Yukon Housing Corporation or other, but until

something comes available, my answer to the member opposite is quite simple, "Sorry, but we are working on it."

### **Question re: Whitehorse Correctional Centre programming**

**Ms. Moorcroft:** Yesterday we heard the Minister of Justice reiterate his position that the Whitehorse Correctional Centre is doing just fine with its programming for the 80 percent of inmates who are aboriginal. The minister continues to recite the list of programs that are supposed to be available at Whitehorse Correctional Centre. Well, Mr. Speaker, most of these programs have not been offered for the past six months, and we don't know when that will change.

Can the minister tell us a date when we can expect the full implementation of all the programs he is fond of saying are available at Whitehorse Correctional Centre?

**Hon. Mr. Nixon:** Mr. Speaker, as the member is well aware, the Whitehorse Correctional Centre is undergoing a transition, so over the past month we have moved the inmates over to the new facility. We are in the process of evaluating when we can start rolling out programming. We have rolled out some programming. I have recited, as the member opposite had indicated, some of the programming that we have rolled out, but in the coming months and in the coming days and in the coming weeks more programming will be rolled out and these issues will be addressed.

**Ms. Moorcroft:** Yesterday the minister seemed to think that the programs that are available for victims of crime are somehow the solution. The First Nation inmates at the Whitehorse Correctional Centre are often victims of crime as well as offenders. They have suffered discrimination and poverty and intergenerational effects of residential school — social crimes just as serious as any other. Mr. Speaker, I can tell you that the many victims of crime with whom I have spoken are very clear that they want to see offenders be healthy, back in their communities and with their families. They say the culturally aware programs and support while offenders are incarcerated will help accomplish this. They see that as the purpose of incarceration.

Will the minister consult with First Nations, elders and inmates to develop new culturally appropriate programming for the new \$70-million facility?

**Hon. Mr. Nixon:** This week, during a time where we're making tributes to victims of crime, it was just yesterday when I was indicating in this Legislature that individuals might wish to donate a cellphone to victims of crime, and it was the NDP opposition over there that was whooping and booing me about that. I don't know what to say about that, but maybe, "Shame."

As I mentioned before, we are rolling out programming at Whitehorse Correctional Centre, and I have a great, capable team of management and staff up there who will make the decision about when that programming will be rolled out. As we know, there is an adjustment phase. It's not going to happen overnight, and I'm actually quite thankful that my staff and management up there aren't making decisions on the fly and starting things that they're just not ready to start yet.

**Ms. Moorcroft:** Mr. Speaker, my colleagues from the Official Opposition and from the Third Party have proposed a reasonable solution to many of the frustrations that inmates have with WCC. Hire a First Nation liaison worker, who can have immediate access to inmates and is sensitive to their cultural needs. This is not a precedent, since there are special liaison positions for First Nations elsewhere in government and in the justice system.

Last week in Whitehorse, Justice Murray Sinclair spoke forcefully about the intergenerational effects of residential school. He urged us to understand that to take children away from their parents and families against their will is not only wrong, but a human rights abuse that falls under the United Nations convention as genocide. As a society, we have a responsibility to inform ourselves and to take action against racism. The minister now has an important opportunity to support rehabilitation and alleviate institutional racism on his watch. Will the minister support our request to hire an aboriginal liaison officer?

**Hon. Mr. Nixon:** I will mention again that yesterday, when I urged the members and the public to donate their cell-phones to victims of crime, it was indeed the Official Opposition that was whooping and booing me.

Mr. Speaker, the government has been very strong in promoting the rights of victims. We have developed the *Victims of Crime Strategy*, which includes strengthening the focus on the needs of victims of crime; focusing on addressing violence against women; exploring legislative options; mentoring and capacity building in communities; and integrating responses for victims, offenders and families and communities.

We are doing a great number of things at the Whitehorse Correctional Centre for inmates, above and beyond. I have a tremendous team up there, but we also need to look at the victims. For every inmate that we have up in that Whitehorse Correctional Centre, there are probably two or three victims.

#### **Question re: Tourism marketing funding**

**Mr. Barr:** We are on the cusp of the 2012 tourist season. Soon more RVs will be heading up the highway, cruise lines will be docking at Skagway and more tourists will land at the Erik Nielsen Whitehorse International Airport. This is the time when tourists are leafing through pamphlets and brochures and finalizing their travel plans. We know the tremendous value of the tourism industry in terms of jobs and local benefits. All the Yukon government's tourism marketing materials encourage potential visitors to call a travel consultant at 1-800-661-0494.

Is the minister aware that for the last three days no one is staffing the toll-free line, and they can't even leave a message because the mailbox is full?

**Hon. Mr. Nixon:** Indeed, I thank the member opposite for his question. I haven't been calling that number over the last few days, so I am not aware of any problems. Nobody else has raised this issue with me, but I will indeed look into it right away.

**Mr. Barr:** The situation of not getting an answer from a travel consultant has also been the subject of an Internet chat room about travel to the Yukon. I would encourage the

minister to correct this matter, because we know this is an important time for the tourism industry when prospective visitors are making their plans. I understand the 1-800 travel consultants are based out of a call centre in Vancouver. I'm sure the minister understands the importance of timely, quality responses in terms of converting visitor curiosity into making a decision to come to the Yukon and spend their dollars in our communities and in our many businesses dependent on the trade.

Why does the Department of Tourism contract out this important first point of contact with visitors to Outside companies instead of employing resident Yukoners with insight and knowledge of the territory?

**Hon. Mr. Nixon:** In addressing the member opposite, I have an absolutely first-class team over at Tourism and Culture. The marketing department really does go above and beyond. We are looking at things like modernizing the Visitor Information Centre here in Whitehorse, but certainly they are first class at promoting Yukon. There is the [www.travel yukon.com](http://www.travel yukon.com) website that has been getting a lot of traffic.

The member opposite mentioned a phone number that was not working. I mentioned that I will look into that immediately; in fact, there are probably people already looking into it. We will continue to promote Yukon as a whole, so when tourists are coming in from down south, they can stop in Watson Lake, then Teslin and then head up the road to Kluane and look at the beautiful scenery and everything that Yukon has to offer.

**Mr. Barr:** I am sure our people here are great at their work. Outside people may not know what they would be speaking to if they're talking about the Yukon. Maybe the minister thinks that it is cost-effective to contract an outside company; that it does not pay to hire Yukoners to do the job. What is the cost when visitors decide not to come because they do not get quality family travel information? The Government of Newfoundland and Labrador has been very successful in marketing their beautiful province, in part because of the locals. It is the "call Cathy" personal touch.

With toll-free to Travel Yukon, Turn in Poachers, wildland fire reporting and the 811 health line all going to outside call centres, I wonder why there is not a creative solution and efforts pooled together to create some jobs for the Yukon? Will this government look at its call centre budgets across the numerous departments that utilize these outside services and see if these efforts can be done by Yukoners with real knowledge of the territory?

**Hon. Mr. Nixon:** As I mentioned previously, I have a real first-class team at Tourism and Culture. We spend a great deal of time throughout the day in meetings and marketing. We look at ways that we can promote the Yukon. We have addressed the border issue at Little Gold, where it was turned back from an eight-hour day and now it's a 12-hour day. There is a lot of good work going on within Tourism.

I will continue to spend my days building on the structures that have been left behind by my colleague, the former Minister of Tourism, and the member opposite is free to spend his time on Internet chat rooms.

**Question re: Youth centre programming**

**Ms. Stick:** Last fall, before the election, it was announced by the Yukon government's MLAs for Riverdale North and Riverdale South that there is a new youth centre opening in Riverdale. The centre was to be called the "Heart of Riverdale" and was to target youth from 12 to 17, who might otherwise not be involved in extracurricular activities through the arts. According to media reports and interviews with members of the government at the time, \$100,000 was to be provided for start-up funding for this program. Will the Premier tell us where the \$100,000 came from and is it included again in this year's budget? If so, where?

**Hon. Mr. Graham:** The \$100,000 the member is speaking about was in the budget for last year. Unfortunately, there were some difficulties with the proponent in Riverdale. The main difficulty was the \$100,000 was dedicated to operating expenses for a new youth centre, yet some of the money was needed to make necessary renovations to the centre to make it usable for these folks. We have since made that change, so some of the money is available for capital expenditures and we are looking forward to seeing progress very soon.

**Ms. Stick:** When I go to the website for Heart of Riverdale, I am dismayed to find that all the programming has been postponed. It is not even clear if there has been programming since the fall. Programs listed are for music, arts and film, but again have been postponed. Some of these programs require participants to have had two or three years' previous music lesson experience. Others are required to audition for these programs. Some programs cost more than a youth would be eligible for under the kids recreation fund. It's not inclusive programming for youth initially targeted to participate. The idea of a youth centre was to offer a safe, active place for all youth — not once-a-week programming that a few might be able to access. Certainly, programming should be critical and it should be inclusive.

Can the minister tell us the current status of this?

**Hon. Mr. Graham:** As I stated previously, there was some difficulty with the allocation of funding, in that it was all for operating expenses. We have now changed that to make capital money available. You know, we have invested heavily in other youth organizations within the city as well, and we look forward to seeing this one open. We don't interfere, in most cases, in the programming offered in the various youth centres around the City of Whitehorse. I don't think I will interfere in the programming here. I will ask my department to take a look at the programming, but there was a specific reason for this youth centre in Riverdale. Hopefully, they are carrying out the mandate they established at the time.

**Ms. Stick:** There was a committee and even at one time a society to look at this youth centre programming and the needs of the community. Their recommendations were made, but were not included in this program. The recommendations talked about after-school programming and a variety of activities, not just arts and not just a once-a-week program.

Would the minister go back and look at this society and what was proposed then and see if it does, in fact, match the

current programming that is not being offered through Heart of Riverdale?

**Hon. Mr. Graham:** I will take the advice under advisement and take a look at the situation. I'm quite confident, knowing the proponent, that the program, when it's finally established — because I understand there has been some difficulty with contractors as well in that area — I'd be happy to take the Member for Riverdale South on a tour, and we'll go and look at the facility ourselves.

**Speaker:** The time for Question Period has now elapsed.

**ORDERS OF THE DAY****OPPOSITION PRIVATE MEMBERS' BUSINESS****BILLS OTHER THAN GOVERNMENT BILLS****Bill No. 102: Act to Amend the Ombudsman Act — Third Reading**

**Clerk:** Third reading, Bill No. 102, standing in the name of Ms. Stick.

**Ms. Stick:** I move that Bill No. 102, entitled *Act to Amend the Ombudsman Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the Member for Riverdale South that Bill No. 102, entitled *Act to Amend the Ombudsman Act*, be now read a third time and do pass.

**Ms. Stick:** Thank you, Mr. Speaker. I would like to thank all members of this House for their unanimous support on first and second reading of this Bill No. 102, *Act to Amend the Ombudsman Act*. It is fitting that this bill comes forward this week when we in the Legislature will have the opportunity to participate in the swearing in of a new Ombudsman. The original *Ombudsman Act* was passed in 1995 and the first Ombudsman appointed in July 1996. Before passing this bill, a significant amount of time and effort was spent completing research and public consultation. This original bill did not pass without debate and questions by all members of the House. Some felt it was the job of the MLAs to perform those duties of the Ombudsman through their casework and interventions with constituent matters. The role of the Ombudsman is to provide independent and impartial means by which public complaints about administrative decisions of the Government of Yukon and its agencies can be heard and investigated.

It has the goal of promoting fairness, openness and accountability in public administration. As the Yukon Ombudsman is an officer of this Legislature and reports to the Legislative Assembly, any investigations are conducted independently of the activities of the government. This independence is one of the most important principles of this position. By removing the sunset clause from the legislation, this Legislature is signaling that this office and position of the Yukon Ombudsman will become permanent. This signals a fair, open and accountable government to the citizens of Yukon. I look forward to receiving all parties' support for this third and final reading of the bill

that strengthens the accountability of our government, something we can all support. Thank you, Mr. Speaker.

**Hon. Mr. Cathers:** I rise in support of Bill No. 102 at third reading in this Assembly. The government will continue to support this private member's bill brought forward by the Member for Riverdale South. Again, I thank the member for bringing it forward.

I would also like to note the fact that the passage of a private member's bill is not something that typically occurs within any Legislative Assembly in Canada, or within the federal parliament, or really within any area of the Westminster system. Private members' bills typically are not matters that are passed very often; motions, as well, brought forward by opposition members are typically not supported very frequently in the majority of legislative assemblies.

What I do want to emphasize to those listening, or reading *Hansard*, is the fact that while debate in this Legislative Assembly sometimes does become polarized or heated in its rhetoric, we have made efforts, during the time of the Yukon Party government and the new caucus of the Yukon Party that was elected last fall in October, to work with members of the opposition, cooperate where we can, support initiatives that we believe are worth supporting, rather than doing as was the practice under previous legislative assemblies in the Yukon, and is the reality in most Houses within the Canadian legislative system: to not support motions that are brought forward by opposition private members, when those occur.

Speaking to the cooperation that has occurred, I would note that this is not the first time we've supported a private member's bill brought forward by an opposition member. The *Smoke-free Places Act* was an initiative brought forward by the former Member for Whitehorse Centre during his time in this Assembly, Mr. Todd Hardy. That, of course, led to the establishment of a Select Committee on Anti-smoking Legislation, which I had the honour and pleasure — the best term I can come up with to describe that and I certainly appreciated the opportunity to work with members on that committee. I chaired that committee. We began the first of what have been several select committees that have, largely speaking, been pretty effective and pretty constructive in the work that they have done. These include that committee, of course. Other examples that include the Select Committee on Human Rights, the Select Committee on the *Landlord and Tenant Act*, the Select Committee on Off-road Vehicle Use. As we have talked about in previous days in this current sitting, with the sole exception of the Select Committee on Whistle-blower Protection, all these committees were successful in reaching a final report and have led to either legislation where a commitment is made to take action to legislate, as appropriate, or to deal with it through other means.

So again, what I would like to say in supporting this bill at third reading is that the bill was also brought forward in English only. The government did provide the French translation services to make this comply with not only the official *Languages Act*, but also the requirements of the Legislative Assembly. We will be supporting it at third reading and looking

forward to what we assume will be passage by the Legislative Assembly, hopefully unanimously, as was the indication by all parties at second reading and at the Committee of the Whole stage.

A few other examples I'd like to point to in talking about cooperation are examples that have occurred from this current sitting in the Legislative Assembly.

They include the passage, unanimously, of the appointment of Timothy E. Koepke as the Yukon's new Ombudsman who will begin his term — his five-year term, that is — on May 1, and will be sworn in, I believe, on Friday of this week in the Legislative Assembly. That is the ultimate result of a hiring process that was conducted by an all-party committee, and I thank the three members who served on that. I believe it was the Member for Klondike, the Member for Riverdale South and the Member for Porter Creek North and Minister of Health and Social Services who participated on that committee that led to a recommendation to make that appointment and led to the unanimous passage of that motion. I'd also like to congratulate Mr. Koepke on that appointment and wish him luck in his five-year term. I hope that he will find it enjoyable. Based on the reports that I have heard from others, since I don't really know him personally, I hear that he certainly is well-respected by a great many people and I look forward to him performing that service admirably on behalf of Yukoners.

Other examples of cooperation I'd like to point to from this current sitting include the motion brought forward by I believe it was the Member for Watson Lake, although it doesn't say that on my notes. Motion No. 84 regarding the viability of Air North was passed unanimously by this Assembly on March 21 in this current sitting.

A motion to diversify the Yukon economy by investing in research, innovation and commercialization of cold climate technology was also passed unanimously by this Assembly on March 21, and I believe that motion was also standing in the name of the Member for Watson Lake. Two motions passed unanimously on one sitting day is something that — in previous legislative assemblies and under the Liberal and NDP when in power as well as prior Yukon Party governments, the passage of motions unanimously was not a very common occurrence.

In fact, the 31<sup>st</sup> and 32<sup>nd</sup> Legislatures, the last two legislative assemblies, each passed more unanimous motions than all previous Yukon legislative assemblies combined. With all that — there can be negative debate at times, polarizing debate, disagreement among members — I think it's important to note that there are positive steps that have been taken, not only by government, but we also have to recognize and commend the fact that it requires that all members who participate in all-party committees have an interest and desire in collectively, constructively reaching an outcome and agreeing on a final report. It requires engagement of each member who participates and their personal commitment and personal effort to reach an outcome that can be supported by all within this Assembly. In speaking to Bill No. 102, again I would note the fact that the *Ombudsman Act*, as recognized by the Member for Riverdale South when that was brought forward before this when it was

first passed it was not a concept that had universal acceptance by all. There was debate about whether to implement the act at all. The act, of course, was put in with a sunset clause.

We agree with the Member for Riverdale South that if there was a need for that type of clause in the legislation, certainly the time of any such need has passed. Yukoners, as with most Canadians, accept the value and the role of having an Office of the Ombudsman that provides another venue for citizens to engage in if they believe that they need the assistance of that office in dealing with matters pertaining to government.

We believe that this is indeed an area — it is timely to make this amendment. At the timing of coming forward, I believe the member wished there to be some symbolism with the connection of the starting of a new term of an Ombudsman for the Yukon. Certainly, doing this the same week as the new Ombudsman is sworn in is — I guess for a lack of a better characterization — an example of bringing further attention to this important office and the role of it within the Yukon's government structure.

I'd like to briefly talk about some other examples of cooperation from this current sitting of the Legislative Assembly. Motion No. 115 was another government private member motion that urged the government to continue working with industry, communities and First Nations to promote the Yukon as a year-round destination. That motion was another one unanimously passed by the Assembly on April 4.

Motion No. 162 urged the Yukon government to create a tax credit for parents or guardians of children involved in music, arts or tutoring. That motion — again tabled by a government private member — was passed unanimously on April 18.

Motion No. 163 was passed the same day, and that motion urged the CBC to continue to broadcast AM radio, including the transmission on the AM 570 band and encouraged them to ensure that CBC continued to broadcast in both French and English with their television signal. Again, that was unanimously passed on April 18.

This current piece of legislation that we are debating — Bill No. 102 — was passed unanimously April 11. A motion presented by the Member for Vuntut Gwitchin to ensure proper implementation of the Nutrition North Canada program was passed unanimously by this Assembly on March 28. Motion No. 106 to develop a comprehensive plan to offer quality training and skills, trades and technology in the Yukon was amended and then passed unanimously on March 28. Mr. Speaker, the crux of my point in identifying these elements is that this Legislative Assembly has already taken a number of steps to work cooperatively. I would emphasize that the government continues to be prepared to work constructively with members of the opposition parties. If they bring forward constructive suggestions and good ideas, we are prepared to give them consideration, but members should not assume that that means that we are always going to do everything exactly as they would prefer we would.

As a government, our priorities have to be in fulfilling the commitments we made to Yukoners, the commitments we outlined in our 2011 election platform, "Moving Forward Together". Those commitments we made to voters in the 2011

election will remain our priority, but again, as I emphasized, we're not going to rule out the possibility of considering good suggestions when they come from members of the Liberals and the NDP. In fact, we have demonstrated that we will support those ideas when we believe that they're good ideas and matters that can be dealt with within the context of the government's other commitments.

So again, Mr. Speaker, noting that both with this bill and with motions we have made it a practice — and will continue to do so — to take opposition motions where we can support them as presented and support them in the wording that they're presented in. When we believe that amendments need to be made, we will propose those amendments and we will try to, when possible, make amendments that we think the presenter and other members of the Assembly will find acceptable. There are times when we have philosophical disagreements with members opposite such as when we have made commitments that conflict with what they would like to see us do, but I would encourage all members of this Assembly to look for opportunities to cooperate.

Unfortunately, we have certainly seen at times during this sitting members jump to the worst assumption about other members and engage in debate that is much more negative than it needs to be to debate that policy question, or public concern, or public issue, et cetera.

I have just a few points I would make in closing. I note the one area that I referred to in the earlier portion of my remarks, that the only select committee established by a government motion that didn't reach an outcome was the Select Committee on Whistle-blower Protection. Earlier in this sitting, I tabled the motion to establish the committee. As you know, there was some debate of that in this Assembly — some of it very positive and some of it not. Concerns were expressed by the interim Leader of the Liberal Party. He had concerns related to membership of the committee and did not wish to sit on that. Through conversation and discussion at House Leaders' meetings and attempts to collaborate with the Liberal Party and accommodate the concerns of the Member for Vuntut Gwitchin and the interest of the Member for Klondike in working on this committee, it brought forward the amendment that I gave notice of earlier today, which would amend the membership of that committee, putting the Member for Klondike on it. It also states that if the committee believes it will not reach a final report in time for tabling during the fall 2012 sitting of the 33<sup>rd</sup> Legislative Assembly, the committee will be required to present, to this House, a report on its progress to date and identify its expected timeline for completion and conclusion of a final report to the Yukon Legislative Assembly.

So I thank the Member for Klondike, in particular, for his efforts to find a way that their participation could be facilitated and to join in the opportunity to sit on this all-party committee, dealing with that important matter. Whistle-blower protection is itself, obviously, a distinct policy matter, in some ways, from this current Bill No. 102, but I would point out that both the Office of the Ombudsman and whistle-blower protection provisions being contemplated are aimed at a similar goal: providing additional protections for individuals who may need additional

assistance understanding and engaging with the government and understanding their rights and opportunities, as well as seeking redress when those rights may be infringed upon or they may be treated in a way that is inconsistent with policy standards. Whistle-blower protection, of course, is related to providing additional protection for those within government who may feel a need to report on something without fear of repercussion or reporting in good faith about something that they need to report.

Appropriate protection without creating situations that can be misused by someone who is trying to maliciously cause problems for employees or others within the system is important in the whistle-blower protection legislation. Much like the *Ombudsman Act* itself, it is important in these matters that legislation be developed carefully, thoughtfully and appropriately to balance the protection of the individual, the opportunities of the individual and the rights of the individual — and figuring out a way to make it work within the overall system without causing undue problem or harm to others.

Again, this being Wednesday, it is the opportunity for members to bring forward motions and private members' bills. I believe the Commissioner is available, should this bill pass the Legislative Assembly, to come and give assent to the legislation, and I would thank the Clerk's office for lining that up. I note as well that while asking the Commissioner to come and give his assent is a minor matter, comparatively, to a bill being passed in the Assembly, in fact it does require the government to ask the Commissioner to come and give assent, because the request cannot be made by members of the opposition. The Commissioner appears at the request of the government to give assent to bills that have been passed by the Assembly as requested by the government. We have, again, made that request and the Commissioner will be here this afternoon and will be asked to grant assent to this legislation, assuming it passes later this afternoon.

So with that I will conclude my remarks. I look forward to comments from other members and to debate this afternoon in the Legislative Assembly on the other motions brought forward by opposition private members on this opposition private member's day to identify motions.

In conclusion, and in support of this legislation, I want to again thank the Member for Riverdale South for bringing forward this amendment. The legislation prior to this amendment does allow for the extension of the *Ombudsman Act* by a motion of the Legislative Assembly, but it did require that be done every five years and really was a procedural matter that was something not necessary. It has value for the certainty of the Ombudsman, the Ombudsman's staff and the Yukon public. To remove the sunset clause from the legislation makes it clear that the Ombudsman's office is, to the best of understanding of the Legislative Assembly, something that is a permanent fixture in Yukon society and the government structure, or as permanent as anything that can be put in place by government or any Legislative Assembly is. Our structures, our institutions, and our legislation, of course, can be amended by future legislative assemblies who may see fit to do so, but removing that sunset clause does remove the question of whether the act is

considered a temporary piece of legislation and the office is considered a temporary institution.

This will emphasize the fact that it is an office, a piece of legislation and a process that clearly all Members of the Legislative Assembly support, and can stand up and support the continued effect of the act and the continued ability of the Ombudsman's office to continue providing service to Yukon citizens. With that, I commend this legislation to the House.

**Hon. Ms. Taylor:** I am very pleased to rise in support of this amendment. I did not speak to this prior, so it is with great pleasure that I am able to do so at this time.

As the Member for Lake Laberge has just articulated, I think that it is really important to pay tribute to Wednesdays as an opportunity to listen to one another and to certainly work together.

I think that the Government of Yukon over the years has certainly shown our commitment to working collaboratively in the House to work on initiatives that are important to Yukoners — at the end of the day, some of which we may in fact proceed with and some on which we may differ and may not proceed. It is an opportunity to put forth initiatives of importance to not only our respective constituents, but Yukoners at large. Certainly, when it comes to this particular bill — and I would like to start off by thanking the Member for Riverdale South for bringing this bill forward — it of course speaks to the sunset clause of the act which limits its very existence to five years under the Assembly. Of course, when we look back to the original debate that took place on the floor of the Legislature back in 1995, I believe — when the legislation was brought forward at that time, you know there was a great deal of interesting debate, I would put it, on the floor from among the members. In fact, I can very much appreciate the varied thought that went into debating the original intent of the bill that established the Office of the Ombudsman.

Now here we are, fast-forward to 2012, and having seen the very benefits of having the Office of the Ombudsman, coupled with that of the subsequent legislation, the *Access to Information and Protection of Privacy Act*, it does speak to our territory and how we continue to evolve as a society. When we look back over recent years — it wasn't that long ago, but with the implementation of the *Umbrella Final Agreement* and the land claim agreements, self-governance continues to evolve. I think it's very important that we reflect upon those accomplishments and that we also reflect upon bodies and institutions such as the Office of the Ombudsman, access to information and protection and privacy, and soon of course the work will continue seeing to fruition the implementation of whistle-blower protection as well. I have seen various statutes come before the Legislature; some have come to fruition and some have not. But I think when it comes to looking at this particular institution, it has been in effect for a number of years.

As the Member for Riverdale South stated, its goal is promoting fairness, with the ultimate goal of improving government services on behalf of Yukoners.

As Members of the Legislative Assembly, of course, there are times when I have certainly promoted the use of the Office

of the Ombudsman as another interesting and effective initiative, in terms of being able to shed light on governance and the programs and services and how, in fact, we can improve our work as legislators.

I want to say thank you, not only to the current individual holding the role of Ombudsman, Tracy-Anne McPhee, and for her work over the past number of years. Certainly, I know she has worked hard. Her expertise on the legal front and her commitment to seeing to fruition changes, not just with respect to this particular legislation, but also the *Access to Information and Protection of Privacy Act* — many of which we have, in fact, brought about enhancing the scope of the entities to be covered under ATIPP, so to speak. Recently, by this government, it has also helped to enhance transparency and openness. It's an incredible office.

When we also take a look at the role of the current Ombudsman, I just want to say thank you again to her for her service. I also want to congratulate the incoming Ombudsman, Timothy Koepke. I think that's exciting, as well, given his past history and the great amount of professionalism, expertise and his experience over the years within the territory.

I want to pay tribute as well to a long-time constituent of mine in Whitehorse West, Mr. Hank Moorlag. He was actually the first individual to assume the role of the Ombudsman. Mr. Moorlag and I have had a number of discussions over the years on his doorstep and in the backyard over his garden on how we can further implement changes to legislation such as this.

Of course, as I mentioned, when that office first came to fruition, there was some skepticism perhaps, among some of the legislators, but I think it has worked effectively. Now, when we look across the country, most jurisdictions have followed suit as well.

I think it has become a very desirable part of our democracy and the way we do business as a government. Removing this particular section — section 35, the sunset clause — further demonstrates the continuing commitment of the Legislative Assembly to the very principles of the act. Also, of course, it has been something that has been in the books for some time, and again, I just want to thank the Member for Riverdale South in bringing that forward.

As I mentioned before, it speaks to how we as a territory have evolved and it speaks to the permanency of the office and how very important its continued relevance is in today's democracy. As I mentioned, as an MLA, I have on occasion been able to refer to the work of the Yukon Ombudsman for constituents to use that office and they certainly have.

To have that as an additional institution of service to the people we serve is of utmost importance in upholding the principles of democracy. I don't want to go on at great length, because I know that the Member for Lake Laberge has already articulated on the number of different fronts, but other than saying that when it comes to the sunset clause, when we look to other pieces of legislation in play, it's not very often that we do have sunset clauses; rather there are references to periodic reviews. So I think that again, speaking to how we continue to evolve on the democratic front, this makes it almost unnecessary, as has been said in the past, as the Assembly can repeal

the act really at any time, should it determine that it need not continue in force and effect. However, that said, we recognize the very importance of this legislation, and we recognize the very importance of this office.

Again, I just want to say thank you to the Ombudsman, to those who have held this great role, for their good work of previous years, and certainly, moving into the future — to be sure there will be future changes that reflect the ongoing evolution of the territory as we continue to find our rightful place within our democratic hold within the country of Canada.

Again, thank you to the Member for Riverdale South for bringing forth this bill, and we certainly look forward to further debate and discussion on this particular bill, and look forward to moving it forward.

**Hon. Mr. Kent:** I rise today as MLA for Riverdale North to congratulate my colleague from Riverdale South for bringing forward this amendment to Bill No. 102. I also thank the government officials who prepared the French translation and turned that over rather quickly so that we could bring this bill forward here today and give third and final reading, and hopefully, at some point, royal assent to it beyond that.

So, again, I didn't have the opportunity, like the Minister of Community Services during first or second readings of this bill, to speak to it, so I will take the opportunity now, just as members of the New Democratic Party — I believe they put a full roster of speakers up when we were debating the *Act to Amend the Liquor Act*. I thanked them at that time for their comments. I believe a number of speakers from the government side will be addressing Bill No. 102 at third reading here, just as members from the Official Opposition did, as I mentioned, with the *Act to Amend the Liquor Act*.

Again, I think we have heard it from previous speakers here today that private member's bills are indeed a rare thing in our parliamentary system, and it's something that the Member for Riverdale South can be quite proud of moving forward, as a very strong accomplishment. With that, I would also like to reference the former Leader of the New Democratic Party and former Member for Whitehorse Centre, Mr. Todd Hardy, and his work on the *Smoke-free Places Act*.

I remember at the time of the 2006 general election, I was working as the Yukon regional manager for the Canadian Cancer Society and was contacted by officials and Mr. Hardy about the *Smoke-free Places Act*.

At the time, most Yukoners will recall that there was a bylaw of the City of Whitehorse — I believe perhaps the Member for Riverdale South may have been on city council when that bylaw came forward, as was my colleague, the Member for Porter Creek North. So that was one of the few restrictions. I believe there was a modified restriction in Dawson City at the time that that private member's bill was being developed. Again, in discussions with the chief of staff of the New Democrat Party at the time, I was able to provide support through the chief anti-tobacco advocate for the Canadian Cancer Society, Mr. Rob Cunningham. He is based in Ottawa and is a very strong and passionate advocate on behalf of the Canadian Can-

cer Society against tobacco use, because of all the obvious health problems that tobacco has caused.

I remember being in the gallery on a Wednesday, not unlike the day the Member for Riverdale South introduced this, where the Member for Whitehorse Centre introduced his private member's bill, and quickly it garnered support from all sides of the House. I know that from there, the Select Committee on Smoke-free Places was formed, which included the Member for Lake Laberge and the Member for Vuntut Gwitchin and, as well, the late John Edzerza sat on that committee.

I know that through the Canadian Cancer Society we had contracted Physicians for a Smoke-free Canada to assist and provide technical support to that committee as it travelled throughout the Yukon. I did join in a few venues and on a few occasions and actually spoke before city council about providing support to additional aspects of what became a government bill, I believe, but really found its beginnings in a private member's bill from the Member for Whitehorse Centre.

What we ended up with at the end of the day was one of the most progressive smoke-free places acts in the country, including bans on smoking in vehicles with children under the age of 16 and smoking bans around entrances to buildings. We also ended up with one of the largest — if not the largest — tobacco tax increase in Canadian history, as was articulated to me by Mr. Cunningham at the time. The private member's bill that was put forward by the Member for Whitehorse Centre at the time really turned into something that we can be proud of as Yukoners, and I think is making a difference in the health and well-being of Yukon citizens.

I will conclude my comments, because I know there are a number of speakers from this side of the House who want to speak at third reading. I would like to offer my congratulations to the Member for Riverdale South. I have enjoyed working with her over the past number of months in the Legislature and outside of the Legislature when we address issues of concern to residents in Riverdale — whether it is working through the Riverdale Community Association or on other aspects when it comes to her constituents. There was also the issue of Christ the King Elementary School that was raised prior to Christmas. Hopefully, we will be able to continue that strong working relationship. We have plans to co-host a constituency barbeque in Riverdale sometime this summer, I believe. The first one will be on the Member for Riverdale South's turf, and hopefully, the one next year we can move back over to somewhere on the Riverdale North side of the map. I look forward to that type of cooperation and collaboration that exists between members in this Legislative Assembly.

Again, I just want to speak briefly to what the Member for Lake Laberge said. I think it's important that Yukoners know that often the animosity and bad will that gets reported in local media about the goings-on and proceedings in this Legislature don't always reflect the way we do behave and the problems we are able to solve on behalf of our constituents who sent us here last fall. Many of them sent us here with an expectation that we would improve the decorum and the cooperation. I think we have managed to achieve that on a number of fronts.

Of course, there will be the political aspects of this Legislative Assembly and the partisan aspects that take place but, for the most part, there is a very collegial and cooperative tone to what happens here on the floor of the Assembly. I think it's something that is definitely a lot different from the last time I was here, and I think it's something that members of this House, no matter which side they sit on, should be very proud of.

So, again, I extend my congratulations to the Member for Riverdale South for successfully bringing forward a private member's bill that will hopefully pass this House. It will certainly have my support, and I know a number of colleagues on this side of the House will be supporting it as well. Thank you.

**Hon. Mr. Pasloski:** I rise today as MLA for Mountainview. I am pleased to support Bill No. 102, which we have in front of us today. I think it is another example of the Yukon Party demonstrating our history of working together with members of this Legislative Assembly. As I have mentioned in the past, while we have committed to delivering on a platform that we ran on and the voters of the Yukon had the opportunity to make their choice on October 11, 2011, we also acknowledge that we don't hold a monopoly on good ideas. We are certainly willing to listen to and entertain ideas that come from wherever — from constituents or certainly from members on the opposite side of the House. Certainly, the Yukon Party government — the 33<sup>rd</sup> Legislative Assembly — as well as previous Yukon Party governments, collectively, passed more unanimous motions on matters of importance to Yukoners by working collaboratively with members opposite. Certainly, just in the brief time that we have been part of the 33<sup>rd</sup> Legislative Assembly, I note how many unanimous decisions have been made, how many motions there have been.

The one we're talking about today is an amendment to the act, but the appointment of the new Ombudsman, Tim Koepke, for five years was passed unanimously. Then we had, of course, a number of government bills that, obviously, have the support of all members of this House because they were passed unanimously. For example, there was unanimous support for the ongoing viability of Air North in terms of the current economic situation with the introduction of a second national carrier to this marketplace. There was also unanimous support for the motion to diversify Yukon's economy by investing in research, innovation and commercialization of cold climate technology — something that, certainly, this side of the House is very excited about in the context of some of the great work that's there and how it will lead to bringing new innovative products to market, which will create more jobs and more opportunities for Yukoners.

Motion No. 24 urged the Yukon government to provide new supports for people looking after sick or disabled family members — again, that passed unanimously. I want to also acknowledge the friendly amendments to that motion presented by the NDP.

Motion No. 115, which urged the Yukon government to continue working with industry, communities and First Nations to promote the Yukon brand as a year-round destination, was passed unanimously, without amendment.

In Motion No. 162, the Yukon government was urged to create a tax credit for parents or guardians of children involved in music, arts or tutoring — again, a unanimous motion that was passed by everybody, and something that affects so many working families that are busy trying to juggle family life, work life and involvement as volunteers in the community, as so many Yukoners do as well, and the opportunity to create a few more dollars in their pocket as a result of this motion.

Motion No. 163, urging the Government of Canada to ensure that CBC continues to broadcast AM radio and French and English language television within Yukon was another unanimous motion. We will continue to support and view this strongly as an integral part of Canada, where we have less than one percent of Canada's population, but northern Canada is almost 40 percent of the entire country. So having a broadcaster who is mandated to provide a service to places like this speaks to me of how vitally important it is.

Of course, along with the private member's bill, which I'll talk to in a minute, there were a couple of Liberal unanimous motions as well. Motion No. 80 — ensuring proper implementation of the Nutrition North Canada program. Certainly on my trips to Old Crow in the past, walking into the store to look at those prices only reaffirms the work that needs to be done to continue to see that we can provide nutritional food at a better cost.

Motion No. 106 is to develop a comprehensive plan to offer quality training in skills, trades and technology in the Yukon. Again, it was passed unanimously with a friendly amendment by the NDP. You know, when we look at situations and opportunities, I think there is a willingness for people to stand up and rise collectively and have a stronger voice. As well as these unanimous motions and bills is this government's record of establishing all-party committees of the Legislature to conduct public consultation on matters that are really important to all Yukoners. We have had some discussion on that already, such as the anti-smoking legislation, and also on human rights, previously on whistle-blower protection, the *Landlord and Tenant Act*, the safe operations of off-road vehicle use.

Certainly, I would like to also comment on the whistle-blower protection and actually the fact that our motion was amended today by the government, changing the composition of the membership of that committee and putting in the expectation to complete or to report back before the end of the fall sitting and an expected date for completion.

I would also like to just compliment the committee and the Legislative Assembly in terms of their putting forward Mr. Tim Koepke as the new Ombudsman, and I forward my congratulations to him. Mr. Koepke is an individual whom I have known for many years in this community, and that is how Yukon works. We tend to know a lot of people. I have had the opportunity to know Tim for a number of years. Tim is a professional engineer. In Canada and British Columbia, he was a land surveyor who became a consultant to the federal government on land claim negotiation starting in 1987. After 24 years of association with the Underhill Group of Companies, the last 18 were spent as a senior partner.

His consulting activities included land and resource development projects in British Columbia, Yukon and Northwest Territories. He has lived in Whitehorse for 42 years, during which time he has served on the boards of Yukon corporations, numerous professional associations and service organizations. He has been elected a life member of the Association of Professional Engineers of Yukon and the Association of B.C. Land Surveyors and as an honorary life member of the Association of Canada Land Surveyors, for which he also serves as a special examiner.

Mr. Koepke has worked with the Government of Canada as a chief federal negotiator. Since his appointment in 1987, Mr. Koepke has been involved with negotiations for the 11 completed Yukon land claim settlements as well as trans-boundary files in northern British Columbia for the Federal Treaty Negotiation Office in Vancouver. He has also represented Canada in negotiations between governments, First Nations and Athabaska oil-sand producers in an attempt to reach agreement on long-term benefits. Mr. Koepke was the chief federal negotiator for the Tsawwassen First Nation treaty settlement in the Vancouver area that came into effect in April 2009. Following the completion of the Tsawwassen treaty, Mr. Koepke was assigned the Namgis First Nation file in the Alert Bay area of northern Vancouver Island.

I would also like to acknowledge and send out my appreciation for the work that the previous ombudsmen have done in fulfilling their role and obligations in both aspects of their job, on the privacy side and as Ombudsman.

As I said, we continue to see opportunities like this to work together. We have to make sure that we remind the opposition that while we are willing to do that, we are committed as a government, as well, to fulfilling the obligations that we made to the people of Yukon and through our platform in the fall 2011 election. Where we can work together, we will, but we need to make sure that cooperation doesn't get lost or be interpreted as being that we are willing to implement the platform of the NDP. While we can work together, we will commit to working on those things we told Yukoners we were going to do and, through the process of the election, were given the mandate to do.

I'd just like to summarize by saying what we are doing here by removing a sunset clause — and what I think really creates certainty for all Yukoners, in terms of the commitment to the role of this position in the territory, and certainly a commitment to the staff who work there. If you have a program that had an opportunity to sunset, that would, of course, create some apprehension. So I think we certainly have done a service for the people who do the good work within that office.

I'd like to recognize the Member for Riverdale South for putting this bill forward and the work that she has done. I also just want to make a comment about recognizing the importance of Wednesdays and what this stands for with the opportunity to get up as MLAs to express our views and opinions on the motions that are brought forward or the bills that are brought forward to debate on that day. I think it's very honourable and worthy and a very important part of what we do.

With that, Mr. Speaker, I would like to conclude my remarks and commend this legislation to the House. Thank you.

**Mr. Hassard:** It's an honour and a privilege to rise today to speak to Bill No. 102, standing in the name of the Member for Riverdale South. Up for discussion today is the elimination of the sunset clause, section 35, from the *Ombudsman Act*. In fact the removal of this clause was recommended in the Yukon Ombudsman's *Submission on Amendments to the Ombudsman Act* dated September 24, 2010. The report goes on to state, "The Office of Ombudsman has become a standard and valued component of the administrative state in Canada since its introduction in the late 1960's".

All of the provinces except for Prince Edward Island, and the two territories, Nunavut and Northwest Territories, have established an Office of the Ombudsman. After more than 40 years of experience, only once in — Newfoundland and Labrador — has a provincial government abolished an Ombudsman system, and even there it has since been restored. Quite honestly, if the House were to ever deem that the act should not continue in force and effect, it could simply repeal the act at any time, rendering the sunset clause irrelevant in this case. Further, the ability to review the legislation from time to time exists, and other Yukon acts currently in force, so the precedent for doing so already exists.

This government's support for the removal of section 35 further demonstrates its commitment to the principles of the act, the Office of the Ombudsman and the public that it serves. I look forward to hearing the comments from other members of the Legislative Assembly today on this matter.

**Ms. McLeod:** Thanks to the Member for Riverdale South for this opportunity to work cooperatively in passing this private member's Bill No. 102. Personally, I have not had a need to seek the services of the Ombudsman, but I can appreciate that it is a necessary thing for Yukoners.

I must congratulate the all-party committee on their choice on the new Ombudsman. I've had the honour of meeting with Mr. Koepke on a number of occasions over the years and have always admired his professionalism and his comfort with people. So thanks to all involved with moving this bill forward, and it certainly will have my support.

**Hon. Mr. Dixon:** Mr. Speaker, it is a pleasure to rise this afternoon in support of this bill from the Member for Riverdale South. It is an interesting one to me for a number of reasons. First of all, I want to touch a little bit on the fundamental crux of this bill as it relates to the Ombudsman and the role of the Ombudsman in our political system and in our society. The Canadian political system and the Westminster system which we employ is one that has been developed over the years, and, as my colleague the Member for Pelly-Nisutlin noted, the Ombudsman is a development of that system.

The Ombudsman, of course, provides the necessary oversight of government and provides an additional layer of accountability for government and for the public to have an avenue for inquest into issues they may have with the government,

whether it be any branch of the government, or at the political level, or in the bureaucracy. Of course, there are a number of other methods through which government is held accountable. They are very important to the system and important to recognize as well. Typically, when we consider government, the bulk of government is the bureaucracy — the bureaucrats and bureaucratic systems that our system employs to manage our government.

We, of course, at the political level, often are the highlight when we think of government, but it's important to remember that the Ombudsman, in particular, plays a role in managing the power and actions of the bureaucracy and the entire government. Given the enormous influence and considerable power of the bureaucratic system in the modern state, democracies as a whole are understandably interested in keeping the public service and the government in check.

As I said, there are a number of ways through which that occurs. Of course, at one level, in the case of the Yukon, the Premier, the ministers and the Cabinet provide one level of check on the government, where of course, in our system, the minister gives direction to the public service and has the power to veto any of its proposals, at least in theory. Of course, the Premier and Cabinet keep ministers individually in check. There is also the possibility of having members of the public service oversee other members of the public service. The power of some bureaucrats is controlled by other bureaucrats in that sense, such as the financial control of the Management Board process in the Department of Finance. So we see both bureaucratic and political checks throughout government, but one of the very important ones is, of course, the role of the Legislature at the provincial or territorial level and the House of Commons at the federal level.

The proposals for raising taxes for the operations of government are of course subject to legislative debate, which is what members of this House are undertaking throughout this legislative sitting. The process of examining the budget and the estimates therein gives the Legislature an opportunity to question and criticize ministers and, of course, government, about all aspects of the department and their spending and programming. So there is that level of accountability that finds its genesis in the legislative systems of which we are all a part.

There is also the judiciary, which is another kind of control on government. The power of courts to overturn decisions of government officials in regular government departments is essentially restricted to breaches of the law or actions taken beyond the public servants' jurisdiction, but there are rare cases outside of that as well.

Then, of course, there is the Ombudsman which, as has been noted, has been an evolutionary aspect of our system that found its creation in the late 60s, I believe, in some jurisdictions and has now spread across the country. There is no federal Ombudsman as yet, but there are a number of positions that tend to carry out some of those functions as well in more specific cases.

I had a conversation with a friend recently who is reviewing some of our legislative endeavours in the House this sitting. My friend noted that we were, to use the member opposite's

words, “making the Ombudsman a permanent position” and wondered why that was not a permanent position to begin with. That is a function of the legislative tool of a sunset clause. In my previous studies of legislation and the development of legislation, I have always taken an interest in the different tools that legislators use to develop legislation. In this particular case, the use of a sunset clause was employed.

In the case of the *Ombudsman Act*, the position of the Ombudsman has been continually extended upon the timeline of the sunset clause coming into effect — actually, the sun has not quite set yet. What we are doing today is removing that sunset clause.

Sunset clauses are, as I said, an interesting feature of the legislative tool kit that legislators have. I think the highlight, when talking about a sunset clause, of course, probably comes from the *Charter of Rights and Freedoms*, which was passed in 1982. Probably the most controversial aspect of that *Charter* is section 33, which, of course, is better known as the “notwithstanding clause”. All legislation in Canada that is developed under the notwithstanding clause does come with an implied sunset clause of five years. It is a controversial aspect of the *Charter*, and it was the subject of much debate at the time it came through.

The Yukon actually has a very interesting historical antecedent when it comes to the notwithstanding clause, in that the first usage of the notwithstanding clause — outside of Quebec, that is — was in fact in the Yukon. The Yukon’s *Land Planning and Development Act*, assented to in 1982 but never proclaimed into force, included section 39 — that the provisions of the act relating to the nomination of persons to be members of the land planning board which was established under section 3 of that act or land planning committees established under section 17 by the — at the time was known as the “Council of Yukon Indians” — operates notwithstanding the Canadian Bill of Rights. Now of course that act was never proclaimed so it’s perhaps a poor example in the historic record book of the use of the notwithstanding clause, but nonetheless, it was the first and a small notation for Yukon in the history books of political scientists.

In this particular case of the *Ombudsman Act*, the sunset clause was employed for reasons that I’m not really aware of. I don’t know why the Legislature of the day thought it was necessary to include a sunset clause, but we’ve obviously decided today — and I don’t want to prejudge the vote, but it sounds like we will be unanimously supporting the removal of the sunset clause — to make the Ombudsman a permanent position.

One other comment I want to make today regards the fact that this is actually a private member’s bill and indeed, a private member’s bill from an opposition member. I can’t highlight enough how interesting that is for someone like me who has been interested in the study of political science. Private members’ bills throughout the history of our Canadian political system have been very rare. They are particularly used in cases where the government is in a minority situation and is beholden, to a greater degree than it would be in a majority situation, to cede some ability to put forward legislation to non-government members. I was interested to look back over the

history books, and I know that when it comes to private members’ bills in Canadian history, the vast majority of those bills have been related to changing the name of an electoral riding. So, in the majority of cases throughout history, they are either to change the name of an electoral riding or to perform some other relatively — I don’t want to say “trivial”, but less impactful in terms of the government’s operations.

One of the more interesting developments in the use of private members’ bills was the change in the federal Standing Orders in the mid-1980s, which allowed a different process to occur for private members’ bills. Following that, there was a relatively famous passage of a private member’s bill in 1988, which was an act to regulate smoking in the federal workplace and on common carriers, and to amend the *Hazardous Products Act* in relation to cigarette advertising, which took the short title of “the Non-Smoker’s Health Act”. It was put forward by Ms. Lynn McDonald who was an NDP Member of Parliament. She is now a university professor, and not surprisingly, an anti-tobacco activist and is a former member of the House. She was the former president of the National Action Committee on the Status of Women and was the Member of Parliament for Broadview-Greenwood from 1982 until 1988. She is now a professor of sociology at the University of Guelph.

What was interesting about that bill was that it was a private member’s bill from an opposition member, which, although it did receive vigorous debate — it went through every step of the procedures for private members’ business, and having been duly placed on notice, it was successful in the draw for establishing an order of precedence for debate. It was chosen as a votable item by the Standing Committee on Private Members’ Business, was given second reading after the full five hours of debate allowed, was scrutinized carefully and amended by a legislative committee, and was finally passed by the House after a further two hours of debate provided by the change in rules, which I mentioned earlier.

The reason I mentioned that is because it was raised to me during my undergraduate degree when we were studying legislative proceedings and private members’ bills. The rarity of such a substantial bill being passed by an opposition private member was pointed out to me. I highlight that because this is what is occurring today in the House, where we have an opposition private member’s bill being presented to the House undergoing debate currently and which is likely to pass. I wanted to note that I think that it is a tremendous testament to the current composition of the House and the current members, and their ability to work together to find solutions to challenges that face all Yukoners.

The ability of members to work with each other is an important feature, but if we look back over history, it has been a rare feature. I wanted to note the statistic that since 1910, only 235 private members’ bills have been assented to in the House of Commons. That sounds like a relatively high number, but when you consider the earlier facts I presented that the majority of those were changing the names of electoral districts or some of them were indeed private members from the government side, presenting bills that were obviously supported by their government colleagues.

So when you consider the number of private members from the opposition side presenting bills and seeing support in the House and ultimately being assented to, the number is very small. So I think this is, I guess, my attempt to claim to be a part of some sort of history, I suppose — that we are passing a private member's bill put forward by an opposition member, and seeing unanimous consent of the Legislature, which, as I said, is a very rare thing in Canadian politics.

When we consider the list that was put forward by some of the previous speakers today — the list of the motions and motions from all members of the House that have been unanimously supported — I think we begin to realize that despite some heated rhetoric we may enjoy from time to time, that we are a relatively collaborative group and able to see eye to eye — two eye in the Third Party's case — on issues that are important to Yukoners.

With that, I'll conclude by saying again that I support this bill and its intent, which is of course to remove the sunset clause from the *Ombudsman Act* and, in effect, making the position of Ombudsman for Yukon a permanent position. The Premier earlier mentioned we will be having a new Ombudsman and indeed the ceremony — at which I hope to see many members on Friday — will be happening. I look forward to working with the new Ombudsman — well, not working with, but look forward to viewing the work of the new Ombudsman and ensuring that Yukon government is as open and transparent as is possible. I wish that individual — the new Ombudsman — all the best in his work.

I thank the previous Yukon Ombudsman for her excellent work over the number of years that she was the Ombudsman and indeed, all ombudsmen prior to that. I stand to be corrected on the gender neutrality of that. I will say I thank all previous ombudsmen for their work.

With that, I commend this bill to the House and look forward to hearing from my colleagues on this topic.

**Hon. Mr. Istchenko:** I would also like to thank the Member for Riverdale South for bringing forward this motion. While the Yukon Ombudsman position is typically an intermediary between the state and constituent, I want to let it be known, for *Hansard* purposes for those people who do read it, that each MLA also performs that role. I want any of my constituents who may be listening to know that I have an open-door policy and I'm willing to look into issues that concern them. We'll get to this a little bit later.

As the Ombudsman in our territory shares the position with the Privacy Commissioner, I want to take a moment to discuss the role of the Privacy Commissioner and how this complements the role of the Ombudsman.

The Information and Privacy Commissioner is charged with ruling on ATIPP — the *Access to Information and Protection of Privacy Act*. When a member of the public wants to know something about the government and that information is not readily available, they can make a request to see that information from the department that houses it. In most cases, the department can provide the information. In some cases, they cannot, and the person seeking the information typically ap-

proaches the Privacy Commissioner, who also happens to be our Yukon Ombudsman. The Privacy Commissioner reviews requests for information and reviews the information that was gathered, if any, and determines whether or not the information should be shown or withheld from the requestor. Importantly, the Privacy Commissioner must ensure that the privacy of individuals is maintained and so cannot always disclose all of the information that is requested.

Getting back to the MLAs, who sort of have a job here too, there is an important synergy that exists between the role of Privacy Commissioner and the Ombudsman, as most people can have their concerns addressed by understanding the situation in its entirety. However, if there is some grievous error or affront that cannot be justified through information alone, then requests through the Ombudsman can be initiated. Often, I imagine, people who are emotionally charged by a government decision immediately turn to the Ombudsman, especially if the MLA in their own riding is not a member of the political party they support. In these cases, the Ombudsman, in his or her dual role of Yukon Ombudsman and Information and Privacy Commissioner, can start collecting the information so that everyone can take full stock of the situation and move forward toward a reasonable resolution.

This amendment is being considered at an appropriate time, as this coming Friday, the territory will be swearing in our new Information and Privacy Commissioner, Mr. Tim Koepke, right here in this Legislature. In closing, I would like to commend this legislation. I look forward to listening to members opposite on Wednesdays and members on this side on all bills and motions that we debate. Thank you.

**Speaker:** If the member now speaks, she will close debate. Does any other member wish to be heard?

**Ms. Stick:** I look forward to passing this Bill No. 102. I want to thank everyone for their comments.

I do want to clarify, however, one point that was made earlier and add some information.

Mr. Moorlag was indeed the first Yukon-appointed Ombudsman, but we did have the privilege of having Harley Johnson, the Alberta Ombudsman, oversee the setting up of a new office, the hiring of the Ombudsman's first investigations of the Yukon Ombudsman's office.

Mr. Johnson also produced the first Yukon Ombudsman annual report from July 1, 1996 to December 31, 1996. Again, I'd like to thank all members on both sides of the House for their support of this bill. I look forward to the vote.

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

#### Division

**Speaker:** Division has been called.

#### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Agree.

**Hon. Mr. Cathers:** Agree.  
**Hon. Ms. Taylor:** Agree.  
**Hon. Mr. Graham:** Agree.  
**Hon. Mr. Kent:** Agree.  
**Hon. Mr. Nixon:** Agree.  
**Ms. McLeod:** Agree.  
**Hon. Mr. Istchenko:** Agree.  
**Hon. Mr. Dixon:** Agree.  
**Mr. Hassard:** Agree.  
**Ms. Hanson:** Agree.  
**Mr. Tredger:** Agree.  
**Ms. Moorcroft:** Agree.  
**Ms. White:** Agree.  
**Ms. Stick:** Agree.  
**Mr. Barr:** Agree.  
**Mr. Elias:** Agree.  
**Mr. Silver:** Agree.

**Clerk:** Mr. Speaker, the results are 18 yeas, nil nays.

**Speaker:** The yeas have. I declare the motion carried.  
*Motion for third reading of Bill No. 102 agreed to*

**Speaker:** I declare that Bill No. 102 has passed this House.

We are now prepared to receive the Commissioner of Yukon, in his capacity as Lieutenant Governor, to give assent to the bills which have passed this House.

*Commissioner Phillips enters the Chamber, announced by the Sergeant-at-Arms*

## ASSENT TO BILLS

**Commissioner:** Please be seated.

**Speaker:** Mr. Commissioner, the Assembly has, at its present session, passed certain bills to which, in the name and on behalf of the Assembly, I respectfully request your assent.

**Clerk:** *Third Appropriation Act, 2011-12; Act to Amend the Ombudsman Act.*

**Commissioner:** I hereby assent to the bills as enumerated by the Clerk.

*Commissioner leaves the Chamber*

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

## MOTIONS OTHER THAN GOVERNMENT MOTIONS

### Motion No. 175

**Clerk:** Motion No. 175, standing in the name of Mr. Barr.

**Speaker:** It is moved by the Member for Mount Lorne-Southern Lakes

THAT this House urges the Government of Yukon to develop and introduce a homeowner protection act that includes mandatory licensing for home builders and contractors and an effective warranty program for new home construction and home renovations.

**Mr. Barr:** Motion No. 175:

THAT this House urges the Government of Yukon to develop and introduce a homeowner protection act that includes mandatory licensing for home builders and contractors and an effective warranty program for new home construction and home renovations.

Yukon New Democrats have been pushing for the Yukon Party government to bring forth homeowner protection since 2006. We had hoped we would get more headway with this government on this file with my predecessors, Todd Hardy and Steve Cardiff, but the responses in Question Period today did not sound too promising; hopefully, I will be proved wrong as we move forward today.

The government basically said that it's up to the homeowner to select a builder that participates in a warranty program. Buy through a real estate agent and get an inspector. The government then talked about everything being fine. There is no need to regulate and legislate — a what-the-market-will-bear approach. That's too bad. I hoped we had moved forward on this file, but it sounds like déjà vu all over again, from when my predecessors, Todd Hardy and Steve Cardiff, fought for homeowner protection.

Todd and Steve spoke a great deal about this issue, as both worked in the skilled trades and saw the good, the bad and the ugly in home construction. They saw home buyers moving into new homes or people getting expensive renovations and then having problems like leaky roofs, crawlspaces filled with water, doors installed improperly, no insulation and foundation problems. When they went to find the builder to get the problems corrected, they were gone.

Back in 2006, Todd spoke about the building boom of the 1970s and about how he made an income for years going back and repairing the mistakes — stripping walls that had water pouring down on the inside and mould on the bottom; replacing cold walls because they didn't put insulation in the walls; vapour barriers that were two-ply, instead of six-ply or not even attached and sealed off properly; roofs that leaked; siding that fell off and doors that didn't close properly.

The way it works in Yukon is that problems with the home's construction generally falls to the homeowner. It hits their pocketbook, and maybe their health, with issues like mould. That's a bit of history.

Today, in 2012, we're in the midst of a profound housing crisis. There is a rush on. Condos are popping up and new subdivisions are being planned. We have heard concerns from the home-buying public and from reputable builders that the situation in the past that Todd spoke of could very well be repeating itself today.

Our motion is a step to avoid history repeating itself. The Yukon Bureau of Statistics says that the average single-family home in Whitehorse sold for \$432,600 in the fourth quarter of 2011. In 2007, it was under \$300,000. This is a massive increase. Buying a home amounts to the single most important purchase in a person's life, and the share of the household income going to housing — to rent or pay the mortgage — grows larger during this housing crisis.

We think there is a role for the Yukon government to introduce rules that would protect Yukoners' most valuable in-

vestment, which is their home. Our motion calls on the Government of Yukon to introduce homeowner protection legislation. The content of such legislation should include, but not be limited to only include: mandatory licensing for home builders and contractors; and warranty program for new home construction or big renovations. Such legislation would do several things. It would protect the reputations of good builders and contractors, whose industry suffers when fly-by-night contractors build bad buildings. There is a saying in the Yukon that if you have a hammer and a pickup, you can be a contractor. I was speaking with a contractor today who was saying that he knows of persons who are doing just that. They've had some experience, and they are putting themselves up for hire to build your house and they have never built a house before. And that's the truth, because there's no licensing program for home construction. A homeowner protection act will protect the consumer who discovers that the newly constructed home or major reno job has major problems, say, a leaky roof or cracked foundation that appears a year down the road.

As it stands, the general recourse is through the courts. This is time-consuming, costly and the onus is on the victim to show how they have been wronged. Warranties flip this onus on the licensed contractor, whose registration and warranty program is mandatory, but is still expected to produce work to a certain quality. It provides an expectation that a new homeowner should be purchasing a home without any major structural damage and in the event a problem is discovered, the warranty program steps up, gets the contractor to fix the problem or hires another contractor and it is the warranty program that seeks repayment from the negligent, shoddy contractor. Different warranty programs offer different guarantees. If the Yukon is to move forward with this file, it would need to talk to the public home builders, look at other programs and see what works.

I want to give some information about what other jurisdictions have done. Home builders in British Columbia and Quebec must be licensed. In B.C., the homeowner protection office maintains a registry of licensed companies.

Once you purchase your home, you receive a number and then you are able to go shop around to different insurance companies. That is also good for 10 years, because what they were seeing was that people get a number and then some of these companies would just close up shop and move on to the next place. So, this is a guarantee for 10 years with your number. In Quebec, it is the Régie du bâtiment du Québec that is in charge there. Third party warranty is mandatory in Quebec, Ontario and British Columbia. In other provinces it is optional, though, according to CMHC — Canada Mortgage and Housing Corporation — most builders provide a third party warranty on their homes to ensure the greatest protection for their customers. My understanding is that some Yukon builders have participated in the B.C. warranty program from time to time. The argument is simple: first, there is a need; second, other jurisdictions have such rules and they work; and third, there is general support by the home-buying public and reputable builders here in the Yukon. Discussions with home builders: we talked to several long-term home builders; they all agree in principle

with the idea of a homeowner protection act. One said it wouldn't hurt industry to have a standard warranty. That way, there would be a baseline to measure from.

The warranty should be developed with and vetted by industry, including architects, engineers, realtors, builders and Yukon Housing Corporation. But the warranty should also be developed with the input of a third party representing the buyer's interest. Builders we spoke to have belonged to warranty programs in the past — some in B.C. and some in Alberta. One builder reported the program required certification and fees and eventually went broke. So whether the Yukon partners with another jurisdiction is an important question. Different builders have different warranties in the territory. They are not all the same. Some are pretty low in the commitment level in that they include clauses that either negate or defer responsibility and refer in a non-specific way to what is normal for industry.

Builders have said that five-year warranties need to protect the buyer and they need to be enforceable. Again, I was speaking earlier to a contractor today, and most builders today will have a warranty that they'll come and offer or have the buyer sign.

It's of their own initiative that they do this. If there is an disreputable person, the onus is left on the buyer to litigate, which after having spent — with today's prices — all that investment, they are left with the repairs or costly legal fees that they just don't have at the time. It's an awful thing, when I think of it, as a first buyer. Their dream is to buy a home — it's their first time — and then they are left holding the bag.

Builders we spoke to believe there are some good codes in the territory that ensure some quality, like the increase to R28 for residential buildings. I believe in other jurisdictions it's R20, so there are good things going on in the Yukon. Also, the blow-door test, which leads to the next part — that with the other issues of good things going on here, it leads to more paperwork for the builders. There are builders who aren't thrilled to have more paperwork, so it should be clear who does the paperwork and what the costs are.

It may cost \$4,000 to \$5,000 to insure the builder's work. Having a homeowner warranty will impact the banks and insurance companies. It will make financial institutions feel more secure about the product they are financing or insuring.

I'll just touch on this aspect briefly. I know there is a question of cost of a warranty program and that it is likely to be added to the cost of the home. We would want to have a discussion with the public and the builders on this aspect — the financial side of the issue.

I do think people who end up paying \$10,000, \$20,000 or maybe \$50,000 to repair something in their relatively new house would likely wish they had some form of warranty protection. Builders I talked to said legislation is a practical solution. It sets one standard for all and does not depend on being managed by a professional association. Builders said they are aware of fly-by-night operations, especially in boom times, as we are in today, when the poor work of some builders ruins the reputations of all.

In drafting such legislation, the Yukon government would likely draw on the experience of other jurisdictions and convene a public consultation that would involve builders and contractors and the home-owning public.

We really think that the public and builders need to be front and centre in terms of creating effective homeowner protection rules. We are curious to hear what other members think about the motion, and we would certainly welcome amendments from the government if it means we are able to move forward with the public discussion about homeowner protection. We think that mandatory warranty programs and mandatory licensing of home builders are two measures that could improve homeowner protection. The public should have a chance to discuss the issue and provide comments if the government agrees that drafting new rules to protect homeowners is important.

With that, I would encourage further discussion on this and hope we could go forward with this motion. Thank you, Mr. Speaker.

**Hon. Ms. Taylor:** First of all, I would like to thank the member opposite for bringing forth this motion, and thank him for his insight and for elaborating on this initiative.

Certainly, it's not the first time that it has come to the floor of the Legislature and that is very much recognized. In fact, I was just going back in *Hansard* in 2007 in June — why we were sitting in June, I will never know, but we were. I was just reflecting on a rather lengthy debate that took place between members opposite and it did bring back a whole lot of interesting comments and a lot of insight that still remain very relevant. I hope to be able to outline and elaborate on some of those very arguments that were put forth by the previous Member for Porter Creek North.

I think of Question Period earlier today when the member opposite raised a question pertaining to the government's commitment on developing a home protection act and developing mandatory licensing for home builders and so forth. I think that, as my colleague for Yukon Housing Corporation alluded to, in the Yukon we have a number of mechanisms that go in favour of home protection, and certainly, as I mentioned earlier today, the protection of Yukon homeowners' investment in their homes is important to the Yukon government and it's very important to the Department of Community Services.

In fact, I know that the department works diligently, as does Yukon Housing Corporation, to ensure that the National Building Code, for example, is followed for all work conducted under respective valid building permits.

As I alluded to earlier, just as a case in point, to meet the National Building Code, there are a number of inspections required by qualified building inspectors, whether they are housed within the Department of Community Services — the building standards or building inspections branch — or the City of Whitehorse for which that function has been devolved for quite some time.

In fact, every new home does receive between, as I mentioned earlier, five and eight inspections. That's very important to note. Renovations and repairs to existing homes are also

likewise inspected by the Yukon government and/or the City of Whitehorse's very qualified building inspectors when the required permits are put in place.

We are indeed very fortunate to have a skilled building industry, as I mentioned earlier, as well. Of course, we just have to look to a number of various examples over the years when those building practices have been showcased in other parts of the country and certainly worldwide, when it comes to promoting qualified and experienced tradespeople and home builders within the country and beyond.

I think the member opposite raised a number of interesting points, in terms of options available, and I'll get into that here as well. Currently, homeowners do have the option of having the owner and the builder resolve the matter either through mediation or through the courts, of course. It's an option that is generally unavailable under a new home warranty program elsewhere in the country. I'll get into what is certainly the case in other jurisdictions.

The member opposite just touched upon a number of examples where, in fact, there is a required warranty program, and licensure of builders.

But I want to touch upon other jurisdictions that don't have those requirements and, in fact, are voluntary by the homeowner — voluntary by the home builder — and they seem to be also working well. We need to ensure that when we speak to this issue, we speak to all jurisdictions and not just a number.

The member opposite raised a whole number of points, and I am not even sure where to get into this. I'll get into that a little bit later on. When you talk about the costs of construction, we know that some home warranty programs in other provinces — such as what the member opposite talked about — certainly have added to the cost of construction, leading to requiring home builders to waive their right to deal with the builder directly. It can require regulatory, heavy builder certification and may only cover a portion of the actual value of a home.

It is important to note that many new homes constructed in the territory already come with an individual home warranty provided by the builder or the developer. It is usually valid for a period of one year after the completion of the building, but I recognize that that is not all the cases.

When my husband and I had purchased our home, there wasn't a home warranty program, but rest assured, my father at the time was a skilled building contractor for 40 some years. Of course, it is always "buyer beware" and we took the steps to ensure that a complete, thorough, home inspection was undertaken before we purchased our home. We looked at the history of the home; looked at what permits were pulled; looked at how the home evolved from finish to end; looked if there were any problems that were flagged by the City of Whitehorse — certainly with the land itself. To this day, we are still in the same home, some 15 years later almost, and we have had no problems whatsoever, knock on wood. Of course, we recognize that is not always the case and we recognize that there are other steps — other than those being offered by the home builder — that are available as mechanisms to address added home protection for the consumer.

As we have stated on a number of occasions, the Government of Yukon — this current administration — supports the desire of Yukoners to be independent.

We understand that part of that independence is the ability and the right to construct homes in accordance with permitting and National Safety Code requirements, of course, as I mentioned earlier today.

I think one has to reflect on the fact that if the entire building industry were to require a territory-wide certification, for example, which is often part of a home warranty program, this option may no longer be available because only certified builders could work in the industry. As I said earlier, building inspection services are provided by not only my Department of Community Services, but by the City of Whitehorse for homeowners undertaking home construction and renovations when the required permits are in place.

I just wanted to say, interestingly enough, that when I take a look at statistics just for the previous year, 2011-12 — when we look at our own Building Safety branch housed within the Department of Community Services — our program objective is to support, to administer, and to enforce building, plumbing, electrical and mechanical standards in conjunction with reviewing development permits and maintaining a building information repository.

The Building Safety branch issues permits and licences and performs inspections under a number of statutes, including the *Building Standards Act*, *Electrical Protection Act*, *Gas Burning Devices Act*, *Boiler and Pressure Vessels Act*, *Elevator and Fixed Conveyances Act*, and *Area Development Act*.

I should also point out that the branch does a great job of providing advice for the public, as well as the construction industry, regarding requirements and the interpretation of those respective acts and the regulations that fall under those acts. It also provides building file information for the legal and banking community as well. As I mentioned, having had the opportunity to meet and talk with our building inspectors within the branch — of which we have a number — I believe they do a great job of administering a broad range of the licensing and regulatory services by developing common inspection standards for Yukon government building inspectors.

We work with the City of Whitehorse to develop shared inspection standards. I know that some of my colleagues will be speaking to that later on as well. Also, they work very diligently in preparing and implementing a record schedule, keeping track of all the work that is done by the home building community. In fact, in this year's budget we are currently working on an electronic-permit inspection system, which we are certainly looking forward to being implemented soon. That will also further improve program delivery and service to our respective clients, being homeowners and/or home builders themselves.

When we look at last year — last fiscal year alone — the actual branch completed some 4,482 inspections for building, plumbing, development, electrical, gas and boiler and pressure vessels. Likewise, there were well over 3,500 permits issued under the respective statutes. There were also over 2,200 building file information requests that were completed for legal pur-

poses. So, a great deal of work is done in the shop and is certainly applied to the inspector's ability and their work with the City of Whitehorse to undertake their work in the name of building safety.

As I mentioned earlier, we do have a number of inspectors within the Department of Community Services. We actually have three units within the Building Safety branch, each headed by a chief inspector under the guise of building inspections, mechanical inspections and electrical inspections. Building Safety, as I mentioned, inspects construction and trades-related activities to ensure that sustainable structures and installations are completed, and that safety codes are, in fact, adhered to during the course of building, and that the installation meets the national standards. The unit also issues a variety of permits and licences under the various statutes that I have outlined for the member opposite earlier — to support actual development, the building, the plumbing, the electrical, and so forth. The inspectors review plans for new constructions; they perform inspections and issue permits throughout the territory, with the exception of Whitehorse, as I mentioned earlier as well. Electrical inspectors, likewise, review plans for electrical installations while mechanical inspectors review plans for boilers, elevators and gas installations.

We made reference earlier to the formation of the working group as a result of Yukon Housing Corporation working with the Department of Community Services, which brings together industry expertise and community representatives coming up with an action plan that will address the status of oil-fired appliances and oil tank safety in Yukon. So that work is also going on. We know there was consultation undertaken; I believe it has closed, if I'm not mistaken, and we look forward to receiving steps that will complete the action plan for implementation later on this year.

We very much thank the multi-stakeholder working group for contributing to this very important issue. It's another initiative that we're certainly looking at in terms of building on the regulatory changes that were brought into effect in 2010, which require permits to be taken out, in terms of when there is a new appliance installed or receiving modifications. Likewise, it will also build on the public education that continues to be promoted on the safe operation of oil-fired appliances, as well as oil tank safety in the territory. Of course, it will also build on training initiatives undertaken by the Yukon Housing Corporation, which is fundamental.

I think it's really important to talk about this government's mandate. I know that member opposite spoke quite eloquently about the previous members' passion for this issue and also the attempts to move this file forward. I'm pretty sure it was even outlined in the New Democratic Party's election platform as well. I think that's important to note.

Likewise, it was in the Yukon Party election platform on which we were elected to form government and to govern on behalf of Yukon citizens. A number of commitments were outlined in our platform that we are committed to doing and people are going to hold our feet to the fire to complete them. So, certainly, you know we very much appreciate ideas being brought forward — as I mentioned earlier — some of which

will be carried forward, some of which may not be carried forward right at this particular time. This government does have a very important mandate of making land available and providing housing. The member opposite made reference to the housing crisis that is currently underway. I just want to add that we very much recognize the demands upon the industry to provide more homes and to provide more rental properties. It's as a result of the government working in partnership with First Nation governments, working in partnership with municipal governments, the private sector and many others to revitalize the Yukon economy. That certainly is not what it was about 10 years ago, and before that as well.

Our government did take great pride in providing a climate that was conducive to the growth of the private sector and I believe we've been able to fuel that sector by investing in investments that support the growth of the economy. So when we talk about home building, we also have to take a look at the mandate to provide lots for residential, for commercial, for industrial purposes, and not only within the City of Whitehorse, but within every community. I can say that the Government of Yukon is, in fact, doing that.

There has been a lot of debate on the floor of the Legislature in terms of steps that the government is undertaking to do just that. We are making land available throughout the territory and, in fact, we have about \$35 million available in this year's budget for land. We are working with municipal governments, our First Nation governments, and certainly the private sector, as we've seen with the recent lot in the City of Whitehorse being made available for rental purposes. As the Minister responsible for the Yukon Housing Corporation has already stated, we are working on a whole host of housing initiatives ranging from emergency shelters to transitional housing, supportive housing, social housing, and working with the private sector to make more rental properties available — to home ownership itself by the very right of making more land available.

I am very pleased to see that work continue under this Yukon Party government. We know that there are many challenges before us as our population continues to grow, and we need housing for young individuals, for seniors and for families who are challenged to meet their housing needs. We are certainly working on that.

As I mentioned earlier with respect to land availability, we have developments that include planning and construction of residential lots within the communities of Carmacks, Dawson City, Mayo, Watson Lake, Whitehorse, and rest assured there will be more to come as well. In Whitehorse, I am very pleased that work continues on the Whistle Bend subdivision. We have more than \$25 million allocated for surface utilities to bring phase 1 to market this fall, and that too will result in more added options.

Likewise, in my own riding, there's the new Ingram subdivision. I encourage all members to take a drive through the Ingram subdivision, because it is very impressive indeed. I have to congratulate the City of Whitehorse for their foresight and their forward vision in terms of providing options. It's really the city's first concerted effort to look at high-density housing. It's certainly not for everyone, and I appreciate that,

but the city through their official community plan and through their strategic planning sessions, recognize, like the Yukon government, the need to make more housing options available and certainly to lower that price of housing. So what is also required is the need to come up with a number of various options — higher-density housing — for which there are duplexes and triplexes.

In fact, my colleague from Yukon Housing Corporation and I not long ago announced new land to be made available to Habitat for Humanity. One such lot was made available in the Ingram subdivision and is coming along very well. It's an excellent initiative and to be sure we are also committed to providing additional land in each of the phases planned for the Whistle Bend build-out.

As I mentioned, in Whistle Bend alone, we will see eventually 199 single-family lots, 32 duplexes, 17 multi-family lots and 48 town home lots — so very substantive — and those, of course, will be coming to fruition by the end of 2013.

That, added to all of the other lots being made available, means we're looking at approximately 300 developed residential lots to help meet some of the strong demand for housing as a result of Yukon's expanding economy.

In addition to that, this government, in our mandate — in our platform that we were recently re-elected on — made reference to that as part of the housing picture, in addition to building on the housing initiatives that the Yukon Party government invested in previous years — over \$100 million ranging from family, mixed residential properties in Riverdale to a six-plex up in the Ingram subdivision, Habitat for Humanity.

There are seniors complexes that were constructed up at Yukon College complex. There have been seniors facilities built throughout the territory. There have also been housing initiatives — the replacement of the Korbo Apartments building, for example, in Dawson. These are all great examples of the Yukon government and really giving great credit to the Yukon Housing Corporation, working in partnership with the Government of Canada to collaborate and ensure that we were able to expand and we were able to invest in initiatives as quickly as we were able to when those dollars came to fruition and we were able to partner, leveraging our investments as well. There is a whole suite of initiatives under the Department of Health and Social Services, working from the transitional end to the emergency shelter, second-stage housing which will ultimately see a \$4.5-million investment in the development of the second-stage housing in collaboration with Kaushee's Place, the Yukon Women's Transition Home Society.

That's another example of what we're able to do when we're able to partner with other organizations, such as that. We certainly support that project, and we certainly commend the work of the society and look forward to seeing the outcome as well.

So building on that work, the government also committed to building on the recommendations of the Select Committee on the *Landlord and Tenant Act* — a review that was undertaken by the previous Assembly and one that resulted in a number of recommendations for moving forward. Again, that

was outlined in our party platform, and it's one that we are working on.

**Some Hon. Member:** (Inaudible)

#### Point of order

**Speaker:** Leader of the Official Opposition, on a point of order.

**Ms. Hanson:** The member opposite has spent the last 10 minutes speaking on matters — 19(b) — other than the question under discussion. The motion today is a motion to introduce a homeowner protection act. At least the last 10 minutes have had nothing to do with homeowners' protection. It has been a litany — a reiteration of the Yukon Party platform.

**Speaker:** Hon. Premier, on the point of order.

**Hon. Mr. Pasloski:** On the point of order, we just had this discussion only a few days ago about this very same, supposed point of order.

#### Speaker's ruling

**Speaker:** I'm sure we have all had this discussion and had a ruling earlier. I encourage the member to bring it back around to the subject at hand. I'm sure she's getting there. There is no point of order at this time.

**Hon. Ms. Taylor:** Before I was interrupted, I was speaking to a number of our commitments, in terms of bringing the issue to the home protection act. I think it's very important to provide that added context, in terms of putting forth priorities. There is an act that has been put forward before the Legislature for consideration — a concept that has not had one ounce of discussion with perhaps the Yukon home builders or realtors associations or perhaps with the Yukon public. The member opposite made reference to a need for consultation to see if it's even worth putting forward at this time.

It's very difficult to respond to an initiative such as this without having the benefit of hearing directly from those respective stakeholders. That said, I also put forward for the members opposite a number of initiatives that the government is very much committed to and actually was elected to do on behalf of Yukon citizens, which include working on the work of the Select Committee on the *Landlord and Tenant Act*. I think that it is very important when it comes to making housing options available for Yukoners' consideration, providing affordable and available housing options. That is what we are working on. The Department of Community Services has been tasked to review the work of the select committee and to certainly build on that work by forming —

**Some Hon. Member:** (Inaudible)

#### Point of order

**Speaker:** Minister of Justice, on a point of order.

**Hon. Mr. Nixon:** The Leader of the Official Opposition is using foul language in the Legislature in respect to the member on this side's speech and I personally find it very offensive in this respectful place.

#### Speaker's ruling

**Speaker:** I don't believe there is any point of order. I never heard anything. It was a conversation on the other side. I ask the member to carry on, please.

**Hon. Ms. Taylor:** Mr. Speaker, as I was just saying, I have spoken about the *Landlord and Tenant Act* and how that is very important for providing that clear legal framework that provides that balance between Yukon tenants and landlords for promoting a healthy rental market, the need for which we continue to hear from members opposite. That is not only balanced, but is in line with best practices from across the country. That work is underway as well.

Likewise, under the leadership of the Minister of Justice, we've also committed to looking at the *Land Titles Act*, the *Condominium Act* and in fact, amendments that were tabled in the Legislature earlier, back in March. We're looking at ways of decreasing the time it takes to register documents in the *Land Titles Act*, removing barriers to development in the territory. It reflects upon our commitment to enhance the land titles system in the territory. That work is currently underway.

We appointed a land titles inspector for preparing the recommendations for improvements to business processes and for identifying further areas for modernization and also legislative changes.

I just want to make reference to a couple of those particular examples just to demonstrate, when it comes to our priorities and making land available and certainly adhering to our fiduciary obligations in providing home protection, we are doing this on many different fronts. Simply to put forth land is one step, it's another to actually implement and to develop and build that home. As I mentioned earlier, there are a number of mechanisms that we currently have in place under the leadership of the Department of Community Services as well as the Yukon Housing Corporation, which we'll soon get into as well. There is a whole host of other jurisdictions in the country that offer home builder, third party warranties mandated through legislation. I think the member opposite made reference to other jurisdictions such as British Columbia, Ontario, and Quebec, where in fact builders are required to provide that.

Without going into that specifically, I also wanted to mention that there are also other jurisdictions such as Alberta, Manitoba and Saskatchewan where primarily, they have available home warranty programs by the home builders industry itself, which provides a package of warranty protections and encourages improved performance for new home building in the industry they serve.

So there are a number of examples — and I know that the minister responsible for Yukon Housing Corporation wanted to add to that debate in terms of providing other options — but certainly looking upon the various jurisdictions — whether it's through non-profit organizations, looking at ensuring your new home is free of defects in materials and also the workmanship for the first year of taking possession and so forth. There are options such as the case in Manitoba.

Saskatchewan also provides a program that has been in place since 1976 and, likewise, it is also incorporated as a pri-

vate, non-profit corporation. It's governed by a board of directors and certainly is not delivered by way of the Government of Saskatchewan. In the Atlantic region, likewise, also established back in 1976, there was also an association — I believe it's the Atlantic chapter of the Canadian Home Builders Association — again another example of a private, not-for-profit organization comprised of hundreds of builder members led by a board of directors independent of government, again providing new home buyers with third party warranty through individual home builder members as well.

I know this discussion took place similarly back in 2007, but it does come down to how we wish for protections to be afforded to homeowners. I suppose it comes down to how, in fact, we see the way to solving a problem when, in fact, there may be other ways of doing such. The member opposite spoke to a program that could, in fact, be delivered through the Government of Yukon — I'm thinking through the Department of Community Services or Yukon Housing Corporation — that would be housed within an agency — I am gathering is the vision from the members opposite — putting forth mandatory licensure of home builders and then offering a warranty program.

As we know, there are many other options: buyer beware; there are other not-for-profit organizations with separate boards of directors; there are examples of mandatory licensure and mandatory programs made available through agencies as are housed within, looking to the examples of Quebec and Ontario, for example.

The member opposite made reference to adding to the cost of actually building a home and renovating that particular home. Again, that is something that this government has been very astute about, looking to deliver affordable housing options, and certainly we recognize the state of the economy as we know it today. We recognize the huge demand for housing as it stands today and we are working on a number of different options, as I referenced earlier.

We also recognize that when it comes to paperwork — the member opposite made reference to the word "paperwork" — I very much appreciate that and so do the home builders themselves and so do government workers as well.

The onus would be on who would provide that extra paperwork. Would it be within the Government of Yukon with additional individuals needing to be hired? How would you inspect? Who would administer the agency and so forth? That said, it does come down to the way that the members opposite view delivering the program compared to the way that the Government of Yukon is looking at delivering home protection.

I just outlined some of the services that are made available through the City of Whitehorse and through the Yukon government. We very much appreciate their work. We recognize that there are third party home warranty companies with elaborate — in fact, very elaborate — contracts that can be made available but are not mandatory. We earlier talked about a substantive investment — the largest investment of most of our livelihoods, that being our home — and taking the initiative to ensure that we certainly have inspections and that the necessary

permits are pulled for inspections to take force and effect. Of course, if the occasion arises, there are other mechanisms available — as I mentioned, third party home warranty programs made available by others.

Some home builders make those home warranty programs available as well. They are also through the insurance industry, which the Yukon government helps regulate. Of course, there is also the staff of the Yukon Housing Corporation. We know they have a great deal of expertise. When questions or concerns arise, in terms of what is or is not occurring at the site of construction — looking at ways of monitoring home building in our territory. I think it's very important as well to reflect upon the actual expertise housed already within the Government of Yukon.

We talked about real estate agents or others also providing a level of assurance, working with home inspection companies here in the territory and certainly providing that added comfort, in terms of making a decision when one does choose to buy a home. As I mentioned, mediation and the court system are also available. In fact, the previous Yukon Party government raised the limit in the small claims court to about \$25,000, which provides — one could argue — some additional security or assurance to the homeowner, in terms of what can be achieved. Of course, there are also other examples of what else can be done. I know that through the national organization, Canadian Council of Better Business Bureaus, again, working with our local chambers of commerce to see what can be achieved, the Better Business Bureau is a great example of an organization that is financed by the private sector, in terms of serving communities and certainly marketplaces across the country. It's promoting and fostering a higher standard of service available for the consumers — again, through voluntary self-regulation, consumer and business education and service excellence.

So there are a number of different options that are available. As I mentioned, third party home warranty programs can be offered by either the home buyer or the actual provider, the seller in this case. It can be asked for or purchased by either party. There are services available through private organizations and private companies. I won't go over the City of Whitehorse and all that they do, because I know that members opposite also wanted to make reference. What I did want to make reference to though, when it comes to the City of Whitehorse, is their official community plan, and the ability to do rezoning bylaws, subdivision bylaws, as well as building plumbing bylaws. There are easements, leases, and a number of venues and opportunities to help regulate the home builder industry through these mechanisms. I know that, as the MLA for a riding within the City of Whitehorse, there have been a number of changes — a lot of changes when it comes to building standards within the City of Whitehorse.

They have been very progressive in terms of responding to changes in our environment within the city, and certainly when it comes to comparisons with the rest of the country. That is very important to talk to as well.

Again, as I mentioned, other jurisdictions have chosen to adopt legislation, such as that in British Columbia. Others have chosen to go in a more voluntary way, as I outlined with the

Atlantic provinces and certainly with Alberta and Saskatchewan as well. So, again, I just want to thank the member opposite for bringing forth this initiative and for fostering greater debate. I do appreciate the member and certainly his willingness to listen to the perspectives of other members. I am but one member, of course. There are other members who will be speaking to the matter of home protection in the territory. We may not always agree, but I think it is very important to pay respect to others and what they have to offer. So, again, thank you to the member opposite, and thank you, Mr. Speaker.

**Mr. Silver:** I rise to offer our comments on Motion No. 175 regarding the development of a Yukon homeowner protection act. There are several good ideas contained in this motion and there are several that raise questions for us. I will outline them on behalf of the Liberal caucus in the next few minutes. We will hope that the member who presented this motion or others from his caucus may be able to provide some explanation and alleviate some of our concerns.

Our concerns lie in the balance of responsibility and interests of homeowners and home builders. As written, this motion emphasizes protecting homeowners against shoddy construction and renovation work. This would be accomplished through mandatory licensing and warranty programs. We, of course, support ensuring that when people invest in their greatest stand-alone asset, they receive the quality work that they pay for. There is substantial trust placed in home builders. People hire them to do the work they usually don't know how to do themselves and the consumer has limited knowledge and opportunity with which to gauge the quality of that work. Then they make the single greatest purchase of their lives and plan to spend the next 20 or 25 years paying it off.

In respect to mandatory licensing, we do want to make sure, however, that these protections would not come at the expense of Yukon home builders and contractors who do good work.

It does go without saying that regulations must not be punitive against honest contractors in pursuit of effectiveness for homeowners. In addition to being absolutely necessary in our current housing crunch, Yukon home builders and contractors are key contributors to our economy and our communities. They hire our friends and neighbours, and they provide development opportunities for our apprentices.

Not so long ago, all members of this House voted in favor of enhanced skill and trades and technology training opportunities. Home builders help employ and further train many people in those fields and we must ensure that they are not saying one thing one week and crippling that cooperation and initiative the next.

The mandatory licensing called for by this motion raises some questions for us. Would this be specifically Yukon licensing or would contractors licensed in other jurisdictions be able to transport these licences to work with in our territory? There are many Yukon contractors doing excellent work today with employees who carry out high quality projects, but they are not yet licensed. If licensing becomes suddenly mandatory, we could create a short-term situation where Yukon contractors

were all not in compliance and couldn't work until completing their licensing.

In that scenario, Outside contractors licensed in other jurisdictions could arrive, take on the work, and severely damage Yukon business and harm Yukon workers.

Our first interest in discussing new legislation is that it is to the benefit of Yukoners and, in this case, that includes contractors as well as homeowners.

Another point on warranty programs — our next set of questions involves the proposed warranty program for new home construction and for home renovations. This motion calls for a new homeowners protection act that would require such a warranty program, although it doesn't get into the details about how such a program would operate. At first glance we see two possible ways that this could be accomplished. The first option would be for the government itself to provide some sort of warranty to guarantee contractors' work directly. However, we do not support the government getting into the insurance business. We believe that government's role is to create a business environment that supports high-quality work and that is done through effective regulation. This doesn't mean that government inserts itself unnecessarily into the construction business and it doesn't mean that government foots the bill for poor-quality work. There are many differences between government construction and private construction projects. Homeowner requirements are not the same as those for government facilities, and government building practices should not be transferred wholesale to private citizens with different expectations and needs.

The second option by which the government could institute a warranty program is not by directly insuring home construction but by requiring that builders insure themselves. This insurance could be collective in which all contractors must contribute to an insurance policy. This policy could be tapped should a project go awry and the homeowner is unable to get recourse directly from the contractor. This pooling of liability holds much more appeal than does government directly providing insurance services.

I would suggest that we ask the contracting industry if this is (a) a concern, and (b) a direction in which they wish to go.

Accordingly, I would like to propose the following amendment to the motion:

*Amendment proposed*

**Mr. Silver:** I move

THAT Motion No. 175 be amended by inserting between the words "effective" and "warranty" the following: "privately managed and funded".

**Speaker:** The amendment is in order. It is moved by the Member for Klondike

THAT Motion No. 175 be amended by inserting between the words "effective" and "warranty" the following: privately managed and funded.

The Member for Klondike has 14 minutes.

**Mr. Silver:** I have a very quick conclusion statement. As stated, we support the home construction and renovation

regulations that protect homeowners' interests. We do not, however, want to see this be applied in a punitive fashion to the Yukon's contractors, who are doing excellent work.

We also don't want to see government getting into the insurance business when good regulation should be able to direct private industry to carry out those same aims.

We thank the NDP for bringing this issue to the attention of the House, and we look forward to further debate today. Thank you, Mr. Speaker.

**Hon. Mr. Kent:** I do thank the Member for Klondike for bringing this amendment forward and the Member for Mount Lorne-Southern Lakes for introducing the motion here for debate in the House today.

I know this did come up in Question Period as well today. While I certainly agree that often legislation and regulations are required for certain aspects, I think that there are certainly two different approaches to home warranty protection that are undertaken by other jurisdictions. A few jurisdictions — and we've heard about them — have enacted legislation. While most jurisdictions leave the decision to provide warranties to the individual home builder and the private sector, what the government supports and encourages is that all potential homeowners thoroughly research new home warranties offered by Yukon home builders like the Minister of Community Services talked about when she and her husband purchased their home in Whitehorse. My wife and I live in an older home, one of the first homes built in Riverdale. Since then, we've undertaken a number of renovations and my wife had a not-so-positive experience with a contractor, but through connections that I have and friends that I have — as Yukoners we all know different contractors — we've been very fortunate in the renovations we've undertaken so far.

I think a lot of that is due to due diligence and if you do find a great contractor or someone to do work, it's very much like your favourite fishing hole — you don't share that information too widely, because you don't want that person to become too busy and not be able to attend to your particular renovation needs. But, again, like good Yukoners, we do share that information with friends and family. For the most part, I would agree with comments by members here today that we do have a very solid and sound and professional construction industry that again, on most occasions, does fantastic work for Yukoners no matter where they live in our territory.

Again, we encourage all potential homeowners to thoroughly research new home warranties offered by Yukon home builders. Homeowners who experience problems with their new home can be financially compensated through warranties offered by contractors. Legislation would not provide financial compensation; rather, it would merely ensure that warranties exist as well as provide a framework for mediation and dispute resolutions.

Again, as I mentioned earlier today in Question Period, a home is quite possibly the largest purchase somebody will make in their lives. Due diligence by the potential new homeowner before making the deal is vital to ensuring the consumer

knows what they are buying, and any issues or deficiencies with the property are identified.

The building inspection branches of the City of Whitehorse and Yukon government inspect new construction to ensure compliance with the National Building Code. Purchasers should consider hiring, as I mentioned earlier today, a private sector home inspector to identify any deficiencies in the home, purchase the home through a licensed real estate firm, if possible, and negotiate a comprehensive warranty from the home builder. The warranty, of course, should be reviewed by a legal firm to assure its validity.

Most areas have a strong Canadian Home Builders Association that provides information to consumers and builders to ensure professional standards are met among their members. Yukon does not have an active CHBA chapter, my understanding is. I would welcome the Member for Mount Lorne-Southern Lakes providing me with the names of the contractors he spoke to who are in favour of some sort of warranty or protection. Perhaps we could engage them in the establishment of a Canadian Home Builders Association chapter here in the Yukon. My understanding is that it acts, for lack of a better comparison, as a Better Business Bureau for people who are engaging contractors to build their home.

The Canada Mortgage and Housing Corporation or CMHC offers an on-line resource titled "Home Buying Step by Step". It describes each step so the consumer knows what to look for and ask about during the process. Yukon Housing Corporation also provides advice on home purchasing or construction in partnership with Yukon College. The Yukon Housing Corporation delivers a self-help course on how to manage the construction or renovation of your own home, from land selection to costing and contracting.

Another important aspect to consider in implementing a new regulatory process in the Yukon real estate market is how the associated new cost will be applied. With most consumer products, housing included, it is the consumer who ultimately bears these additional costs. In the regulated home construction scenario we are discussing here today, the additional cost involved would no doubt be applied to the price of the house when it goes on the market. Higher real estate costs in the Yukon marketplace will make it even more challenging for Yukoners to purchase or build a new home. These challenges are similar in other parts of the country and some provinces take pretty much the same approach to consumer protection in home buying.

In British Columbia, Ontario and Quebec, as mentioned by the member earlier when he introduced the motion, builders have to provide home builder, third party warranties mandated through legislation. Enforcement is usually provided by the entity delivering the warranty program, and unresolved disputes often end up in the courts.

In the rest of Canada the decision is left up to the individual builder. Enforcement is usually provided through mediation and unresolved disputes can end up in court.

Typically a new home warranty includes, among other things, deposit insurance and protection against work and materials as well as major structural defects. Additional coverage

may include the defects in the home's building envelope. Again, Yukon doesn't have an active Canadian Home Builders Association chapter at this time, but I would certainly welcome talking to those contractors. If the member opposite could identify them by name outside of the House, I would be interested in talking to them about the option of setting up that chapter here in the Yukon.

Again, that organization provides information to consumers and builders to ensure professional standards are met among the members. So while the amendment to Motion No. 175, which has been introduced by the Member for Klondike, certainly adds some strength to the motion we're talking about, my preference — especially when we have significant pieces of legislation that we are going to be bringing forward to the Legislature, including the *Landlord and Tenant Act* amendments and revisions to the *Land Titles Act*. I think those are two very important pieces of legislation we are going to be discussing but, again, I don't want to diminish the importance, of course, of ensuring quality building. To that end, the Yukon Housing Corporation does offer a number of programs, and I'll just highlight a few of them here before I yield the floor to others to speak to this amendment.

There is interim financing for lot owners in the Whitehorse Copper area, who couldn't obtain financing from banks due to problems with the survey of lots in that subdivision. The corporation approved increased funding limits for the construction of new homes and the repair of existing homes, which would assist clients with the cost of special features due to the needs of a disabled occupant.

With the garden suite issue brought forward by the City of Whitehorse last year, the corporation assists homeowners in increasing rental accommodations through loans to upgrade or construct rental suites on the main property. Corporation staff provide technical and financial advice to Yukoners who wish to build new homes, rental units or repair existing homes. Mortgage financing is beneficial in rural Yukon because, in most cases, the corporation is the only way a modest-income family could construct a new home in the community due to its location value, which is an instance where the house has a lower market value than the cost of construction, and the need to construct over a long period of time, as trades and materials take a little bit longer in the communities.

I'm just going to speak briefly to a few of the other programs offered through the Yukon Housing Corporation to assist homeowners, such as free radon testing. The corporation also helped to organize and conduct presentations at the Northern and Aboriginal Housing Conference held in Whitehorse in 2009. Presentations were also given at the Affordable Comfort Institute in Austin, Texas in 2010; Business of Clean Energy in Alaska Conference that same year; Building Officials Conference in 2011, the Northern Renewable Energy Conference, the Northern Energy Solutions Conference held in Whitehorse, and a Northern Housing Forum held in Inuvik in 2010.

There are a number of initiatives underway in the Housing Corporation that certainly supplement and give, I hope, some level of comfort to consumers. But again, my preference — and I believe the government's preference — when it comes to the

warranty protection is to ensure that the consumers — I know the Minister of Community Services referenced “buyer beware” and we certainly want to ensure that consumers and homeowners and prospective homeowners have all the tools that they need to do all the due diligence that's required in making such an important and vital purchase.

I do thank the Member for Klondike for bringing forward this amendment. Although it does strengthen the motion, I don't believe it substantively alters the original motion. We would support this amendment to the motion as it does strengthen it, but again, the original motion itself, even with the amendment, I don't believe is something that we're prepared to support.

*Subamendment proposed*

**Ms. White:** I'd like to put forward an amendment to the amendment to Motion No. 175:

THAT the amendment to Motion No. 175 be amended by adding the phrase “non-profit,” before the word “privately”.

**Speaker:** Order please. The subamendment is in order. It has been moved by the Member for Takhini-Kopper King

THAT the amendment to Motion No. 175 be amended by adding the phrase “non-profit,” before the word “privately”.

**Ms. White:** As amended, the motion would read: “THAT this House urges the Government of Yukon to develop and introduce a homeowner protection act that includes mandatory licensing for home builders and contractors and an effective, non-profit, privately managed and funded warranty program for new home construction and home renovations.”

I believe this follows the essence of what the Member for Klondike was saying. I don't believe that this needs to be a government-managed protection. I believe that this can be done by a non-profit group as seen in Manitoba or Saskatchewan. I also think it's important to realize right now that this is just an invitation to government to start a conversation with contractors, realtors, homeowners, municipalities and any group they deem appropriate. This isn't ready to be law.

The New Home Warranty Program of Manitoba is a non-profit organization that has a board of directors, a registration committee, a technical committee and staff. We are not saying that the program needs to be run by government — I think that we should make it clear that we believe this could be done by a non-profit group. What we are asking is that government start the conversation with the community.

**Ms. McLeod:** As the Minister of Community Services has mentioned, the Yukon government has a number of inspectors who perform all manner of home inspections during the construction phase. I believe she said it was six to eight separate inspections, and the homeowner benefits first by ensuring that their new home meets the Canadian building codes, and second, they do not get a bill in the mail.

Across the county, there seems to be a variety of ways that new home warranty programs are provided to consumers, but it largely comes from the private sector. I think it always comes

with a cost by way of fees due and payable for services rendered and increasing costs, as these insurance costs are passed along, regardless of who is collecting the premiums. Incidentally, having insurance does not give the homeowner a no-worry policy — just ask Mike Holmes.

Getting repairs done, in itself, can be a lengthy process and a costly one, with no guarantee that the homeowner will ever recover their costs. New homeowners in Yukon are in good order as far as protection is concerned. There are mechanisms in place to assist the homeowner in making a good purchase. Institutions such as banks, realtors, home inspectors and legal supports are serving us very well.

**Mr. Hassard:** I'm happy to be able to rise today to speak on behalf of the amended Motion No. 175.

**Some Hon. Member:** (Inaudible)

**Speaker:** You'll speak on the subamendment.

**Mr. Hassard:** Firstly, I would like to mention that I'm unsure where the Member for Mount Lorne-Southern Lakes got all of the information in the initial motion because, according to the information I can find, most jurisdictions don't have homeowner protection.

**Some Hon. Member:** (Inaudible)

#### Point of order

**Speaker:** Order please. The Member for Takhini-Kopper King, on a point of order.

**Ms. White:** I believe right now we're speaking on the subamendment, which includes non-profit.

**Speaker:** Government House Leader, on the point of order.

**Hon. Mr. Cathers:** On the point of order, Mr. Speaker, I believe the Member for Pelly-Nisutlin is making comments that he believes are relevant to the proposed subamendment to the proposed amendment. The member did trip over his words initially in how he phrased it, but I think the member is making points he believes are relevant to the current question at hand.

#### Speaker's ruling

**Speaker:** As we've said before, it is difficult for the Chair to determine where the speaker is going, but I believe he is going to try to tie back to the subamendment that we are currently discussing.

**Mr. Hassard:** Thank you, and I apologize for stumbling. The point I was trying to get to, I guess, is the fact that most jurisdictions don't have homeowner protection legislation in place, whether it be paid for by whomever.

As the son of a contractor, I have been around a lot of building construction in my 42 short years in this world. During that time I definitely learned the importance of ensuring that the construction was carried out with the greatest of detail being paid both to quality of work as well as safety of the workers. The Government of Yukon, as well as municipal governments throughout the Yukon, have laws already in place regarding the building of structures. The Government of Yukon has in place building inspectors, electrical inspectors, gas in-

spectors, plumbing inspectors — all to ensure that buildings being erected in the Yukon are done according to the building codes.

The City of Whitehorse, in particular, also has rules over and above those of the Government of Yukon. As well, the city has inspectors similar to those of the Government of Yukon. So you can see that there are already many aspects in play to ensure that homeowners are protected when purchasing or building a new home in the Yukon.

When purchasing a home anywhere in the world, not just in the Yukon, I believe very strongly that the purchaser has a lot of responsibilities to ensure that he or she takes all precautions necessary to protect themselves. Sometimes we need to be responsible for ourselves.

There are certainly ways to protect yourself when purchasing a home such as hiring a home inspector —

**Some Hon. Member:** (Inaudible)

#### Point of order

**Speaker:** Order please. Member for Takhini-Kopper King, on a point of order.

**Ms. White:** I don't believe we're speaking to the question under discussion, which is the subamendment. I believe we're discussing the original motion.

#### Speaker's ruling

**Speaker:** Order please. The member is speaking to warranties or guarantees which is, in fact, on the warranty portion of the amendment. The subamendment inserts the word "non-profit" before "privately managed". I believe the member is actually trying to tie that together.

**Mr. Hassard:** As I was saying, there are certainly plenty of ways to protect yourself when purchasing or building a home: using a hired home inspector, or negotiating warranties through the purchase of the home. If you are uncomfortable purchasing the home yourself, you could be encouraged to do that through a legitimate real estate agent. Real estate agents know who the best builders are, and who the legitimate builders are. Rather unique here in the Yukon is the fact that if a particular contractor is doing shoddy work, it doesn't take long for everyone to know about it. For a contractor to stay in business in such a small community, it's important for them to make sure that they are doing good work.

Mr. Speaker, if I have a home built for me, I'm certainly going to be doing my homework. I hire contractors as I hired employees when I was in business. If your resumé or references aren't up to my satisfaction, you're not going to get much money out of me.

So, Mr. Speaker, I guess the long and short of it is that I will not be supporting this subamendment today, but I look forward to hearing what all other members of this Assembly have to say on this matter.

**Mr. Barr:** Mr. Speaker, on the subamendment, we welcome all the amendments. As I was saying, it is only to open the dialogue to move forward, to discuss how we can best protect homeowners. We're not dictating how that's going to

be, only that we encourage the government to just open the door. I hear all members saying, basically, that with our abilities here, as we're looking at this boom time — and in boom times, where there are more opportunities for people to take advantage of others — that we just ensure some more protection for folks. I would be happy to extend the names of the contractors to whom I was speaking, as the member opposite requested. I do believe one person actually already has a meeting scheduled with the minister, as he told me, next week. He'll be encouraging discussions to move forward for home warranty. So it's how that happens and what that will look like. This is only a motion not to determine what that is, but to open the dialogue with the government opposite. Thank you.

**Hon. Mr. Graham:** I didn't have any idea, actually, of getting up to speak to either the original motion or the amendment, but then the subamendment was proposed. It's an interesting amendment, because I remember some years ago, during the "leaky condo" debate in Vancouver, they had a home warranty program too.

The home warranty program was privately funded and managed by the Canadian Home Builders Association of B.C. and it went bankrupt. It had to be bailed out by the provincial government. The folks in the program who came later in the process were never able to get any money out of the fund whatsoever.

Also, from my time spent on municipal council, I still believe in — I support members here who feel that a local chapter of the Canadian Home Builders Association, or even a Yukon home builders association, is the best way to operate, whether it be effective, warranty, privately managed and funded or not. That would be the best way to do it, but you also have to look at other facets of the protection offered. I still believe that one of the most effective means of protecting homeowners, home buyers and home builders is to have a vigorous inspection process by — in my case, I am very familiar with the municipal one. I feel that the municipal inspection process, if carried out vigorously, is your best protection from any kind of difficulties with a new home or even with renovations.

The problem is that many people believe that inspections are an unnecessary intrusion upon either their construction or their renovation, and that's not the way it is. The really important thing here is that these guys are looking after the homeowner. I've seen it in action just recently because my son is in the process of building a home, and I hear from my son and from the builder about the delays because you have to wait for an inspector to come, and then the inspector finds some little thing wrong and you have to fix it, and it's more delay. But, in the long run, it's a great benefit to the homeowner. There is a cost to this too. I listened to the contractor and to my son complaining about the cost. Can you imagine if we had to add on to that cost, not only the inspections and the cost of the building permit — because in the municipality what they are trying to do is pay 100 percent of the building department's costs with permits. But can you imagine what the added cost of a warranty program would be, not only on the contractor, but they would pass those costs along to the homeowner as well.

The other thing that I look at — and again, I look at it from a municipal point of view — are the improvements in the building code. The City of Whitehorse has gone far beyond the National Building Code. In fact, when we did it some years ago, I remember that some contractors in Whitehorse — and I wouldn't consider them good contractors — were still building homes in the City of Whitehorse as recently as five years ago out of 2 by 4s. They weren't even using 2 by 6 construction until it was mandated in the building bylaw passed by the City of Whitehorse.

When we talked about mandatory licensing as a part of this private, non-profit, managed fund, I wondered how mandatory licensing would be imposed. But that's something I can get into at another time because it's very difficult. We looked at a number of things when I was with the City of Whitehorse, none of which would work in this instance. Thank you, Mr. Speaker.

**Speaker:** Minister of Environment, on the subamendment.

**Hon. Mr. Dixon:** I rise to speak to the subamendment to the amendment to the motion. I'm going to — perhaps for my own benefit — I'd like to read the motion as it would be, subamended and amended, just so I can bring this all together and I can understand what exactly the subamendment is going to mean to the motion. So it is as follows:

"THAT this House urges the Government of Yukon to develop and implement a homeowner protection act that includes mandatory licensing for home builders and contractors and an effective, non-profit, privately managed and funded warranty program for new home construction and home renovations."

Now, my concerns, I suppose, with this motion, as it would be amended and subamended, relate to the effect on the construction industry and, of course, as that relates to new home construction and, of course, renovations. As we know, Mr. Speaker, the construction industry is an important feature of our economy and the role it plays in our economy has been increasing as of late, with the building of a number of new residences in the City of Whitehorse and the entire Yukon, as well as other not strictly single-family homes, but multi-family homes, as well as condos, rental units and institutional buildings.

The total value of building permits in 2011 was \$170.4 million, which, of course, was 29.4 percent higher than the previous year of 2010. So you can see that it's a growing industry and a growing feature of our economy. I know that building permit growth last year stemmed primarily from the growth in value of residential building permits and institutional building permits. The residential permit value reached —

**Some Hon. Member:** (Inaudible)

**Speaker:** Leader of the Official Opposition, on a point of order.

#### Point of order

**Ms. Hanson:** Mr. Speaker, I am seeking to find the link between the insertion of the word "non-profit" into the amendment and the member's comments here, which are all

about statistics and have nothing to do with the subamendment, which is the insertion of the word “non-profit”.

**Mr. Dixon:** Mr. Speaker, I was speaking to the effect, or the potential effect, of a non-profit, privately managed and funded program on the construction industry, which I think is entirely relevant to this conversation.

### Speaker's ruling

**Speaker:** I'm going to take a minute here.

The subamendment to the amendment is adding the word “non-profit”. The discussion, although it has gone beyond that, should be focused on the injection of the word “non-profit” into the amendment. I have been rather lenient, in hopes that members would actually start referring to the subamendment and the injection of the word “non-profit” as it reflects to the statement.

I'll ask the member to carry on, but try to keep it down, because we still have, after the vote on the subamendment, a number of eligible speakers to the amendment, as well as to the motion.

Minister of Environment, on the subamendment, please.

**Hon. Mr. Dixon:** Now, my concern, as I said before, is with the addition of the term “non-profit”, as well as the amendment. My concern is that a non-profit, privately managed and funded warranty program — now, that would be speaking directly to the subamendment — my concern is with that on the construction industry as a whole.

So as I was saying, the construction industry as a whole of course is an important feature of our economy in Yukon and any development of a non-profit privately managed and funded warranty program — I would have some questions about how that would affect that industry, and indeed our economy as a whole. I was noting that the strong residential construction activity in Whitehorse drove residential permit value last year with almost \$51 million of residential building permits value associated with Whitehorse permits. On the institutional side the permits totalled \$66.7 million last year, which was up over 42 percent from the \$46.9 million in 2010. And of course, building permit value in the first two months of 2012 totalled almost \$2.2 million, which is a significant number. Residential permits have accounted for 73 percent of the total building permit value in the first two months of 2012.

So, as we see, the construction industry is an important one for Yukon's economy. What remains unclear to me is the benefit of a non-profit, privately managed and funded warranty program for new home construction and home renovations, in terms of that industry. Now, there are a number of reasons why home renovations — I question whether home renovations would be included in that in terms of, I guess, the governance structure of a non-profit, privately managed and funded warranty program. We have seen that throughout the last couple of years — industry has partnered in a number of ways with government and with researchers to improve the quality of their work as it relates to Yukon's cold climate and the importance of recognizing that renovating homes occurs for a number of reasons, including increasing the efficiency of those homes. There are a number of technologies that have been developed through the work at the Yukon Cold Climate Innovation Centre

and Yukon Technology Innovation Centre, which have indeed had the partnership of industry suggest that the —

**Some Hon. Member:** (Inaudible)

### Point of order

**Speaker:** The Hon. Member for Takhini-Kopper King on a point of order.

**Ms. White:** We are not discussing the question under discussion, when we talk about cold climate research. We are talking about non-profit, privately funded warranty — under the non-profit.

### Speaker's ruling

**Speaker:** Order please. I believe the member is trying to draw a link between a requirement for a non-profit, publicly-funded warranty, as opposed to what is currently in place. There is no point of order. Minister for the Environment, please continue.

**Hon. Mr. Dixon:** As I was saying, I have some questions about the effect on industry of a non-profit, privately-managed and funded warranty program. As I was noting, industry has been an important partner in a number of initiatives undertaken by the Yukon Cold Climate Innovation Centre, which relate to renovations or upgrades to homes in the Yukon. Oftentimes those upgrades or renovations occur with the desire of increasing the efficiency or increasing the ability of a home to withstand the rigours of our northern cold climate.

One of the ways that can potentially be done is with retrofitting a home with new, innovative ways of insulating. One of the projects at the Yukon Cold Climate Innovation Centre that has been a result of the collaboration between industry and researchers was the development of vacuum-insulated panels, which could potentially, one day, play into the way that new homes are constructed in Yukon and how existing homes could be renovated to increase their efficiency levels.

That project represented a joint investigation between Yukon Cold Climate Innovation Centre, the National Research Council, the Yukon Housing Corporation and Panasonic Inc. to investigate the efficiency and durability of Panasonic's vacuum-insulated panel technology in cold climate environments like Yukon.

Another example is the development of —

### Speaker's statement

**Speaker:** Order please. I believe the member has made his point on the connections. I'd like to move things forward on the subamendment. Many of his comments could be, again, used in the amendment, as well as the main motion. I'd like to move on to the subamendment. Does the member have any other comment on the subamendment only?

**Hon. Mr. Dixon:** I'll pass.

**Speaker:** Minister of Highways and Public Works, on the subamendment.

**Hon. Mr. Istchenko:** I'm trying to wrap my head around the subamendment to the amendment of the Member for Klondike and to the — where are we here? — actual motion from the Member for Mount Lorne-Southern Lakes, Motion No. 175. I have been reading that non-profit, privately managed and funded warranty program for new home construction and home renovations — to that amendment to the amendment, which is a subamendment, which states here — it's No. 16, but it's actually not. It is the amendment to Motion No. 175, I do believe. I can't wrap my head around it, Mr. Speaker.

**Speaker:** Does any other member wish to speak to the subamendment?

**Hon. Mr. Cathers:** I apologize for being late on my feet. I was waiting to give other members an opportunity to rise. I'm sorry, Mr. Speaker — I was distracted by the Member for Klondike. I thank the Member for Klondike for the moment of levity on this Wednesday afternoon.

In speaking to the proposed subamendment to the amendment, brought forward by the Member for Klondike, what I would note, first of all, with regard to the overall thrust of the approach taken by the New Democratic Party in proposing both the original motion and in the amendment to the motion, is that it seems to me a lot of assumptions are being made by the members, without actually really engaging in public consultation or discussion about what models may be most appropriate.

One of my colleagues — I believe it was the Member for Pelly-Nisutlin — noted that some of the statements made by the Member for Mount Lorne-Southern Lakes — I believe that is who introduced the motion — were not factually correct in portraying how these matters were dealt with in other jurisdictions. I commend the Member for Klondike for trying to improve the motion with his amendment, which the subamendment would further amend. I'm trying to — as I believe the Member for Klondike was trying to do — amend this so that it wouldn't require government to impose a solution onto this issue. As some of my colleagues have pointed out, there are other models like home builders associations that are other solutions. Whether or not those are non-profit entities or whether they are privately managed and funded entities that make a profit — and I point out to members that because an entity makes a profit, it does not necessarily mean that it doesn't manage something well.

It does not necessarily mean that an entity that does that —

**Some Hon. Member:** (Inaudible)

## INTRODUCTION OF VISITORS

**Hon. Mr. Nixon:** If I may introduce my son Jack, and my wife Danielle.

*Applause*

**Speaker:** Government House Leader, on the subamendment to the amendment.

**Hon. Mr. Cathers:** I would also like to welcome them to the gallery. What I would again note, as I was saying

before the introduction of visitors is the fact that something being privately managed and funded does not necessarily mean that it is not managed well, even if it makes a profit.

I would point out to members that entities that make a profit can include, in some cases, government corporations like Yukon Liquor Corporation, which is fully owned by the government, by the people of the Yukon. It makes a profit and that money is then put back into general revenue. Other examples of agencies that can do that can include — and it may depend on how somebody defines “non-profit”, but there are non-profit organizations like the KVA — the Klondike Visitors Association derives some profit from managing Diamond Tooth Gertie's and they receive an allotment. I can't recall off the top of my head the details of it, but there is revenue from the slot machines. Whether an organization running and managing it invests the money back into itself and must keep it as a non-profit, whether they were to place something into investments for another purpose and make a charitable contribution to agencies — Yukon Lottery Commission is an example of where some of the proceeds received by a government-owned entity are managed by a board set up by government. The board has some independence in decisions that it makes related to that. Yukon Lottery Commission does have the ability to reinvest money received through lottery sales into community projects, charitable organizations, et cetera.

Now, I'm not sure whether the member was intending to do this with the wording, or whether the member is perceiving that as a non-profit entity or not, but in that case they do make a profit and they do invest it in other matters that are related to community investment, social investment, et cetera, but it is a for-profit entity run by the Yukon government. In my opinion, it is one that does that job in a manner that is relatively effective or quite effective.

I will wrap up my comments, but I would note that, again, the entire thrust of the motion that is being proposed — this is not something that we had identified as a priority. It has some unknown costs and effects and burden, not just on the construction industry, but ultimately those costs will be passed on to consumers, and the issues are probably dealt with through a better model. I will not be supporting the subamendment to the amendment or the main motion.

**Ms. Moorcroft:** Mr. Speaker, I can appreciate it has been a long afternoon for you to keep track of which members have risen to speak on amendments and subamendments. I rise to speak in support of the subamendment to the amendment to the main motion. In view of the time, I move that we do now adjourn debate.

**Speaker:** It has been moved by the Member for Copperbelt South that we do now adjourn debate.

*Motion to adjourn debate on Motion No. 175, amendment, and subamendment, agreed to*

**Hon. Mr. Cathers:** I move that the House do now adjourn.

**Speaker:** It has been moved by the Government House Leader that the House do now adjourn.

*Motion agreed to*

**Speaker:** This House stands adjourned until 1:00 p.m. tomorrow.

*The House adjourned at 5:29 p.m.*

**The following Sessional Paper was tabled April 25, 2012:**

33-1-38

Subsistence, Travel & Accommodations of Members of the Yukon Legislative Assembly, 2011-2012, Report on (dated April, 2012) (Speaker Laxton)