

**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, November 22, 2012 — 1:00 p.m.**

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

Prayers

Withdrawal of motions

Speaker: The Chair wishes to inform the House of a change which has been made to the Order Paper.

Motion for the Production of Papers No. 2, standing in the name of the Leader of the Third Party, has been removed from the Order Paper as the action requested in this motion has been taken.

DAILY ROUTINE

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

Tributes.

TRIBUTES

In remembrance of Hugh Bradley

Mr. Tredger: On behalf of the Yukon Legislative Assembly, I am honoured to rise today to pay tribute to one of the finest gentlemen I have ever met. Hugh Bradley of the Pelly River Ranch passed on August 15, 2012.

The way Hugh lived his life is an example to all of us. Hugh taught the true meaning of community. Hugh was born on June 3, 1931, in Lacombe, Alberta. He grew up on his family's farm, furthered his knowledge by attending Olds Agricultural College and then continued on to earn a bachelor of science in agriculture from the University of Alberta in 1954. By the time he graduated from university, Hugh had already spent two summers at the Dominion Experimental Substation at Mile 1019 near Haines Junction and had determined to make his future in the Yukon.

He and his brother Dick — who is in the gallery with us today — along with two partners bought the Pelly River Ranch in 1954, and Hugh lived there from June 4, 1954 until his passing this summer — 58 years. In 1997, Hugh married local nurse Wenda and together, they made the ranch their home.

When Hugh began his pioneer life at the ranch, the challenges were great. The only road was a historical trail on the far side of the river. There were no communications. Their farm machinery was purchased with the ranch. It was old. When Hugh and his brother Dick finally decided to get a road built between Pelly River Ranch and Pelly Crossing, they determined the route by walking the 50 kilometres, marking the best route as they went. Then, with their brother Ken, they built the road.

Hugh has been given and deserved many accolades. He was a fine mentor to a variety of young people, including his nieces and nephews, and sons and daughters of friends and the family, who spent summers on the farm, absorbing Hugh's deep-seated courtesy and his humour, as well as benefiting

from his keen powers of observation and ongoing commitment to reading and learning.

He and other members of the Bradley family had a history of taking at-risk or foster children under their wing, giving them a unique opportunity for security and enrichment. As well, many of the folks from Pelly Crossing remember their school trips to the farm, where they held baby chicks, gathered eggs, petted cows and learned about growing things; and maybe most importantly, interacted with Hugh and his family.

Hugh's contributions to agriculture in the Yukon were fittingly recognized in 1999, when the Bradley family was recognized as a farming family of the century and Hugh received the award on behalf of all of them. He received a Commissioner's award for public service in 2004 and then, in 2011, was recognized with a University of Alberta alumni honour award.

I can attest to the fact that he was held in high esteem by his classmates and that they journeyed out to the farm for a reunion several years ago and most, if not all, of them attended. I want to emphasize that what made Hugh such a wonderful human being was not the rewards he received. Those are merely acknowledgements. What made Hugh so wonderful was his honesty, his humour, the depth of his knowledge, the deep respect with which he treated all and sundry, whose paths crossed with his. Hugh Bradley was a hero in the truest sense of the word. In a moving eulogy read by his friends at Hugh's service, he was noted as a pioneer, a renaissance man, a humorist, a gentleman, a friend and a neighbour, a giver, a brother, a husband and an uncle. Hugh was all those things, but most of all he was a real-life hero. While living far from what some would call civilization, Hugh and his brother Dick built a community of friends and family.

This community was founded on relationships — that everyone had value and something to offer, something to share and that each of us had an obligation, one to another and to the land. We were valued for ourselves and, in turn, had value and responsibility to the community. Despite their distance and relative isolation, they made friends from near and far. Sons and daughters of friends and family spent summers there. People stopped on their way to Fort Selkirk, on their way to placer mines; outfitters dropped in; hunters; river travellers; school groups; conservation action teams; geologists; anthropologists; tourists from around the world — some just passing through, some for longer periods of time. Some came for advice on gardening, farming, on living. Some came for produce, meat, eggs, carrots, potatoes and vegetables in season. Some came just to experience the farm and the relationship and friendship. All were made welcome.

Hugh, Dick, Wenda and Dale made time for everyone — a tradition, I might add, that is still carried on by Dale and friends and family members who are now at the farm.

All were welcomed, helped, involved, and the farm became a part of their lives. Hugh made each and every visitor feel valued. Some guests stayed and returned many times; some only dream of returning; but all became friends. Hugh was remarkable in that he was a learned man, but he continued to be fascinated by life and continued learning all his life. He was always teaching and sharing, but was never arrogant in his

knowledge. Along with his commitment to community, Hugh taught us to value whomever we meet and whatever we do. Whether Hugh was stooking sheaves of grain, feeding cattle, tending his garden, collecting eggs, touring the farm, visiting over coffee or speaking at an international conference, Hugh brought dignity and value to the task at hand.

His 58 years in the Yukon were years of service beyond self — 58 years of service to the land, contributing to the base of agricultural information in the Yukon through crop trials, test plots, sharing of information, and his famous farm tours; 58 years of monitoring a climate observation station for Environment Canada; 58 years of being a steadfast family man; 58 years of being a good neighbour to the members of Selkirk First Nation and Pelly Crossing; 58 years of being a mentor to many young people. It was said in his eulogy: “If you made a list of all the good human qualities from honesty to generosity, thoughtfulness to helpfulness, compassion to humility, I’m sure you could go down the list and tick off Hugh’s name beside each one.”

What a world we could have if everyone possessed and used all those good human virtues that Hugh Bradley had. His accomplishments and the accolades he has received have been many and noteworthy, but his real legacy is in the kind of person he was and how he touched and enriched all our lives. His spirit lives on in the lives of his family, his friends and in all those who knew him.

With the Speaker’s permission, I would like to introduce family and friends of Hugh who have joined us today: Dick Bradley, Hugh’s brother; Wenda Bradley, Hugh’s wife; Dale, his nephew — Sue, his wife, and Megan; Gordon Allison, one of the summer friends, and his son Nathan; Don Mark; Ione Christensen, the Senator from Fort Selkirk; Chris Widrig; Joanne Van Bibber; George Asquith; Ray Marnoch; and Daniele Héon. Thank you all for coming out.

Applause

In recognition of Restorative Justice Week

Mr. Barr: I rise with great pride on behalf of the Official Opposition to pay tribute to Restorative Justice Week, November 18 to 25.

The pride I feel for commemorating and celebrating restorative justice is because the roots of the concept were set in the Yukon and with aboriginal peoples across the world. I have been personally involved in this justice movement for several years, and I remember long before it became funded — when it was just an idea sitting with elders and Territorial Court Judge Barry Stuart.

I listened to stories of Johnny Johns and a vision that Kha Shade Héni — just recently Mark Wedge and Annie Austin and everyone would sit around and say, “What could this be like?” I was fortunate enough to be the initial justice coordinator in those early years for the Town of Carcross and saw how it grew in the territory.

Throughout its life — which hasn’t been that long — it’s important to note what restorative justice is, and it is based on aboriginal healing traditions. The principles and values that support the concept are that harm and crime are a violation of people and relationships. It brings the offender and the defen-

dant together in circles of discussion and decision-making and involves the community in the justice process.

Community problems are responded to in a supportive atmosphere. The repercussions, responsibilities and obligations created by harmful acts are explored by the community, and solutions are arrived at with a view toward healing options for everyone — offenders and victims.

Solutions to offences have a much better chance of successfully changing the individual responsible and the whole community. When supported by everyone involved, restoring community harmony and healing helps offenders to realize their responsibility and to be accountable to others.

It’s not easy to measure the success of restorative justice. The objective of stopping an offender from committing future crimes is a relevant goal and can be measured, but restorative justice goes beyond recidivism. It’s a life- and community-changing process that prevents future crime, and that cannot be counted in numbers.

The fact that our First Nation population is over-represented in our justice system spurred on judiciary and legal systems to embrace restorative justice. With regret, we must note that present federal crime law is tending away from concepts such as restorative justice and community involvement. Our experience with restorative justice points to the fact that mandatory minimum sentences and less direction for judges does not bode well for the solutions we have seen in restorative justice measures.

Many volunteers continue to keep our restorative justice circles in place. We pay tribute to those volunteers and professionals whose insight and commitment lends energy to this movement for justice. We trust that sufficient financial and moral support will be available in the Yukon to expand this humane and productive approach to justice.

As with anything, struggle precedes growth, and I can only re-emphasize that as this way of dealing with crime in our society, we can learn, as we do in other things, and offer the support of the government through dollars to continue this important work. Thank you.

Speaker: Are there any introductions of visitors?

INTRODUCTION OF VISITORS

Mr. Tredger: Sorry, I missed Bob Allison, who is also here to hear the tribute to Hugh.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Ms. Stick: I have for tabling a document from the Office of the Commissioner of Lobbying for Canada, dated October 27, 2011.

Hon. Mr. Kent: I have for tabling the stakeholders presentation on the Yukon Housing Corporation draft strategic plan, dated 2013-18. Those meetings are taking place over the next two days.

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

PETITIONS

Petition No. 7 — received

Clerk: Mr. Speaker and honourable members of the Assembly, I have had the honour to review a petition, being Petition No. 7 of the First Session of the 33rd Legislative Assembly, as presented by the Member for Mayo-Tatchun on November 21, 2012.

The petition appears in two versions. The first version of this petition meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly, and is the version to which the government should respond, pursuant to Standing Order 67. The second version consists of one page of signatures, and will be returned to the Member for Mayo-Tatchun.

Also, one page of the first version of the petition contains an editorial comment added by a signatory to the petition. This is not in order and this page will also be returned to the Member for Mayo-Tatchun.

Speaker: Accordingly, I declare Petition No. 7 read and received. Pursuant to Standing Order 67, the Executive Council shall provide a response to a petition which has been read and received within eight sitting days of its presentation. The Executive Council response to Petition No. 7, therefore, shall be provided on or before Wednesday, December 5, 2012.

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

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

THAT this House urges the Yukon Housing Corporation to investigate the development of a new home ownership program to assist working Yukoners in lower and middle income brackets to buy a home.

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

THAT this House urges the Government of Yukon to:

(1) respond positively to the joint request by the Yukon Conservation Society and Northern Cross (Yukon) for the Yukon government to work with the Yukon Environmental and Socio-economic Assessment Board to improve clarity around assessment for oil and gas projects;

(2) conduct a full and rigorous scientific review of any proposed oil and gas project at each of the following stages of oil and gas development: exploration, production, and reclamation; and

(3) work with the Vuntut Gwitchin First Nation and stakeholders to facilitate an informed public dialogue about the oil and gas industry, including risks and benefits of hydraulic fracturing, also known as “fracking”, before any regulatory approvals or permitting allows use of this activity in Yukon.

Ms. Stick: I give notice of the following motion:

THAT this House urges the Government of Canada to keep its commitment to end child poverty by:

(1) assessing the effectiveness of programs, including child tax benefit, child fitness tax credit and universal childcare benefit for the lowest income families; and

(2) consider replacing these programs with a child benefit supplement for the lowest income families if doing so would lift a greater number of Canadian children out of poverty.

Mr. Silver: I give notice of the following motion:

THAT this House urges the Government of Yukon to continue to work with the Town of Skagway and other stakeholders to ensure Skagway’s port remains open to ship ore produced by Yukon’s operating mines.

I give notice of the following motion:

THAT this House urges the Government of Yukon to:

(1) apologize to the Chief of the Tr’ondëk Hwëch’in for refusing to let him speak at a presentation on the new Peel land use plan; and

(2) build a government-to-government relationship with First Nations.

Speaker: Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Hydraulic fracturing

Ms. Hanson: This should be a relatively easy question. Yesterday the Minister of Energy, Mines and Resources said to this House that his government is committed to “... an informed public dialogue about the oil and gas industry, including risks and benefits of hydraulic fracturing, also known as fracking ...” and to conducting this “informed public dialogue” before any regulatory approvals or permitting allows the use of fracking in Yukon.

We are pleased that the minister has agreed to a de facto moratorium on fracking until a public consultation is complete. Can the minister tell this House when this public consultation will start, how long it will last, and what format it will take?

Hon. Mr. Cathers: You know, it’s very interesting that the Leader of the NDP is pleased today with what the government is saying, and yesterday stood in this House and opposed it. Yesterday the NDP stood and opposed a public dialogue in the manner that we have suggested, beginning with sitting down with Vuntut Gwitchin First Nation and other stakeholders to talk together collaboratively about what would be involved in such a public dialogue and what would be best to facilitate that. The Member for Vuntut Gwitchin recognized where the government was coming from; the Leader of the Liberal Party acknowledges it as a step forward; the NDP stood here in this House and vehemently opposed what the government put forward.

Ms. Hanson: We were pleased that the minister was actually talking about a process that applies to all of Yukon. The minister made numerous references yesterday to a meeting

with the Yukon Conservation Society. I understand now that Yukon Conservation Society was quite clear in that meeting that a moratorium on fracking is needed throughout the entire Yukon to allow for a full public consultation.

Over 1,800 people have signed the petition calling for a moratorium on fracking. First Nation governments have also called for a moratorium, public consultation and government-to-government conversations. Now that this government has committed to a suspension of any activity relating to fracking — or in other words, to a moratorium — will the minister now confirm that this public consultation process will be developed cooperatively with Yukon First Nation governments and with input from across Yukon, including environmental and industry groups?

Hon. Mr. Cathers: It's interesting to see the shift of position from the NDP who yesterday were insisting that government should go it alone and not sit down with the Vuntut Gwitchin First Nation and other stakeholders to design this public dialogue. The members opposed our approach of working collaboratively with the Vuntut Gwitchin First Nation and other stakeholders to talk together about what would make up such a public dialogue. The Leader of the NDP stood in opposition to it. The Member for Mayo-Tatchun was quite agitated in his opposition to what the government was presenting on this. Again, we thank the interim Leader of the Liberal Party for his recognition; he referred to it as a positive step. We appreciate his acknowledgement of the intent behind this and our interest in working with First Nations, including the Vuntut Gwitchin First Nation, and other stakeholders to talk about how to best design a public dialogue. The conversation that we had with the Yukon Conservation Society and Northern Cross was positive. Despite differences of opinion, there is a genuine attempt from all to come together. We see the Leader of the NDP consistently focused on trying to polarize Yukoners; that's her objective.

Ms. Hanson: In fact, there are 14 Yukon First Nation governments. They all must be respected. They all must be involved in this process. Yesterday the minister repeatedly told this House, in response to questions and assertions from this side, that there is no imminent threat of fracking, but it was noted on CHON FM this morning that the Yukon government has been under some pressure to open up the Liard Basin to fracking by the first quarter of 2013. EFL Overseas is, by their own public statements, developing aggressive plans for the Kotaneelee field, including fracking.

Will the minister confirm that there will be no approvals for or consideration of fracking in the Yukon — not just the north Yukon — until the public consultation is completed and an informed public decision has been made?

Hon. Mr. Cathers: From the statements the Leader of the NDP and her colleagues frequently make in this House, it's really hard to figure out whether they're actually paying attention to what the government is saying and choosing to say something that does not reflect what in fact the government is actually saying, or whether they actually just don't bother reading it or listening to it because they're so focused on writing

their polarizing questions and trying to divide Yukoners rather than bringing them together.

Mr. Speaker, as the government indicated in the amendment we proposed yesterday to the Member for Mayo-Tatchun's motion, as well as the motion I read into this House a few moments ago — if the member were actually listening to that, she would recognize that we indicated what we believe the starting point should be. Since the Vuntut Gwitchin First Nation is the only First Nation with activity going on in its territory right now and since they have approached the government with a request to work together on the oil and gas industry, we believe that facilitating a public dialogue that involves sitting down with them at the front end to talk about what should be included in that is a good way to go forward. What the member is either confusing or ignoring is the fact that any activities would involve consultations with any First Nation upon whose traditional territory it fell. Our belief is that the starting point in this is to sit down with Vuntut Gwitchin First Nation and work together because of the activity in their area.

Question re: Francophone school board litigation

Ms. White: We've been asking a lot of questions about consultation lately. There seems to be a pattern with this Yukon Party government.

Nous savons que le recours judiciaire contre la Commission scolaire francophone du Yukon a coûté: 2 256 634\$ de frais judiciaires au gouvernement du Parti du Yukon.

La décision de la Cour suprême du Yukon est maintenant devant la cour d'appel et cela va entraîner encore plus de pertes de temps et d'argent. La Commission scolaire francophone du Yukon a déjà dépensé plus de 350 000\$ sur la procédure d'appel. Combien le gouvernement a-t-il déjà dépensé sur la procédure d'appel?

Hon. Mr. Kent: Recognizing, of course, that the Standing Orders of this House don't allow for translation devices at this time, I would ask the member opposite to repeat that question in English.

Ms. White: La troisième question; je vais faire ça. Il est toujours difficile de déterminer un vainqueur dans ces procédures. La confrontation crée surtout des perdants: les fonds publics, le capital social que représentent les relations de coopération dans une société pluraliste, et surtout les élèves que nous devons servir. L'abandon de la collaboration et de la négociation entraînent souvent des coûts énormes. La Commission scolaire francophone du Yukon a démontré par le passé une volonté de créer et de maintenir le dialogue à l'extérieur des cours.

Bien que la question soit toujours devant les tribunaux, le NPD Yukon demande au gouvernement du Yukon d'utiliser une approche différente.

Le gouvernement est-il prêt à reconsidérer l'appel de la décision de la Cour suprême du Yukon et à chercher une entente négociée avec la Commission scolaire francophone du Yukon à l'extérieur des tribunaux?

Hon. Mr. Kent: As mentioned, the Standing Orders of this House don't accommodate translation services at this time, and I would ask the member opposite to repeat the question in English, unless she wants to ask her final

supplementary en français, and that's her choice. But until I hear the question in English, I'm not able to give an informed response, which all Yukoners deserve and expect of us as legislators.

Ms. White: All Yukoners, including the 10 percent francophone population, deserve to understand. Language barriers can separate us; that is why it's so important to honour this country's *Official Languages Act*, a foundation for a pluralistic society. We now know that the court case against the Commission scolaire francophone du Yukon cost the Yukon Party government over \$2.2 million in legal fees. There will be more fees as the Yukon government is appealing the Supreme Court judgment. It is hard to tell who wins in these cases. This kind of adversarial approach creates many losers: the public purse, of course, the social capital of cooperative relationships and, most importantly, the students lose out.

The Commission scolaire francophone du Yukon has demonstrated time and time again a willingness to create and continue dialogue outside of court. Even though this matter is still before the courts, the Yukon NDP urges the government to try a different approach.

Will the government reconsider its appeal of the Yukon Supreme Court decision and attempt to come to a mutual agreement with the Commission scolaire francophone du Yukon outside of court?

Hon. Mr. Kent: Of course, the government cannot comment on the court appeal until a decision is received. However, when it comes to our relationship with the CSFY — and we are cooperating on a number of initiatives — we are in the process of translating several of the *General Administration Manual* policies into French. We have agreed to have a CSFY representative and the Deputy Minister of Education on the minister's Advisory Committee on French Language — of course, that's the minister responsible for that — and, again, we're providing additional resources so that CSFY can hire additional staff, including translating the job ads into French, and we're in the process of also translating the job descriptions.

I should also mention that I had the privilege and the honour of accompanying the Member for Whitehorse West on a tour of l'École Émilie Tremblay, along with the principal and staff and members of the CSFY. Then we went down to the CSFY office and engaged in a very positive dialogue on a number of issues. We continue to work with CSFY outside of issues that are involved in the court appeal until that decision is rendered. We look forward to continuing to build on that relationship and expand on it, not only through the work of the Department of Education, but also through the work of the minister responsible and the MLA for the riding that has l'École Émilie Tremblay.

Question re: Yukon Hospital Corporation building projects

Mr. Silver: I have a question for the Minister of Health and Social Services. In April of 2010, the chair of the Yukon Hospital Corporation appeared in this House and was asked about expanding the Whitehorse General Hospital. He said, "The anticipated cost around the expansion is estimated to be between \$45 million and \$50 million." Now, the minister

released an engineering report in this House yesterday. It was requested of him, and he responded very quickly, and we thank him for that. It puts the cost of the expansion at a minimum of \$86 million and over the next 20 years the cost could be as high as \$287 million. Can the minister confirm for the record these cost estimates, and can he also tell Yukoners if the government has made any decisions as to whether to proceed with these plans?

Hon. Mr. Graham: The concept plan developed by the Yukon Hospital Corporation is at this time just that — it's a concept plan. The Hospital Corporation has indicated in their concept a number of phases and a number of dollar figures that they have attached to each phase.

At this time, my fellow caucus members haven't even had a chance to go over it any more than have the members of the opposition. So we haven't made any decision whatsoever with respect to which way we're proceeding with Whitehorse General Hospital; it's a concept.

Mr. Silver: I appreciate the answer from the minister. The previous Yukon Party government moved ahead with the construction of two new hospitals and a new residence. They did all of that with borrowed money, and they did it all in the Yukon Hospital Corporation, which allows them to avoid certain scrutiny in this House. Yukoners absolutely support these projects that the minister is undertaking, but there are many questions that need to be answered.

Just two years ago, the chair of the board said \$45 million to \$50 million, and now we're looking at these diagrams and these engineering reports up to \$287 million. Given this government's record on overspending, taxpayers will be nervous to see these new figures, even if they are supplementary.

Both the new hospitals being built now are overbudget and behind schedule. Can the minister tell Yukoners whether these new projects will be financed in-house, or will they be built with borrowed money when they decide to go forward with these projects?

Hon. Mr. Graham: Mr. Speaker, as I just said, there has been no decision at this time whether to go ahead with the concept plan, as produced by the Yukon Hospital Corporation, or whether, in fact, to take a completely different tack.

Those decisions haven't been made, and until we investigate and consult with everyone involved in a decision of this magnitude, I'm not willing to commit us to anything.

Mr. Silver: Shortly after coming into power in 1992, the Yukon Party government drastically scaled back construction of the current hospital — that's one of the main reasons why we're looking at expansions to begin with. Many capital projects built by the government are done in-house, such as the new correctional facility and also the new F.H. Collins. It allows MLAs and the public to keep tabs on the projects. When the Yukon Party decides to go ahead with the new residence and the two rural hospitals, it put the management of these projects in the hands of the Yukon Hospital Corporation, which puts it away from the scrutiny of this Legislature. It moved the accountability away from the elected members of this House. Now, the Yukon Hospital Corporation hasn't appeared in this House since the spring of 2011, and it seems that the minister is

not necessarily planning on having them come forward in this sitting either. Will the minister commit to having the department — not the corporation — manage any new projects to ensure the proper oversight from this Chamber?

Hon. Mr. Graham: No, Mr. Speaker. The short answer is I would not commit to that. As I said, this is simply a concept plan at this time.

Whether or not we go ahead with the concept as outlined in the document that was given to all members yesterday is still an open question. Until those questions are answered and proper consultation has occurred, we aren't going ahead with anything.

Question re: Shaw satellite dishes on YHC housing

Mr. Barr: On Tuesday I was informed by the minister responsible for Yukon Housing Corporation that the corporation will not let residents install small satellite dishes that would give them free access to CBC TV through Shaw's local television satellite solutions program. I recognize the need to protect Yukon Housing Corporation buildings from damage; however, it seems the minister has said no without actually looking for solutions that meet the needs of Yukon Housing Corporation and its tenants alike.

According to a Shaw representative and a local installer, satellite receivers can be installed in ways that do not damage buildings. The Shaw local television satellite solutions program ends in just over a week — time is running out. Will the minister direct the Housing Corporation to find creative solutions to the satellite dish issue that protects the buildings and helps tenants before it is too late?

Hon. Mr. Kent: I did refer this letter and question from the member opposite to the Yukon Housing Corporation. I did receive a response from Yukon Housing Corporation, which I forwarded to the member opposite.

The Housing Corporation has accommodated tenants in the past who wanted to install a satellite dish and found that damage to the building and the cost of repairs can be considerable. That's the response that I received from the Housing Corporation. Earlier this week in this House I talked about the existing 350 social housing units that were upgraded with economic action plan money and I think it is incumbent upon us to make sure we protect our assets. We certainly want to ensure that the tenants in Yukon Housing Corporation housing are as comfortable as possible, but we also have a responsibility to Yukon taxpayers to make sure that when we invest money in Yukon Housing Corporation buildings and facilities that we protect those assets.

Mr. Barr: I've read the minister's letter. We understand and accept that Yukon Housing Corporation buildings need to be protected. We're asking for the minister and Yukon Housing Corporation to show some creativity and find a workable solution instead of simply giving up.

According to Shaw, satellite dishes can be installed on balcony railings to not damage buildings. They can be installed on roofs without damaging buildings or they can be mounted on tripods — again without damaging buildings. A solution can be found. It seems to me that the minister just isn't interested in finding one and low-income Yukoners who lost access to over-

the-air CBC TV are the ones who will suffer. Surely the minister can find a made-in-Yukon solution to this relatively small problem. Will the minister direct the Housing Corporation to find a solution to the satellite dish issue instead of saying it cannot be done?

Hon. Mr. Kent: Again, with respect to this question and the response that I gave the member opposite — I think we voted on a motion in the spring session in this House talking about encouraging CBC TV to continue their service in analog. It's disappointing, of course, for a number of Yukoners that that hasn't occurred. But my responsibility as minister responsible for the Yukon Housing Corporation — of course, the board of directors and the staff and officials there — is to protect the integrity of the buildings that we have.

As mentioned before, there has been previous experience with third-party installers of satellite dishes on our property, and the damage was considerable. Again, my responsibility to the comfort of individuals living in the Yukon Housing Corporation units and the taxpayers of the Yukon and Canada who invested in upgrading some 350 social housing units has to be top consideration in this case. I do feel for those individuals who no longer have access to CBC TV based on the decision of that corporation, but again, I think my primary responsibility is to the safe condition and integrity of the housing stock that we have.

Mr. Barr: Mr. Speaker, leadership is about making choices. In this case, the minister seems to be choosing to ignore an issue instead of working to find a solution. It can be done without damage.

Yes, the Yukon Housing buildings needs to be protected; yes, tenants need to be treated equally; yes, a solution to this problem would require effort and resources of the Housing Corporation. The point here is that a solution could be found, yet the minister is not willing to find it.

It's a disappointing response from a government that claims to support ongoing access to our national public broadcaster. Mr. Speaker, actions speak louder than words. The government is refusing to act and time is running out.

What does this minister have to say to the Yukon Housing residents whose access to CBC TV is clearly not a priority for this government?

Hon. Mr. Kent: This is a question that is about choices. The choice that I have made is to protect the assets of the Yukon Housing Corporation; to protect the investment in those assets by Canadian and Yukon taxpayers — again, some 350 social housing units were upgraded during the economic action plan funding that we received from Canada. That project invested over \$52 million in new social housing units and upgrading those 350 units.

I again refer to the motion we passed unanimously in this House urging Canada to ensure CBC AM and TV analog transmission over the air continue. The corporation understands that some tenants have been affected by CBC's decision to switch to digital signal, but it's also the policy that tenant-provided satellite dishes are not permitted, based on damage that had occurred in the past.

Again, Mr. Speaker, as minister responsible for the Yukon Housing Corporation, my first responsibility is to protect the integrity and the quality of the assets that we have in our system.

Question re: Residential Landlord and Tenant Act

Mr. Barr: Yesterday the Minister of Community Services released over 200 submissions by Yukoners during the *Landlord and Tenant Act* consultations conducted this summer. Surprise: the government announced this morning that we would be debating the proposed new act this afternoon. The minister has said that the new act reflects the public's view and that "on-line and written input demonstrate overwhelming support for the principles that have been included in the bill."

Why then does the new act contain no provisions to prevent price gouging and no language to the stop archaic practice of eviction without reason?

Hon. Ms. Taylor: As I was stating the other day on the floor of the Legislature, the Government of Yukon is very pleased to be able to table a renewed *Landlord and Tenant Act* on behalf of Yukoners after not having seen any major revisions in well over 50 years.

As I have stated continuously, the *Landlord and Tenant Act* was originally created to protect and balance the legal rights and interests of both the tenant and the landlord. The legislation that is before the Assembly, which we will start debating on the floor today and in the days to come, is also about maintaining this important balance.

The bill is 70 some pages long. It is comprehensive and does speak to a whole host of issues, including rent increases, future rent, tenant privacy and overholding, and it also includes a renewed approach to resolving disputes. This side of the Legislature is very proud of this legislation going forward. It is about maintaining that balance so that we do sustain a healthy private rental market.

Mr. Barr: The minister's assertion that the bill reflects the public's views is, frankly, inaccurate. The minister knows full well that despite even being asked, a majority of responses to the consultation said there should be some measures to prevent huge rent increases. The minister knows full well that the government's plan to continue to permit evictions without reason is not supported by many Yukoners who have said so in the public consultation. Does the minister have an explanation for why these opinions of Yukoners are not reflected in the proposed *Residential Landlord and Tenant Act*?

Hon. Ms. Taylor: As I will continue to state to the Legislative Assembly, it's about maintaining that balance. It's important to continue to encourage landlords to maintain and invest in building rental units in support of a healthy rental market. There are provisions within the act. The member opposite is wrong. They limit rent increases to once per year, providing the landlord has provided that sufficient notice — in this case, three months' notice. It's in keeping with a vast majority of provinces and territories in the country, and it's in keeping with our government's commitment to encourage new investment in housing while responding to the tenants' desire for stability, as well.

Mr. Barr: There is a great deal that the Official Opposition likes in the new act that we will be debating this afternoon — for example, plain language drafting, dispute resolution, and minimum health and safety standards — but the new act misses the mark in providing fairness for renters. They will have no security of tenure or protection from price gouging. Judging from the public comments, the voices of Yukoners are not being heard. The NDP Official Opposition will be bringing forth amendments to the new act to fill in these gaps. Is the government open to a constructive debate on these amendments, or will it move ahead with the new act as is without addressing what Yukoners have said?

Hon. Ms. Taylor: The foundation this act was built on was primarily the select committee recommendations, which the NDP, the Liberal Party and the Yukon Party all contributed to. They came up with a number of recommendations. All eight specific recommendations are reflected wholeheartedly. Above and beyond that, the Yukon government has also addressed a number of provisions in a balanced manner.

For the life of me, I don't really understand where the NDP is coming from, when in fact it was only days ago the NDP said they believe this bill is 110 percent better than what it was before, and that includes former NDP candidates who are also saying that the act is great. We look forward to debating this bill starting this afternoon and we look forward to talking about all the provisions within the act that will go toward support of both landlords and tenants.

Question re: Dawson City housing

Mr. Silver: The Klondike Development Organization, or KDO, is a partnership of the City of Dawson, Dawson City Chamber of Commerce, Klondike Visitors Association, Dawson City Arts Society and Chief Isaac Incorporated, which is the development corporation of the Tr'ondëk Hwëch'in. Its goal is to collaborate and build a sustainable economy. Unfortunately, this government has yet to recognize KDO to the level that they deserve. It is the main economic development entity in the Klondike and it should be recognized as such.

One of its priorities is addressing the current housing shortage in Dawson. The minister met with them in April and encouraged them to lay out their issues in a letter. As the clock ticks toward December, they have yet to receive a response, let alone any actions or suggestions.

When is the minister responsible for Yukon Housing Corporation going to start working with this organization?

Hon. Mr. Kent: When it comes to the Korbo site in Dawson City, most members in this House and most Yukoners are aware of the fuel leak that happened in September 2010 at the Korbo Apartments. The spill cleanup was conducted this past fall and we believe the land will be ready for development at some point this spring.

We received the letter from the Klondike Development Organization. It went to the then president of the Housing Corporation, copied to me and the member opposite. There are a number of proposals that are before the Housing Corporation on a variety of different lands right now. Earlier today, I tabled a stakeholder engagement piece for the Housing Corporation when they're developing their strategic plans. One of their stra-

tegic goals is to develop partnerships with other departments, governments, NGOs — which would be this case — and the private sector in the pursuit of collaborative initiatives to enhance the full range of choices along the housing continuum. Once we have a look at what the housing needs are of Dawson, and who is best to be able to deliver that with respect to that site, I'll be happy to engage with the Klondike Development Organization at that time.

Mr. Silver: I appreciate the minister's answers. The old Korbo site is a definite consideration. Remediation is now complete and the site is almost ready to be built on. There may be problems with that remediation, but that's a question for another day.

The possibilities are actually endless, Mr. Speaker. For example, the Yukon School of Visual Arts or SOVA is really struggling with student accommodations this year. The City of Dawson has put a huge amount of effort into this through volunteering.

The Government of Yukon has put a ton of money into getting SOVA off the ground and we're very appreciative of that, but if we don't do the final steps and find housing for the students, all of this progress will be lost.

Will the minister responsible for housing commit to meeting with KDO to discuss the future of the old Korbo Apartments site?

Hon. Mr. Kent: As mentioned, I think I've met with KDO on two different occasions. I was in Dawson a couple of times and met with representatives of that organization. The member opposite actually accompanied me to one of the meetings. I'm happy, as are all members on this side of the House — all my Cabinet colleagues — to meet with a variety of organizations.

One of the strategic goals for the development of the five-year strategic plan for the Housing Corporation I mentioned earlier is to look for those strategic partnerships with a number of governments and private sector organizations like KDO.

Again, we're happy to meet with those types of organizations. When that land has a clean bill of health and is ready to be developed, we would consider proposals from the KDO and other governments, organizations and the private sector as to what is the best use of that property.

Mr. Silver: It's good to hear that the minister is in support of SOVA. I know the educational community is in support and believes in SOVA. I know that the Yukon College is a big supporter of SOVA as well, and they want the issue of student housing addressed. Chief Isaac-led initiatives designed by KDO can help solve the housing issues in Dawson City; they just need the ear and the help of the government. Another option of interest for future housing needs is McDonald Lodge, a facility currently managed by the Minister of Highways and Public Works. Shortly after the new McDonald Lodge is built the old facility will be available for other uses. KDO and Chief Isaac have a lot of good ideas about the future of this building as well. To the Minister of Highways and Public Works: Will he meet with KDO to discuss options for the future use of McDonald Lodge?

Hon. Mr. Graham: As the member opposite knows, McDonald Lodge is part of the Department of Health and Social Services. At this time, no firm decision has been made about when or if McDonald Lodge will be completely replaced or, in fact, where it will be located if it is replaced. Once those decisions are made, I would be only too happy to talk with anyone who is interested in utilizing the current McDonald Lodge, if, in fact, it can be used for anything other than its current purpose.

Speaker: The time for Question Period has now elapsed. We will proceed at this time to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 51: Residential Landlord and Tenant Act — Second Reading

Clerk: Second reading, Bill No. 51, standing in the name of the Hon. Ms. Taylor.

Hon. Ms. Taylor: I move that Bill No. 51, entitled *Residential Landlord and Tenant Act*, be now read a second time.

Speaker: It has been moved by the Minister of Community Services that Bill No. 51, entitled *Residential Landlord and Tenant Act*, be now read a second time.

Hon. Ms. Taylor: Mr. Speaker, I am very honoured to introduce Bill No. 51, which repeals and replaces part 4 of the *Landlord and Tenant Act* with legislation that will regulate residential tenancies in a modernized and balanced approach.

The proposed bill supports this government's priority to implement recommendations of the Select Committee on the *Landlord and Tenant Act* to modernize the legislation. It is also important in fostering a healthy private rental market that protects the interests and rights of both landlords and tenants.

As I mentioned during Question Period, the Select Committee on the *Landlord and Tenant Act* was created a number of years ago. It was created with the input of the New Democratic caucus. It was also comprised of representation from the Liberal Party and from the Yukon Party.

In particular, those select committee recommendations were as follows: (1) to incorporate best practices; (2) to modernize the language of the act and to consider a separate act for residential tenancies; (3) to clarify rights and responsibilities of both holders; (4) to identify and to work on minimum rental standards; (5) to provide clarity when it comes to eviction and termination of tenancies; (6) to also provide that added clarity with respect to security and damage deposits; (7) to come up with new dispute resolution and enforcement provisions within the act; and (8) calls for enhanced public education speaking to the roles and responsibilities of both landlords and tenants.

The proposed legislation before the Assembly clarifies the types of residential tenancies it applies to. It will help to explain the legal framework around the landlord and tenant relationship while providing for an accessible and robust dispute

resolution process that is outside of the formal court process as we know it today.

We believe that by modernizing residential tenancy legislation, we are indeed improving quality of life for Yukoners. Both tenants and landlords have asked for improvements to their rights and obligations, and we are pleased to respond to these concerns within the legislation.

To summarize, the legislation proposed today does a number of things.

(1) In direct response to the select committee recommendation, it does separate the *Landlord and Tenant Act* into two separate pieces of legislation — the new act before us today addresses residential tenancies and the commercial *Landlord and Tenant Act* refocuses the remainder of the existing *Landlord and Tenant Act* to address commercial rentals only.

(2) The proposed legislation provides for common forms and agreements to be established by regulation. It requires the landlord and the tenant to complete written tenancy agreements with mandatory requirements and condition inspection reports for all rental transactions.

(3) The legislation provides for a new summary binding process for the resolution of disputes between landlords and tenants. I am very pleased to report that a new residential tenancy branch within Community Services will be established for the administration of the act, for settling disputes and for providing information to landlords and tenants about their rights and responsibilities under the legislation.

(4) The new act clarifies the use of security deposits and limits rent increases to once per year.

(5) The act maintains the ability for a landlord to terminate rental without cause but extends the notice period from one month to two months.

(6) Where a landlord intends to convert a rental premise to a condominium or mobile home park, for example, the legislation requires six and 18 months' notice respectively. These provisions help to balance a landlord's rights in the private market with consideration for the tenant's need to find new accommodation.

(7) The proposed legislation addresses fees, penalties and other enforcement and administrative matters and specifies that no additional fees may be charged for entering into a rental agreement.

The new legislation is balanced and will benefit landlords and tenants equally. It is written in clear and plain language and incorporates best practices from across the country. Earlier this summer, we invited the public to have an additional say through the *Landlord and Tenant Act* review by way of a distributed public survey, and this feedback is also reflected in the bill before the House today. We heard from more than 200 Yukoners through a combination of on-line and written submissions over the course of the review and had support for the principles that we've included in the new law. The feedback from Yukoners, together with the work that was already completed by the select committee, has led to a modern, clear and effective *Residential Landlord and Tenant Act*, which promotes a healthy private rental market.

We believe that adequate, available and affordable housing is fundamental in building and maintaining strong Yukon communities and families. This legislation is but one of the many ways that the Government of Yukon is bringing forward solutions to the table to improve a range of housing-related challenges at a broad level. To be very sure, over the course of the next number of days, the Government of Yukon will be speaking at greater length as to how the government is working to tackle the affordability and the adequacy of housing at all points along the housing continuum.

This September, for example, we issued well over 100 new residential lots in the Whistle Bend subdivision in Whitehorse, including 90 single-family lots, land for eight duplexes and seven multi-family lots. A pair of duplex lots, which will accommodate a building for two families, was also provided to Habitat for Humanity.

As articulated by the Minister of Health and Social Services and the minister responsible for the Yukon Housing Corporation, the Government of Yukon is also working on a number of added housing facilities throughout the Yukon, building on the significant investments that the Government of Yukon, working in collaboration with the Government of Canada, has invested in over the past several years.

Earlier this summer, for example, the minister responsible for the Yukon Housing Corporation announced a new seniors housing complex that would be going up at 207 Alexander Street to accommodate some 34 suites for seniors' independent living. It also builds on the investment that was announced by the Minister of Health and Social Services in support for housing for FASD clients, in partnership and collaboration with the Options for Independence organization, to provide 14 additional residential units on-site — to provide that supportive living housing for clients with FASD.

We are also continuing the good work with the Yukon Women's Transition Home Society on the development of Betty's Haven — 10 units of second-stage transitional housing for women and children fleeing abusive relationships. That work is well underway and we're very excited to be able to continue to work the previous work that has been completed in communities such as Watson Lake, where additional second-stage housing units were made. It also builds on the 33 units of housing that were just recently opened in the Riverdale subdivision, providing affordable housing for single-parent families, expanding the continuation of the on-site housing coordinator to provide the supports for those individuals residing in that facility.

In collaboration with the Minister of Health and Social Services, we are also very pleased to announce the continuation of the emergency youth shelter, but to expand that for up to six youths, to be operated in collaboration with the Skookum Jim Friendship Centre.

There are a number of other housing developments, but it certainly speaks to the Government of Yukon's commitment to working to provide those added housing initiatives in support of Yukoners and the varied need across the housing spectrum.

As I mentioned, through the *Residential Landlord and Tenant Act*, we are very much committed to promoting a

healthy, private rental market. We recognize that the issues are complex, and they challenge us as a government and an Assembly to find innovative approaches that will help to improve the lives of all Yukoners.

I believe that the steps we are taking will bring about widespread benefits for our young working families, seniors, and Yukon's most vulnerable citizens. A key provision of the proposed *Residential Landlord and Tenant Act* is the creation of a residential tenancies branch in Community Services. This office will administer the legislation, provide leadership and support to clients, hear and settle disputes, and make decisions and orders that are binding on the parties. The proposed bill clarifies the provisions regarding security deposits, including applicable limits, prohibitions, and repayment provisions. At the end of tenancy, the landlord will be obliged to repay the security deposit to the tenant with interest, unless agreed to in writing by the tenant that a portion be applied to pay any debt owed to the landlord, or if ordered by the director of residential tenancies. A security deposit may be used toward the last month's rent, but only if the landlord has agreed in writing. Future rent may not be requested or collected. This means that a landlord cannot request first and last month's rent at the beginning of a tenancy. The provisions around security deposits are also easy to understand for both parties and will be more easily enforced through the new residential tenancies office. The proposed legislation clarifies rules around the subletting or transfer of a rental under a tenancy agreement, specifically that a sublet may not take place without the landlord's written consent, but the landlord may not unreasonably refuse to sublet a rental unit.

The new act also deals with concerns we heard around the frequency of rent increases. The proposed law will limit rent increases to once per year and will require at least three months' notice. As I mentioned earlier today, this will provide stability and notice for tenants to decide on their options and time to plan for any financial impact. Landlords, on the other hand, will be able to plan to deal with rising costs, inflation, interest rates, renovations and improvements to their property. An exemption will be allowed in situations where rent is tied to income, as is the case in social housing.

Tenants on a mobile home site who receive a notice of rent increase may choose to treat it as a notice to end the tenancy by advising the landlord in writing within 30 days of receipt of the notice, and the increase may not take effect until after the tenant has vacated. The act, as I mentioned earlier, balances the rights of tenants and landlords, provides guidance around termination, with and without cause, and addresses issues that have arisen around mobile home tenancies.

The legislation clarifies situations of unpaid rent and eviction, and contemplates the full range of situations that have arisen between landlords and tenants in Yukon and across Canada.

The bill provides clarity around the reason for termination with cause, provides landlords with the ability to apply for a director's order and possession of the rental unit. It's important to Yukon landlords who, unfortunately, often find themselves

unable to remove an overholding tenant. It will also help ensure the premises are available for future tenants.

A landlord has the right to manage and protect his or her real estate investment, and the tenant has the right to use the property as specified in a rental agreement, including the right to adequate notice of a change that may affect that tenant's quality of life.

Tenant privacy will also be safeguarded under the act. At least 24 hours' notice will be required for entry by the landlord, except for emergencies, where the tenant has given permission or vacated the premises, or if authorized by an order of the residential tenancies director.

As well, entering may not happen more than seven days after the notice is received.

A landlord is responsible for providing and maintaining the residential property in a condition that complies with health, safety and housing standards required by the regulations and other law and making it suitable for occupation by a tenant. A tenant will also be responsible for maintaining reasonable health, cleanliness and sanitary standards and may not infringe on the enjoyment of others.

Minimum rental standards will follow in regulation and will respond to the oil-fired appliances report by requiring the installation of carbon monoxide and smoke detectors in all rental units. With support from the Legislature for the residential tenancy legislation, our next step will be to conduct further public review to seek the input of Yukoners on developing the regulations to administer this new legislation.

Yukoners will be asked for input into the development of the minimum rental standards early next year, as we go through the steps required to set up the residential tenancy branch and bring the legislation before us today.

We certainly expect that the *Residential Landlord and Tenant Act* will come into force in 2013 and this modern legislation will go a long way to improving Yukoners' private rental market.

As I mentioned earlier today, modernizing Yukon's *Landlord and Tenant Act* is a priority of the government. It was a priority of this party during the last election to adhere to the recommendations made by the select committee. All parties also made the similar commitments. We are very pleased to be able to introduce this new legislation within a year of our renewed mandate.

By passing the act before us today, the government will be able to provide Yukoners with more modern, accessible, understandable and balanced residential tenancy legislation. I'm very proud that this new act is a significant legislative reform that changes the manner in which residential tenancy laws are administered and enforced in Yukon and it brings it in line with the rest of the country. It's a result of discussions and consultation with Yukoners.

I want to thank every Yukoner for their input into this most important bill and for taking the time to put forth their ideas and their perspectives, which helps to strengthen such a bill as we see today. I also wish to thank the various departmental officials for all their work in preparing this new legislation, which helps meet our very vision — our own department's

vision of vibrant, healthy and sustainable Yukon communities. I want to take my hat off to the Department of Community Services officials for all of the work they have provided and for their expeditious review of this particular bill and for looking to other parts of the country, reviewing those best practices, and incorporating that very much needed, very important balance between the rights and the interest of the landlords and the tenants within the territory. The department has provided input, month after month, into this bill, and we appreciate their expertise and their commitment to bringing this bill to fruition within a year of our government taking office. It speaks to our commitment to coming forth with a new, modernized legislation that speaks to that balance. We look forward to the debate on the floor of the Legislature.

We certainly know that many of the ministers and MLAs will be speaking to the bill further, when it comes to Health and Social Services, Yukon Housing Corporation, Economic Development and many others. This is a significant piece of legislation, and it is of the utmost importance to all Yukoners. We're very pleased to be able to put it forward for members' consideration.

I very much appreciate there will be a significant number of questions and some debate on many of the provisions within the bill. We all come to the Legislature with different perspectives and different mandates, and I want to say that I appreciate and look forward to the input and constructive ideas provided by the members of the opposition.

I also want to say that this bill has been left untouched, literally since its coming to fruition in 1954, I believe it was. Rest assured that this is really a beginning. This bill will continue to evolve in the years to come, as housing continues to evolve. I can say that when we just look at the many housing initiatives that have come to fruition in the territory over the last decade alone, there have been significant changes. There has been significant growth in our population and, with that, significant varied demand by Yukoners on many different levels for the level and scope of housing. I believe that a new, modernized *Landlord and Tenant Act* is but one of those pieces that are so very important to making housing a priority and addressing the varied needs of Yukoners throughout the territory, whether it's making land available, whether it's addressing various housing initiatives, from emergency shelter right through to continuing care and everything that falls between.

It is a significant legislative reform that changes the manner by which residential tenancy law is administered and enforced in the territory. As I mentioned, it brings it in line with the rest of the country.

I was speaking recently at a conference with the minister responsible for housing in the Northwest Territories. They too are talking about this very issue of new modernized legislation and trying to find that balance. I know there are philosophical differences within the Legislative Assembly when it comes to trying to find that balance, but these two discussions are occurring across the country. As with Northwest Territories, we in the Yukon are working to have that balance and I believe that this act does speak to that very balance.

It's a significant step ahead and I thank every Yukoner for providing their valuable input into this most important bill. As I mentioned before, I want to thank all the department officials for their work in preparing this new legislation and moving forward on a major election commitment of this government.

Ms. White: It's my pleasure to speak to the bill before us, the *Residential Landlord and Tenant Act*. For years, the NDP has been calling for changes to the current archaic act.

The late Steve Cardiff participating in the select committee tasked with proposing changes to the act and reporting to the Legislature. In fact, it was Steve who, in November 2009, tabled a motion — which passed unanimously — to establish an all-party committee to conduct public consultations to receive the views and opinions of Yukon residents on what changes should be made to our residential tenancy law. Steve said at that time, and I quote: "People have told us for years the current legislation is past its best-before date, no longer serves the needs of either tenants or landlords and desperately needs a major overhaul to bring it up to modern-day standards." I wish Steve were here today to be part of this debate.

Through the years, the Yukon NDP has asked questions, proposed motions, sat on the select committee and penned a submission to the public consultation on the *Landlord and Tenant Act* held this summer. The Yukon NDP believes that tenants should enjoy the legal right of security of tenure, the right to keep their homes, and this should be balanced by protections for a landlord's property. For the Yukon to have a truly balanced law that incorporates best practices and meets similar standards across Canada, it is our view that Yukon's residential tenancy laws must address the following major policy issues.

In the two and a half years since the select committee produced this report, the housing crisis has gone from bad to worse in the Yukon. There is no new affordable rental housing in sight, the vacancy rate is around one percent, existing rental housing is being converted and sold as condominiums, and now rents have begun to skyrocket with some tenants receiving increases as high as 67 percent.

We have argued the housing crisis requires a strategy — a multi-faceted approach that addresses the major problems. Outdated rules in the existing *Landlord and Tenant Act* have contributed to this crisis. Changing the *Landlord and Tenant Act* is a step but it doesn't address the crisis.

Yukon's housing crisis has grown on the Yukon Party's watch. Vacancy rates have remained low and land for residential development has only recently been made available, but even now new lots don't equate to more available rental units. Housing prices have doubled. Rental rates have skyrocketed and more than 100 people in Whitehorse are homeless or tenuously housed. Housing challenges exist in almost every community in the territory.

Over the past number of years the issue has been studied endlessly but the government has failed to act on most of the recommendations made in various reports. Government has failed to listen to housing advocacy organizations. The government has sat on the remaining \$13 million of housing money from the federal government when it could have been

building homes. Simply put, the government has shown a complete unwillingness or incapacity to take real leadership on solving the housing crisis. Leadership consisting of real action is desperately needed.

Instead of moving forward with a comprehensive housing plan with meaningful targets and timelines, this government prefers to rattle off a list of projects in consideration or underway, but a list of disjointed actions does not constitute a plan. An ad hoc one-off approach to housing is part of what got us in this mess in the first place. It's going to take much more than a long list of promises to get us out.

It's going to take much more than a long list of promises to get us out. The housing challenges facing Yukoners run the spectrum, from difficulty paying the rent or mortgage to homelessness. Working and middle-class people can't afford pricey residential lots and new home construction. Businesses struggle to recruit and retain staff they need to operate. Young people, families and transient workers are forced to leave the territory to find work where housing is more available and affordable, and the list goes on.

My point here is that the housing crisis affects us all. Canada is the only G8 country that doesn't have a national housing strategy. It's relevant because today is National Housing Day. The United Nations have described housing and homelessness in Canada as a "national emergency". In fairness to the federal Conservatives, it was the Liberal Party government that cancelled the national housing strategy that we once had, but for most of the past decade in Ottawa and here in Whitehorse, neither the federal Conservatives nor their Yukon Party brethren have taken a single concrete step toward a comprehensive housing solution. It's no wonder we face the current housing crisis when our governments lack the political will to do anything meaningful about it.

We have urged the government to develop a Yukon housing strategy and policy framework that will address our current housing crisis and give us a road map into the future. We haven't had any success. We need new rules governing landlord and tenant matters. We also need action on homelessness, supportive housing, affordable housing, homeowner protection, staff housing in the communities and land affordability and availability throughout the Yukon.

The NDP Official Opposition held a consultation with the public when the government tabled this proposed new act. These are some examples of what we heard. It was considered to be a general improvement but people felt there was a lack of process to review rent. Fairness in rent increases was of significant concern. Lack of security to tenure is a big concern. Yukon would be one of the very few Canadian jurisdictions that allow evictions without cause.

We also heard that there were questions about the role of dispute resolution folks to exercise discretion when determining reasonableness of eviction with cause; lack of specific language, timelines for hearings after a complaint was initiated; questions about how the fee to apply for dispute resolution will be structured. There are no timelines for repairs to be made after problems are reported to landlords; ways to return security deposits could possibly be broadened to include things like

electronic transfers, though delivery by hand or registered mail would seem to provide the greatest security for landlords and tenants alike.

Will landlords be required to put people up elsewhere if repairs are required that make the unit temporarily uninhabitable? There are multiple roles for the director to investigate and try to mediate and adjudicate. It seems like a poor separation of roles. The director has no ability to extend time limits for people to make applications. I think that needs more flexibility. Will the residential tenancy office be arm's length, or will it be part of the department and how will it be staffed? What will the minimum rental standards be? There's concern about potential double standards if those standards are higher than what a person needs to get an occupancy permit. For example, why should landlords have to provide anything more than the minimum standard for occupancy?

Concerns with section 52(1)(e) and section 59 give discretion to landlords to evict for behaviour that is not necessarily illegal and that has not actually occurred, with the usage of the word "likely."

Concerns about transition from old to new acts, especially in the context of First Nations that own and manage housing and want to transfer ownership to First Nation members have huge potential cost implications to bring rental stock up to standard. That also goes for landlords who also have multiple units.

There is nothing in store for pet owners. There are concerns regarding section 61. Protection for tenants who complain is an insufficient substitute for eliminating evictions without cause. It creates a super right for tenants who complain in that they can always refer to their complaint to try to stop the landlord from giving an eviction, which ties the landlord's wrists together. Others who haven't made a formal complaint are unprotected.

In section 90, language regarding the education role is of the direction "may" and not "shall" and maybe "it shall be required" would be better.

There is a great deal the Official Opposition likes in the new act — for example, plain language drafting, dispute resolution and minimum health and safety standards. I have been quoted as saying the act is 110 percent better and I'll stand by that. But it is wrong to suggest that this means my unqualified support — 110 percent of nothing is still nothing and 110 percent less of a bad thing does not necessarily make it a good thing.

In the second reading debate, I want to touch on a few areas we like in the proposed new *Residential Landlord and Tenant Act*: (1) the minimum health and safety standards; (2) plain language; (3) the elimination of last month's rent; (4) standardized tenancy agreements; (5) inspection report; and (6) dispute resolution.

The NDP Official Opposition believes tenants should have the expectation that their rental unit conforms to applicable building codes and municipal bylaws, is free of contaminants such as mould and has working smoke and carbon monoxide detectors, among other things, and that these are part of the landlord's obligation. The current law speaks of landlords'

general responsibility to provide, quote: “good, safe, healthy” rental units. The lack of any definition about what this means or affordable and convenient processes for tenants to seek compliance has forced many to live in squalid and unsafe conditions.

In section 33, the new act would allow minimum health and safety standards for rental properties. It lays out good expectations for both landlords and tenants. This, we believe, is a good thing. Concerns have been raised as to timelines for both parties to complete required repairs. With some existing units in the territory being below this standard, some landlords have asked about timeframes. What will the adjustment period be between the old and the new act? What timelines will landlords have to meet the requirements? The new law speaks of landlords’ general responsibility to comply with the, quote: “health, safety, and housing standards” required by the regulations. Another law speaks to a set of regulations that we still haven’t seen set. It is my understanding that draft regulations will be made and then taken out to public consultation. What happens to tenants who are living in unsafe conditions in the meantime? How long does the minister see this process taking?

We are pleased to see the requirements of both smoke and carbon monoxide detectors in all rental units. We wonder how long it will take to have a regulation requiring this and whether government is willing to propose an interim measure to get this important safety measure in place sooner.

We also know that we need to look outside of landlord and tenant rules in order to effectively increase standards and safety when it comes to home heating and that the Yukon government needs to modernize other building safety standards. For example, the lack of regulation of oil-fired appliances, which heat 80 percent of homes in the Yukon, will be an impediment to real, enforceable minimum standards that protect the health and safety of tenants.

We know the Yukon government has rejected one of the key recommendations of the oil-fired appliance working group, so we will be interested in the details about minimum standards regulations as well as how new rules will be enforced and resourced.

According to the public comments in the findings of the select committee, there is a widespread acceptance of the need for minimum standards. There are also a number of comments detailing the rather poor conditions of rental units, including incidents of black mold, resident rodents and heating problems.

All our legislation should be accessible to the public. All governments need to keep the modernization process going. I went back to *Hansard*, to a May 2008 Question Period question. The then Member for Mount Lorne had this to say about the current *Landlord Tenant Act*: “On Monday the minister said that all that needed to change with this act was to educate the public. Perhaps he could start the process right now. For example, section 17 says, in part, that if any rent is payable and there exists no express right of distress for the recovery thereof, the person entitled to receive the rent has the same right of distress for recovery thereof. Section 24 says that a landlord may take under a distress for rent any livestock belonging to or pertain-

ing to the premises in respect of which the rent distrained for is payable.

My question for the minister: For the sake of members who might have slept through the Elizabethan era, could he please explain those two small sections in plain language.”

I appreciate the new act is easy to understand and say out loud. The elimination of last month’s rent — the confusion between moving into a place with first, last and a damage deposit — so sometimes that would hit people with the cost of three month’s rent right off the bat. Having to pay first and last months’ rent, plus a security deposit, was a huge burn for renters. So simplifying it and making it one security deposit that is the maximum of one month’s rent or one week’s rent, depending on the lease agreement, is great.

It’s important to get agreements in writing, and this is a good step toward that understanding with the standardized tenancy agreements. Inspection reports done both before and after leaving a tenancy agreement is important. They should provide clarity and avoid conflict at move-in and move-out times.

We are pleased to see dispute resolution enshrined in the act. The NDP Official Opposition has long called for a simpler and more effective dispute resolution process. Currently, landlords and tenants are told to go to court or arbitration when dispute occurs.

This is not the most effective way to resolve issues, and the lack of an alternate means to mediate and adjudicate can be unfair for those on low incomes or without the legal knowledge to navigate through a court action. Other jurisdictions have created fast, cost-effective and easily accessible dispute resolution processes. In other jurisdictions, rental tenancy boards or offices do set limits on rental increases. We’re glad to see alternatives to court to resolve disputes, but we’re concerned that this new office will not be tasked to prevent price gouging.

Things we don’t like — we think the greatest weakness in the proposed new *Residential Landlord and Tenant Act* is that it does not contain provisions to address, first, price gouging and huge rent increases and, second, eliminating no-cause evictions. Yesterday the Minister of Community Services released over 200 submissions by Yukoners this summer during the *Landlord and Tenant Act* consultation. The minister said the new act reflects the public’s views and that “...online and written input, demonstrating overwhelming support for the principles that have been included in the bill.”

This is curious because in the short period of time we’ve had to review the comments, we saw many comments supporting provisions to prevent price gouging and to stop the archaic practice of eviction without reason. The minister well knows that, despite not even being asked, the majority of responses to the consultation said there should be some measures to prevent huge rent increases.

The minister also knows that the government’s plan to continue to permit evictions without reason is not supported by many Yukoners, who said so in the public consultation. In Question Period, the minister’s explanation for why these opinions of Yukoners are not reflected in the proposed *Residential Landlord and Tenant Act* was lacking.

The new act misses the mark in providing fairness for renters. They will have no security of tenure and protections from price gouging. Judging from the public's comments, the voices of Yukoners were not heard. Unfair rent increases are a constant problem for tenants, but it is of particular concern when there is a low vacancy rate and high demand for rental units. At present, a landlord can raise rent as high as they want, and this act would not change that state of affairs. The only restrictions now are that it can't be increased in the first year of tenancy and that then it can only be increased once every 12 months, with three months' written notice. In some rare cases, the landlords have been known to raise the rents as a means to evict tenants and allow for higher paying tenants to move in, and there is nothing the tenant can do but either pay up or move out. The new act would allow for rent increases once a year with three months' notice. This still isn't good enough. There should be a system of rent review in the Yukon to protect tenants from unfair rental increases, while enabling responsible landlords to increase rents to cover legitimate costs. Ontario, for example, sets a rent increase guideline that limits annual rent increases based on the consumer price index. Landlords can apply to the Landlord and Tenant Board for rent increases above the guideline if their costs have increased substantially.

Despite the fact that the government did not ask the public directly, and I quote: "should there be a form of rent review, rent control, rent ceiling, etc," the majority of Yukoners said that there should be some way to deal with rental increases.

The public was asked, and I quote: "Should rent increases be limited to once per year?" Forty-six of 71 comments in this section said that there should be some way to deal with rental increases.

Mr. Speaker, with your indulgence, I'm just going to read those off now. These are all directly off the website and this is all to the question. Like the majority of provinces and territories, the current legislation does not allow rent increases in the first year of tenancy. After that, the act allows increases at any time after the first year as long as tenants receive three months' notice.

This was in the comments section and this is what people said, and I quote: "It should be limited to a low fixed percentage rate increase once a year, limited to a percentage — for example, two percent or five percent. There also needs to be a percentage maximum that rent can increase in a year."

Another one: Rent increases should be done once a year, and yes, three months' notice is good. I think there should be also a limit to what rent can be increased to. It should work like interest rates. There should also be a territorial appraiser. This way, people can't charge so much for substandard places.

Another one: If major upgrades are done mid-year, the landlord has to be able to increase rent. If not, you will have more buildings in declining condition as no maintenance and upgrades can be carried out.

Another one: There should be a Yukon rent board.

Another: Yes, rental increases limited to once a year with three months' notice. There should be a ceiling on the amount of rent that can be charged overall for a rental unit to a maximum percentage of what rent increases can be per year. I think

that \$1 dollar per square foot could be a maximum rental ceiling for residential units and the percentage of increase should be based on the vacancy rate with a maximum increase of the ceiling of \$1 dollar per square foot.

When the maximum rental ceiling is reached for a unit then no further rent increases should be allowed. If there are increased costs — for example, for water or garbage removal — the landlord could apply to the neutral board for an increase and the board could then get input from both the landlord and the tenants regarding their requested rent increase.

Another: There should be rent control so that landlords can't raise rents 20 to 50 percent. I've seen this happen too many times. It should be against the law. People have not a lot of choices to find other places to live.

Another one: Again, look at the situation where rent went up within 12 months and there was no proof for the increases in rent. General maintenance in common areas were not even being kept up. Once a year can allow people to adjust their budgets and income accordingly and there should be a cap on the increase — for example, 10 percent. That's only eight and there are 34 more, but I'm going to just move on.

We are pleased that the Yukon is following the example of other jurisdictions like British Columbia to create a standardized, easy-to-understand form to communicate notices of eviction, but our concern that the new act still permits tenants to be evicted without cause. It's time to put an end to this practice. Evictions without cause undermine the safety and security a tenant enjoys in their home and it leaves them open to abuse.

Apart from Yukon and New Brunswick, provinces and territories require landlords to provide a reason for termination.

In its public consultation questions, this Yukon Party government asked about timelines for termination but it did not ask about cause. The Yukon Party government wanted to avoid this key issue, but Yukoners still expressed concern about no-cause terminations. Despite not being asked about the normal and common practice of requiring a reason to terminate, submissions show numerous expressions of concern about no-cause terminations, outweighing support of the termination without cause. It showed numerous expressions of concern about termination because of condo conversion. It also showed numerous expressions of concern about no-cause termination in a rental market with a less than two-percent vacancy rate.

The NDP Official Opposition will be bringing forth amendments to the new act to fill in these gaps, and we hope the government will not be dismissive, will listen to our ideas and will recognize the public's views contained in the comments to the consultation. We will be bringing in amendments that would allow for the crafting of regulations on rent increases, as well as an attempt to amend the bill to eliminate no-cause eviction. We believe that the bill as it stands is an improvement, but with a little more work, with constructive debate and by listening to what Yukoners have said, we can make it even better. We hope the government is interested in making the new *Residential Landlord and Tenant Act* better.

Hon. Mr. Kent: I'm pleased to rise at second reading to speak to Bill No. 51, which repeals and replaces part 4 of the

Landlord and Tenant Act with legislation that will regulate residential tenancies.

There are number of changes I am certainly very pleased with. My riding of Riverdale North has a number of large apartment buildings, a number of basement suites, garden suites — any number of things. I believe even the Member for Klondike, when he is in Whitehorse, away from his home in Dawson or from visiting where his roots are in Nova Scotia, is a constituent of mine living in Riverdale North — living in one of those large apartment buildings. So, again, it's something that I heard an awful lot of at the door during last fall's election campaign — a number of these issues. I think that making improvements to the *Landlord and Tenant Act* is part of our implementation of the government's housing strategy and the plan that we put before Yukoners last year.

So I am very excited to add this to a number of the initiatives that we've been working on; I think one of the best things about this legislation that's before the House is that it's balanced and will benefit landlords and tenants equally. It's written in clear and plain language, as mentioned, and incorporates best practices from across Canada. So I'm very excited to be speaking in favour of this legislation at second reading.

I just wanted to speak about some of the accomplishments of the Yukon Housing Corporation — and indeed government — has achieved, not only in the past calendar year but also since the end of the spring sitting. I'd like to highlight those. Earlier today, I tabled a document in the Legislature on the stakeholders presentation for the draft strategic plan of the Yukon Housing Corporation. I'll just briefly touch on those strategic goals and then, if time permits, speak a little bit to some of the implications of the new act on the Yukon Housing Corporation, as Yukon's largest landlord. The corporation manages a number of social and staff housing units throughout the territory.

Before that, just to touch on a couple of things the Member for Takhini-Kopper King mentioned — I'd like to welcome her. I understand she is a new homeowner and recently purchased a home in her riding of Takhini-Kopper King. It's very admirable that she did that. When I was a member of this Legislature before, when I won, I did not reside in the riding I won in and relocated to the riding of Riverside at the time, within a year. I actually moved into Riverdale; I was close to where the riding was — not quite in there.

I know the Member for Whitehorse Centre has relocated to her riding as well, so I think that is an important part — for those of us able to do so — to live close to where our constituents live. I should say also that the Member for Porter Creek South, upon being elected, purchased a home in Porter Creek South, so it's exciting that everyone is able to move closer to their constituents.

The spring sitting of this Legislature ended on May 10 and, as all members are aware, the government has continued over that time to implement its comprehensive housing strategy and bring a number of matters to the attention of members in the House so they are aware of the ongoing success in the implementation of what our plan is to address the housing needs of Yukoners.

On June 8, my colleague, the Minister of Community Services, announced the launch of the public survey that helped to shape this legislation that is before us today. That survey builds upon the work of the Select Committee on the *Landlord and Tenant Act* and, of course, that committee reviewed and recommended improvements to the act. The government's goal is to develop a clear, effective, new residential tenancy law that incorporates best practices in Canada, balances the interest of landlord and tenants and promotes a healthy private rental market.

On June 18, a contract was awarded to provide land construction and design for a new 10-unit second-stage housing facility for women and children, and that was awarded to a local contractor. The facility, which is going to be called Betty's Haven, will provide 10 second-stage housing units of supportive, secure and affordable housing for 12 to 18 months for women and children who are fleeing abuse. The Yukon government has committed a total of \$4.5 million toward the completion of Betty's Haven, and construction is underway. The Member for Pelly-Nisutlin and I were at the Geoscience forum tradeshow yesterday afternoon. That new construction is located close to that facility, and I think they are already on the fourth floor with their framing so it's very exciting to see the progress that's being made. Of course, that \$4.5 million came out of the northern housing strategy trust, added to the \$32.5 million from that fund that was advanced to Yukon First Nations. The remaining dollars, as I've mentioned in the House before, are subject to some planning and leveraging that the Yukon Housing Corporation is working on right now, and I'm excited to see the results and the recommendations for the balance of that fund coming forward from the board and the corporation.

On June 25 this year, the Yukon Housing Corporation officially opened six affordable housing units in Whitehorse. They feature two bedrooms and are designed for small families. All six units are occupied. In addition, work on 14 new affordable housing units in Carmacks and Ross River is now complete. Final occupancy permits were anticipated to be done before the end of October, and I'll have to regroup with the Housing Corporation to ensure those permits were in fact on time.

Since 2009, the Housing Corporation has been ardently planning, building, upgrading and populating our housing. With Canada's assistance, we have built 139 new units and retrofitted over 350 existing units. Later on that day, June 25, I directed the Yukon Housing Corporation to investigate the development of a new Yukon home ownership program to assist working Yukoners in lower and middle income brackets to purchase their own home. This type of home ownership program can help bridge the affordability gap that sometimes prevents working people from moving out of the rental market and into home ownership.

This would help stimulate the economy through new home construction and, as more Yukoners become able to purchase entry-level homes, it will free up more rental housing for others.

Staff of the Yukon Housing Corporation has undertaken research and this complements the work of a consultant who was hired by the board to help define program options. The consultant updated the board of directors as recently as October, and options for review and consideration will be presented in the coming weeks. I certainly don't want to prejudge the decisions of the board of directors, but I look forward to receiving their recommendations on how we can move forward on such an important initiative.

August 13 was an extremely important day because residents began to occupy the 10 new units at the Thomson Centre. My colleague, the Minister of Health and Social Services, acknowledged that these additional 10 continuing care beds will greatly benefit the residents, their families and the overall health care system. The occupants of the 10 additional beds are coming from the community, other care facilities and Whitehorse General Hospital.

August 15 was a tremendous day because there were two vital housing projects announced: First, the provision of just over \$3 million so that Options for Independence could build 14 new housing units in Whitehorse for clients living with fetal alcohol syndrome and FASD.

The Premier noted that the Canada-Yukon affordable housing agreement is helping our government meet the needs of Yukoners and deliver on our commitments to make housing a priority.

This project will go a long way to help house some of the most vulnerable and often homeless members of our community. It's an important step along the way as we move forward on our housing strategy. Also that day we announced a 34-unit seniors building on the previous location of the Alexander Street apartments. The Premier commented that seniors are Yukon's fastest growing population group, which is projected to almost double by 2021. The Yukon government is moving to address the housing needs of seniors and make it easier for them to live at home as their health and mobility levels change. Our communities are enhanced by the presence, knowledge and experience of seniors. By investing in housing that is appropriate for them, we are helping to retain that richness in our communities, and we're delivering on the commitments we made as part of our housing strategy.

On August 24, we responded to the homeowners affected by the Upper Liard flood. Some homes on the western riverbank experienced damage that was repairable, whereas homes on the eastern bank were virtually destroyed. As a government, we are hopeful that the relief assistance package will help the residents reestablish themselves and continue on with their lives and will prevent future devastation from flooding in this location.

I know a number of my colleagues and many emergency services personnel were on hand during the actual flood to assist and my congratulations to all those officials who helped out with that and the people of Watson Lake who really stepped up during that crisis and opened their community to the many stranded travellers that day.

I would also like to thank and congratulate the owners of the Rancheria Lodge for their work that day as well. Of course,

the main washout on the highway was just west of their lodge and they really stepped up and provided some leadership. I didn't get down during the flood, but was able to travel down afterwards and witness the devastation of the flood after the waters had receded somewhat. I don't think I'll ever forget going into some of those homes and seeing personal belongings like pictures of relatives floating around in the house and those that the homeowners had drying on their windowsills, or the eight cords of wood in that one woodshed that got picked up and tossed around so easily by those flood waters. It certainly reminds you of how quickly things can change. Again, my kudos to the Member for Watson Lake for all her hard work on behalf of her constituents and the staff at the Yukon Housing Corporation who worked so diligently with those residents to come up with the relief packages that were offered.

On August 29 the oil-fired appliances working group submitted their action plan and recommendations to the Yukon government. At the direction of the Minister of Community Services and me, the group was tasked with developing this action plan to enhance safety with respect to oil-fired heating systems throughout the territory. I as the minister and our rural MLAs — the MLA for Watson Lake, the MLA for Pelly-Nisutlin and the MLA for Kluane, Minister of Highways and Public Works, accompanied us in his riding — went out and had an opportunity to listen to a number of Yukoners and act on a number of the recommendations.

The Minister of Community Services and I made the announcement just prior to the sitting that, thanks to the valuable input from the working group and from Yukon citizens we talked to throughout the territory, including industry representation, government, First Nation and municipal governments and a number of private homeowners, we've come to the conclusion that we require that only certified oil burner mechanics can apply for a permit to install or modify an oil-burning appliance. We're making carbon monoxide detectors and smoke alarms mandatory in all residences, including rental units, and continue to address public awareness and industry training initiatives. The Department of Education and the Yukon Housing Corporation will work very closely with the Department of Community Services on this.

On September 26, a lottery was held for over 100 new residential lots in the Whistle Bend subdivision. The lots are being offered at development costs and were valued to approximately 6.5 percent below the market value. The Minister of Community Services noted that this approach offers new lots at the most cost-effective price for new homeowners starting out in the new Whistle Bend subdivision. I'm pleased that for the first time in a number of years, in Whitehorse in particular, lots are available over the counter for sale. I know future development there is going to provide even more land opportunities for Yukoners who live here now and those we hope to attract as our economy continues to expand.

On September 28, the minister responsible for the Women's Directorate and I extended the pilot project that featured a coordinator at the Whitehorse affordable family housing complex. We have extended that coordinator position and we're taking an interactive approach on this family housing

project to create a positive environment for families in need. For individuals raising children on their own, the support and sense of community in this complex benefits the well-being of the family.

There are a number of other initiatives that we continue to work on. When it comes to working on housing, I could highlight the five strategic goals that the Yukon Housing Corporation is engaged with stakeholders on at meetings today and tomorrow here in Whitehorse. It's a broad range of stakeholders that includes the Whitehorse Chamber of Commerce, the Yukon Anti-Poverty Coalition, the Yukon Council on Aging, Yukon Real Estate Association — a whole host of stakeholders that are going to be involved with this.

One of the goals is to facilitate access to more attainable, suitable and sustainable home ownership. The second one supports initiatives to create the availability and affordability of suitable rental accommodation. The third goal, which I highlighted during Question Period today, is to develop those strategic partnerships with any number of governments, organizations and the private sector in pursuit of collaborative initiatives to enhance the full range of choices along the housing continuum.

We want to work to continually improve the corporation's effectiveness. The final one is to ensure adequate human resources planning. We're excited about the strategic plan for 2013-18 and everything it will bring about.

I know my time is running short, and I did want to talk about some of the aspects that are included in the *Residential Landlord and Tenant Act* that affect the Yukon Housing Corporation. Perhaps I'll have a better opportunity to do that during Committee of the Whole or at another time. I just want to end by saying that, in the 2006 census, there were 12,610 housing units in the Yukon, 3,840 of which were rentals, and I'm sure that number has increased substantially, given the increase in the economy since that time. So the rental market plays an incredibly important role. We have to respect landlords and tenants. I know there has been a lot of work accomplished by the Yukon Housing Corporation and the government over the past number of years, and particularly in the past calendar year since we assumed office — the new Yukon Party team on this side of the House.

For all the preceding work and all the work that we've been able to do over the past year — that possibly precipitated that letter I received from Marie-Claude Morin that was tabled in the House earlier this week stating that we have: "...shown great leadership in the area of housing. In the last few years your territory has implemented many initiatives to help combat problems in the housing sector. Like you, the federal NDP believes that housing issues are a priority."

I'll end it with that and look forward to comments by my colleagues and colleagues from across the floor.

Mr. Silver: I'm pleased to stand on the second reading of Bill No. 51, the *Residential Landlord and Tenant Act*. I will be in support of this bill. It is an extensive rewrite of one of the oldest pieces of legislation on our books, and it is long overdue.

It is a vast improvement over the existing law that we have in place to govern landlord and tenant matters. It builds on the work of the Select Committee on the *Landlord and Tenant Act*, which is comprised of the late Steve Cardiff, the former Member for Klondike and the current Member for Vuntut Gwitchin. They are all to be congratulated for their work. We would not be standing here debating this bill without the efforts of Mr. Cardiff, as I just mentioned, and the contributions of the former Member for Whitehorse Centre, Mr. Todd Hardy. They deserve the credit for putting this item on the public agenda, and it is unfortunate that they are not with us today to see the fruits of their labour.

I also want to thank the officials from the Department of Community Services and the Department of Justice for their work on this bill. Officials provided an excellent and informative briefing on the bill last week, and they answered many of the questions I had regarding this bill.

So, once again, I am just pleased to see this bill going forward and being before us today, and I will definitely be in support of it.

Hon. Mr. Nixon: It gives me great pleasure to have the opportunity to speak to Bill No. 51, *Residential Landlord and Tenant Act*. I'd like to thank the Minister of Community Services for bringing this bill forward. I'd like to thank the departmental staff and stakeholders for their work and their input into this very important matter. I know a lot of hard work has gone into the modernization of this act.

As I read through the act, I reflected on my experience as a business owner in the residential and commercial property management profession as the past president and CEO of Lanix Property Management. I'm pleased to see that the new act provides greater clarity for both the landlord and the tenant. This provides good balance. Having a formal tenancy agreement is an essential component in this legal, binding contract.

I'm pleased to see that this process is being recognized for two reasons: First, it prevents a landlord from adding unreasonable components to a tenancy agreement that may not be recognized in the act; and second, it prevents a tenant from requesting that a component of the act be removed from a tenancy agreement that is recognized in the act. This is better described in section 6(1) and (2), Mr. Speaker.

As I mentioned — which is perhaps the general theme here today — the new act provides greater clarity. Aspects that can be applied to an agreement are things like lawn maintenance and snow removal, for example. This is helpful because a landlord can expect that a tenant can keep the property in good condition and tidy. This is a reasonable expectation. The other essential component to this act is the aspect of the condition report. The condition premise report, as used by my company, was certainly very useful when tenants were both moving in and moving out. It provided an enormous amount of clarity when damage was found, and the report gave the tenant the opportunity to indicate any damage when they were moving in so they wouldn't be held liable for that damage when they were moving out.

A common practice I used in the business was to have the tenant complete the condition premise report prior to moving anything into the apartment, the house, the condo, the commercial space, whatever they were moving into. This practice eliminated the opportunity for the tenant to report damage on the condition report that they may have indeed caused themselves when moving in. The act doesn't clearly indicate when the condition premise report should be completed, but I would recommend from my own experience that it be completed prior to the tenant moving any belongings in.

I can think of one specific case where I took on a tenant-occupied condo for a new client. The client had signed a month-to-month lease with the tenant about a year prior to me taking on the property; however the owner had failed to have a completed and signed condition report on file. When the tenant moved out, they left about \$5,000 worth of damage, including cigarette smoke damage on the walls, cigarette burns in the carpet, window screens torn out and broken shelves in the fridge. Even though it was clear to the owner that the condo was not in that condition at the time of occupancy, a claim against the tenant could not occur because there was no clear evidence indicating what the property condition was at the time of occupancy.

I think it's safe to say that regardless of one's own political affiliation, people don't typically provide rental accommodation for the sake of losing money. There is no investment when you lose \$5,000 a year over something as simple as a condition report not being completed. If there is no investment, then there will be likely no rental space available, period. Section 22, subsections (1) through (6) describes the condition inspection for residential tenancies in greater detail.

During my time in the profession, I highly subscribed to providing clean and tidy properties to tenants at the time of occupancy and setting the expectation that the property would be left by them at the end of the tenancy as it was found at the time of occupancy. I found that nearly all of my clients appreciated this approach and more so appreciated the fact that they were moving into a property that didn't need to be cleaned.

It's good to see that the act stipulates who it does and who it does not apply to. Having exclusions for a living accommodation that is included in a single contract with a business lease, or living accommodations owned or operated by an educational institution, or a living accommodation that is provided by emergency shelter or transitional housing provides greater clarity to both the individual seeking the accommodation or the individual providing that accommodation.

Other areas that I'm pleased to see prescribed in the act for greater clarity are rules about payment and non-payment of rent and things like the protection of a tenant's right to quiet enjoyment of the property. I might add that, as important as it is for the landlord to keep a lucrative investment, it is also important that a tenant enjoy reasonable privacy and freedom from unreasonable disturbance, and that's the component of balance in this act.

When I look through the act in areas such as the landlord's notice for non-payment of rent or the landlord's notice for cause, I see reasonable expectations and clarity in the language.

One of the most difficult things to do as a landlord is having to evict someone from a property because of non-payment of rent or some other sort of substantial breach of contract. In my opinion, the wording and expectations are fair and reasonable and can protect both the landlord and the tenant equally — again, that's balance, Mr. Speaker.

Now what happens when this fails? In section 62, the act speaks to what happens if a tenant does not leave when a tenancy is ended. There is a clear definition of "overholding", which describes a tenant who continues to occupy property after the tenancy has ended. In my five years in the property management business, I only had this happen twice. It's an awful feeling for a landlord because of the fact that they have no idea what's happening to their investment. In my experience, this usually occurs when a tenant becomes frustrated and there is an expectation for a tenant to leave by a specific date. Often there will be another tenant expecting to move in. It's often during this time that a tenant will incur damage to a property in retaliation of being evicted.

That brings me to my next point, the powers of a sheriff. Section 63 states that a sheriff, on receiving a writ of execution for possession, must put the landlord in possession of the rental unit and, for that purpose, the sheriff, deputies and officers of the sheriff may, after reasonable demand for admission, force open the door of the rental unit and, after reasonable demand to vacate, use reasonable force to remove the tenant or other occupant from the rental unit.

The Sheriff's Office is responsible for the enforcement of civil judgments issued by the sheriff, by Yukon courts and the Federal Court of Canada, jury selection, management of judge and jury trials, serving civil documents, and providing security to the law courts and the judiciary. The Sheriff's Office's hours are from 8:00 a.m. to 5:00 p.m. Monday to Friday.

I would like to commend the Sheriff's Office for the good work they do under the Department of Justice. Their duties are broad and they provide a great service to the citizens of Yukon. I sincerely appreciate their attention to detail, their professionalism, and the standards that they work by. As my colleagues will remember, I spoke about the Sheriff's Office in the spring when I tabled the amendments to the *Land Titles Act*.

We also passed some amendments related to the land titles office this spring, as I just mentioned, which will make it easier for developers to bring multi-unit complexes to market. We committed in our Yukon Party platform to modernize the land titles process, and we are well on our way to addressing that commitment. Our Yukon Party government has a strong commitment to facilitating economic development and bringing forward steps to remove barriers to development by improving services for landlords and tenants, as well as in the Land Titles Office.

It's my observation that the Minister of Community Services, in bringing this bill forward, supports our government's consistent message about practising good government; practising open and accountable fiscally responsible government; providing a better quality of life; investing in infrastructure and indeed investing in Yukoners — and I might add the Yukon

Party has proven time and time again that investing in Yukoners is a priority.

The NDP have asked that the *Landlord and Tenant Act* be amended to allow for persons not to be evicted without cause. This notion is flawed in its logic because it would put an equal relationship on an unequal footing. At the present time, a tenant may terminate a tenancy at any time for any reason that they do not need to share with the landlord, as long as they comply with the prescribed period of notice in the tenancy agreement or by default, the *Landlord and Tenant Act*. The government has taken a sensible approach here by enforcing a notice period for tenancy termination, but does not prescribe any requirement for either party to the tenancy agreement to provide reasons.

The fundamental flaw in the NDP logic is that tenants need some special protection against eviction, but not to offer landlords the same protection. This flaw in logic underpins a basic misunderstanding about what an equal relationship under an agreement is. The NDP are attempting to fix a problem of landlords who will evict someone in a tight market. Their logic is that a person who is being evicted because the landlord wishes to raise rents or because they are being vindictive doesn't need to worry about vacancies. It may be true that some landlords may act dishonestly in a tenancy agreement, but it's also true that some tenants will do the same.

So let's look at it logically. In point of fact, there is a cost to the landlord to evict a person, usually in the form of a vacancy; time to fill the vacancy; renovations are generally required at termination such as painting or repairs to damage caused by the previous tenant; or the risk that a new tenant will not pay their rent on time versus the known quantity of the current renter. It is far easier to raise rents regularly and keep rents at around market rates than to try and overcharge and have higher turnover as a result.

This is the basic economics of being a landlord and it works in favour of tenants because it encourages long-term rentals at market rates. The ideal tenant will stay longer and the landlord will raise rents reasonably, according to the consumer price index, to keep up with inflation every year.

Again, something that the NDP have a difficult time comprehending: basic economics. Landlords who keep their rents very high will have a higher vacancy rate. They will also experience problems when the tight market inevitably corrects itself by a rise in vacancy rates, a condition that has not yet manifested itself in the Whitehorse area but, given the large increase in available lots and the increases in multi-family lots put on the market, this correction in the market is inevitable. Any experienced landlord will tell you that any vacancy in a tenancy will result in costs to the landlord that cannot easily be made up. A landlord who raises rents reasonably through the ownership of a property is far more likely to hold on to long-term tenants.

The act as currently written and as I have alluded to has cleared up a lot of issues.

Another example of this is not being clear how damage deposits could be used in the past. This new act substantively clears this up for both the tenant and the landlord.

Another important component to the act is that ability for the director to resolve disputes. It's an access to justice issue because it gives both tenants and landlords an accessible dispute resolution system that, if well-executed, will ensure that frustrations in tenancy can be resolved. The act also separates out commercial rentals from residential rentals, which makes for a much clearer set of processes for these very different kinds of tenancy agreements.

The act represents a good balance that will regulate what is a private transaction between two parties, so that they are both reasonably protected. It does not pursue the flawed policies that skew the relationship too much in favour of either the tenant or the landlord.

I support this bill, and I appreciate the balance that it supports.

Mr. Barr: I would also like to extend great thanks to the late Steve Cardiff and recognize the efforts he put forward in helping this important act, Bill No. 51, *Residential Landlord and Tenant Act*, come forward. I would also like to thank all the people who have worked countless hours to have this come to where we are at today, for the thousands of Yukoners who are tenants and the smaller number who are landlords, to overhaul the applicable law — long overdue. I hope that we can move forward with Yukon's residential tenancy laws to a fair and modern standard for the benefit of both tenants and landlords. It is my pleasure to debate this bill before the House.

The minister's responses during Question Period were disappointing. We were hoping to hear the government's willingness to address what we feel are major gaps in the proposed new act, namely, the lack of rules around the amount of rent increases and eliminating no-cause evictions. In Question Period, she backtracked from government statements in news releases that the proposed act reflected public comments submitted during public consultation. She backtracked by saying, "The act is based on the foundation built by the select committee."

The select committee reported over two years ago and, since that time, the housing crisis has deepened. The minister needs to be reminded that the select committee reported that Yukon's laws should reflect best practices across the nation. This very broad recommendation has not been acted upon. If it was, the proposed act would include rules around price gouging and eliminate no-cause evictions.

The minister keeps talking about balance. What she is really saying is that she doesn't support fairness for renters. The NDP Official Opposition also heard at the public meeting we organized that the bill was generally an improvement. The lack of a process to review rents or ensure fairness of rent increases was a significant concern. We also heard the lack of security of tenure was a big concern. Yukon would be one of the very few Canadian jurisdictions to allow evictions without cause. A majority of public comments to the government's summer consultation said they wanted to see rules on these two issues.

I want to draw attention to one submission, those being the minutes from a public meeting on the *Landlord and Tenant Act* review, held on June 25, 2012, from 2:00 p.m. to 4:30 p.m.

These minutes reflect that attendees wanted to see rent increases not exceed a maximum percentage amount. As it stands, there are no rules to prevent rent from being raised through the roof, and we have heard many stories during the housing crisis of renters receiving notice of a huge increase. It actually started to mount last fall, as I remember walking down Main Street and running into Yukoners who were saying, “What am I going to do? Where am I going to live?” who couldn’t afford, in some instances, from \$800 to \$600. One person, on a fixed income, was saying, “I can’t afford this, and there’s no place for me to go.” That was one of many times — I’d be walking in the grocery store listening to people very concerned that they felt they were being gouged at this time in their lives.

On June 15, 2012, the *Yukon News* ran a story entitled, “Whitehorse ‘slums’ raise rent”. In this story, a tenant in the Skyline Apartments had repeatedly asked for repairs. Instead of getting the repairs she wanted, she was faced with a rent increase of 20 percent.

In the *Yukon News* story, “Rents ratchet up”, dated June 8, 2012, a tenant received a 75-percent rent increase.

In another *Yukon News* story — “Rents ratchet up”, April 27, 2012 — the story notes that Yukon rental rates are on the rise and that the median monthly rent for Whitehorse in March hit an all-time high of \$825 according to the Yukon Bureau of Statistics. This is an overall increase of 6.5 percent from March 2011, when it was \$775 a month. To demonstrate what has happened in just the last two years, one just needs to look at the average median rent in 2003. It was \$650 per month. That works out to a 19-percent increase over seven years. That is roughly a two-percent increase each year, as opposed to the dramatic increases we are seeing now in the very tight rental market.

On May 28, 2012, in another story that the *Yukon News* ran — “Chamber calls for housing action” — the chamber of commerce expressed concerns over rents and the lack of affordable housing in Whitehorse. Another *Yukon News* story — “Renting takes its toll”, August 26, 2011 — looked at the hardship that tenants are facing with uncontrolled rent increases. These hardships include being forced from their homes by rent increases and having to make hard decisions about what bills and food costs to pay when the rent begins to eat up so much of their income.

This is the consequence of a lack of vacancies, a lack of fair rules and a lack of affordable housing. Other jurisdictions have rules to prevent this price gouging. Other jurisdictions have regulations enabling an annual rent increase. In British Columbia, a landlord may impose a rent increase only up to the amount calculated in accordance with the regulations. The B.C. annual rent increase takes the 12-month average percent change in the all items consumer price index for British Columbia ending in the July that is most recently available for the calendar year for which a rent increase takes effect, then adds two per-

cent. So the increase is the percentage amount that equals the inflation rate plus two percent.

They also have provisions for additional rental increases should the landlord do significant work or the rent is out of step with average rents in the area. The B.C. additional rent increases state: “23(1) A landlord may apply under section 43 (3) of the Act [additional rent increase] if one or more of the following apply:

“(a) after the rent increase allowed under section 22, the rent for the rental unit is significantly lower than the rent payable for other rental units that are similar to, and in the same geographic area as, the rental unit;

“(b) the landlord has completed significant repairs or renovations to the residential property in which the rental unit is located that (i) could not have been foreseen under reasonable circumstances, and (ii) would not recur within a time period that is reasonable for the repair or renovation;

“(c) the landlord has incurred a financial loss from an extraordinary increase in the operating expenses of the residential property;

“(d) the landlord, acting reasonably, has incurred a financial loss for the financing costs of purchasing the residential property, if the financing costs could not have been foreseen under reasonable circumstances;

“(e) the landlord, as a tenant, has received an additional rent increase under the section for the same rental unit.”

We will be proposing an amendment that enables Yukon to make similar provisions, that enables landlords to receive a fair return on their investment, that lets them raise the rent, but that does so in a fair, orderly fashion that prevents price gouging.

I would like to take some time to just read some of the comments regarding rent increases. We heard the minister state in his introduction in this Bill No. 51 that it is to reflect the comments of the people.

Comments include the following: Should be limited to a low fixed percent rate increase once a year; limited to a percentage — example, two percent or five percent. There also needs to be a percent maximum that rent can increase in a year. Rent increases should be once a year and, yes, three months’ notice is good. I think there should also be a limit to what the rent can be increased to. It should work like interest rates. There should also be a territorial appraiser; this way people can’t charge so much for substandard places. If major upgrades are done mid-year the landlord has to be able to increase rent. If not, you’ll have more buildings in declining condition as no maintenance and upgrades are carried out. There should be a Yukon rent board. Yes, rental increases limited to once a year with three months’ notice.

There should be a ceiling on the amount of rent that can be charged overall for a rental unit and a maximum percentage of what a rent increase can be per year. I think that a dollar a square foot should be a maximum rental ceiling for a residential unit, and the percentage of increase should be based on a vacancy rate with a maximum increase at the ceiling of one dollar a square foot. When the maximum rental ceiling is reached for a unit, then no further increases should be allowed. If there are increased costs — for example, for water or gar-

bage removal — the landlord could apply to the neutral board for an increase, and the board could then get input from both the landlord and the tenant regarding the requested increase.

There should be rent controls so that landlords can't raise rents 20 percent to 50 percent. I have seen this happen too many times. It should be against the law. People have no choices to find other places to live.

Again, a look at another situation — a person whose name has been out here. Her rent went up twice within 12 months and there was no reason for the increase in rent. General maintenance in common areas were not even being kept up. Once a year can allow people to adjust their budgets and their income accordingly. There should be a cap on the increase — for example, 10 percent.

Number 21 — put a limit on rental increase. If not, a landlord could use exorbitant raises to rent as a means to evict a tenant. Limit increase to the cost of living index, but no more than five percent per year — definitely, once a year should be the maximum. A percentage cap on increases should be instituted — yes, and only a small percentage. The limit in Montreal is five percent. The percentage of increases needs to be tied to the rental vacancy rate — yes, but there has to be a ceiling on how much rental units can go up. Once again, there needs to be a cap on rent increase.

Three months' notice should be maintained. A percentage minimum should be in place and a ceiling for increases — yes, rents are crazy around here. I realize the government can't easily legislate prices, but they should have a hand in making sure people are not being gouged. There should also be a limit on the percentage by which the rent can be increased.

Another person says, "But only in the amount of inflation for that year." Another says, "And within reasonable limits — rent shouldn't double simply because someone moved out." I have a few more: "Need to have increase justified, like renovations, et cetera, because right now you can have a \$100 increase with no reason. Quebec has a very standardized rent increase system." Another: "Redo — need rent controls". These are what people have written that I'm reading. "No point in controlling this unless you control the amount of the increase". "Three months' notice is fair. There should also be a stipulated maximum percentage increase — for example, no more than 10 percent or something like that." "Also include a provision on maximum percentage of rent increases per year. Ontario legislates a maximum 2.5 percent per year or more, if landlord and tenant agree, and if it is for an increased service or capital project." "Research effective models of rent controls."

I have more — and these are Yukoners' comments.

I have five minutes. Well, I'll pass a few of these on to my colleague after I get through some more: Just after one year, landlords should file increases with the landlord and tenant office and justify the increase based on increases in expenses. The needed maximum rent increase is tied to inflation as well — \$400-plus a month rent increases are criminal. This person says that they are capped at a fixed percentage. The next person says this is crazy, once a year limit — how much? If they use that once a year to jump the rent \$500 a month, once a year is an encouragement to jack those rents as high as you can. You

are wrong about most jurisdictions — do not allow rent increases in the first year of tenancy and allow only one rent increase per year. In most jurisdictions, the landlord justifies his request for increases and the amount of the increase is an application to the board. Greed is king, and in the Yukon with the mass rental arena, a captive audience has nowhere else to go. On landlords renting anything with 10 or more units, ask for justification. I want to see a panel.

There are more. I do agree that in an altruistic world we wouldn't need to have any increases. With fair, responsive landlords and tenants, when it's fair, it's fair. But what we're speaking to is that this is not always the case. In all fairness, I'm certain that landlords who have these capital expenditures and who know they are putting out this money — it's not unreasonable and to be able to have the opportunity to do so in these cases to rent beyond two percent or a fixed cap is part of this act that we look forward to amending. It would allow people not to be gouged and would ensure that eviction without cause or reason could be eliminated.

I would like to hear more and I look forward to line-by-line when we are in Committee of the Whole to be able to explore some of these comments and listen to what everyone else has to say as we move forward.

Hon. Mr. Dixon: Thanks to members for their comments today in second reading on this bill that's before the House to effectively repeal the old *Landlord and Tenant Act* and replace it with a much more modern piece of legislation. I would of course like to commend the Minister of Community Services for her leadership on this particular file. When it comes to modernizing fairly archaic pieces of legislation, we have a lot of work to do in this territory, but this is an excellent step forward.

What I think it speaks to is the importance of housing and taking action across the housing spectrum to benefit Yukoners; not just individual Yukoners but the entire territory, as well as our economy. As we know, it's integral to have a certain supply of housing to allow for growth of our territory and its economy.

Housing was a fairly substantial issue in last year's election in which all members of this House were a part. It was during the election that we unveiled our platform, which included a number of initiatives that we had planned to address that challenge.

Of course, this is one of those initiatives: the *Residential Landlord and Tenant Act* that's before the House currently, but it's one of many that we proposed in our platform in 2011.

If I could, I would like to speak a little bit about this act, how it fits into our overarching plans for addressing challenges of housing in the territory and a little bit about some of what we have heard today.

I'll start by noting some of the excellent commitments that were made last year. We committed to invest in second-stage housing for Kaushee's Place in Whitehorse. We committed to implementing a comprehensive strategy to address the housing needs of Yukoners, including working with an NGO to establish a youth centre in downtown Whitehorse; working with the

Salvation Army to expand or replace their facilities in Whitehorse; ensuring further housing options are made available to those in most need, such as seniors and persons with disabilities throughout the territory.

We committed to implement the recommendations of the Select Committee on the *Landlord and Tenant Act* to modernize legislation, which is precisely what we're discussing today, and we committed to working with First Nations to make their land available for residential development.

We also committed, very importantly, to modernizing legislation related to the land titles process to utilize technology and improve the timelines of transferring land titles. I will shortly speak to that initiative that is undergoing already under the stewardship of the Minister of Justice.

Of course, we committed to work with municipal governments to make land available. We committed to work with the City of Whitehorse to ensure the provision of the land protocol that requires a constant supply of residential lots. We also committed to work with NGOs to provide seniors housing and assisted living facilities.

I think it's worth looking back at how much we have been able to do in such a short period of time. Certainly, the *Residential Landlord and Tenant Act* that's before the House currently is certainly an example of that. A lot of work goes into drafting legislation and for such a fairly comprehensive overview that was done in this case, I have to admit I am amazed by the ability of the Department of Community Services and the staff therein to do such work in such a period of time. It's fairly remarkable that they were able to do this work and have it before this House for this fall sitting.

I'd certainly like to commend the staff who worked on this bill in the Department of Community Services, under the leadership of the Minister of Community Services.

Since taking office, we have taken a number of other steps toward meeting the goal of implementing our platform and some of the commitments I just mentioned. I would like to mention a few of those. I think, in a general sense, they fall under sort of three categories. There are bricks and mortar initiatives, where government actually, in some cases, builds or helps to build or finances a building of actual facilities. There are policy and programming initiatives that can be undertaken by government, and then, of course, there are legislative initiatives, and this is most certainly an example of that — that third category. In terms of making housing available for Yukoners, an important aspect of that is making land available for housing, and making land available for Yukoners to have access to. On that subject, we have had a considerable amount of success. The Minister of Community Services this year opened up a number of available lots in the new Whistle Bend area in Whitehorse.

Over the last few years, closer to home for me but in the riding of the MLA for Whitehorse West and the Minister of Community Services, the Ingram area has seen considerable development and an increase in the supply of housing in that area.

The Yukon government is working to bring forward more than 300 developed residential lots in Yukon between now and

the end of 2013. That's again an excellent collaboration between the ministers of Energy, Mines and Resources and Community Services and the City of Whitehorse. As I alluded to earlier, it's worth noting that Yukoners are again able to purchase lots over the counter, which is a substantial step forward from where we've been over the past few years.

On the legislative front, we have the *Residential Landlord and Tenant Act* before us today, but the Minister of Justice is continuing to undertake a comprehensive modernization of the land titles process to allow the transfer of land titles from individuals to each other. An internal review was completed and immediate solutions were implemented to increase the level of service. That's work that is ongoing already.

Of course, more work is going to be underway to examine and improve all aspects of the land titles regime. That's a very important aspect of our economy in the territory. When we conducted our study of the knowledge sector earlier this year in collaboration with CanNor, the Yukon College and the Department of Economic Development, there were a number of interesting observations that were made. One of them was that an effective land titles regime is really the grease that allows the engine of the real estate economy to function. That is a pretty good comment; I think that's a very relevant one and I'm very thankful to the author of the knowledge sector study, who is a constituent of mine, for that quote. But the work being done under the stewardship of the Minister of Justice on that front is exactly what we need to ensure a well-functioning real estate economy in the territory. I think that on the rental side, this *Residential Landlord and Tenant Act* will provide a very similar function for that sector of the economy.

Now, as we know the real estate industry is a fairly prominent one in the territory and an important aspect of our economy. One of the ways that we can judge its success is looking at some of the statistics around it. As we know, the Yukon Bureau of Statistics first undertook the Yukon real estate survey in 1977 and since then it has been one that we can look to and get a sense of what kind of value and type of real estate transactions are going on in the territory. The survey is a census of all real estate transactions occurring anywhere in Yukon with the exception of not-at-arm's length transactions — those that do not reflect open market values.

All single and multiple residential property transactions, as well as commercial and industrial property sales, are included in the survey. The most recent that I'm aware of is of course the second quarter of 2012, which was published fairly recently. It notes that there was \$94.7 million in real estate transactions in Yukon in the second quarter of 2012, which is April, May and June, which was a record high for any quarter on record.

Condo sales reached a record high of 80 transactions. That's evidence of a robust industry and one that has substantial potential for continued growth. The Yukon Bureau of Statistics also reported there were 11 sales of industrial properties, totalling \$3.65 million, in the second quarter of 2012, and there were 215 total real estate transactions in Whitehorse in the second quarter of 2012. This was the highest in any quarter since the third quarter of 2004, when there were 283 transactions.

Over the past five years, the second quarter average number of total sales was 166. I think those statistics give us a bit of a snapshot of that industry. I'm sure that will improve as we continue to make improvements to the land titles regime in the territory. As I said before, quoting the author of the knowledge sector study, an effective land titles regime is the grease of the real estate economy.

In terms of some of the more bricks-and-mortar style accomplishments in housing, Yukon Housing Corporation and the federal government are funding a new building for the Options for Independence Society to provide safe, affordable housing and support services for vulnerable and often homeless Yukoners.

The expansion will provide 14 new housing units for clients living with fetal alcohol syndrome and fetal alcohol spectrum disorder in Whitehorse. Also, construction is underway on a new 10-unit, second-stage housing facility for women and children fleeing abuse. It's an example of a unique partnership between the Yukon government and the Yukon Women's Transition Home Society. Betty's Haven will offer supportive, secure and affordable housing for 12 to 18 months.

Earlier this year, the Minister of Health and Social Services announced that, in partnership with the Skookum Jim Friendship Centre, a new emergency youth shelter is opening in downtown Whitehorse in a larger location that is more suitable for youth. Skookum Jim Friendship Centre will provide the shelter services while continuing to provide its youth outreach program. So that was a very substantial and important announcement made by the Minister of Health and Social Services earlier this year.

The government continues to provide support for single-parent families. There was a coordinator position at the 32-unit Whitehorse affordable housing complex in Riverdale that will continue to provide direct programming and services for tenants after a successful term as a pilot project.

So I know that was an important initiative undertaken by this government, and I'm happy to say that I'm very supportive of it. Of course, we heard the announcement from the minister responsible for Yukon Housing Corporation that he's pursuing a program aimed at providing assistance, at least, for low- to moderate-income Yukoners to attain home ownership. Of course, those kinds of initiatives not only provide support to those low- to moderate-income Yukoners, but it also gets them into home ownership, which, of course, further supports, as I noted earlier, the real estate industry. It's hoped that program will recognize the unique circumstances in Yukon and employ best practices from other jurisdictions. I'd like to commend, of course, the minister responsible for Yukon Housing Corporation on the work he's doing there. I look forward to seeing what he and staff at the Yukon Housing Corporation are able to come up with for that kind of programming.

Of course, earlier today, the minister tabled the stakeholders presentation for the Yukon Housing Corporation's draft strategic plan.

I know that in that presentation there are a number of other initiatives that are considered.

So, as you can see there are a number of initiatives that have been undertaken already by this government in the bricks and mortar, the programming and policy, and a legislative front. Of course, I would be remiss if I didn't point out and appreciate the successes that we've been able to have so far. As the minister noted, he has had a number of accolades on his work so far, including from an NDP MP from Quebec, who of course, noted that he has shown great leadership in the area of housing: "In the last few years, your territory has implemented many initiatives to help combat problems in the housing sector." So you can see that across the political spectrum, the minister and this government are receiving accolades for the excellent work that has been done to date and a number of the initiatives that have been undertaken by this government.

I would note that in the response to the letter, the minister responsible for the Yukon Housing Corporation noted that our approach has been one of open discussion and understanding with both the Government of Canada and our provincial and territorial colleagues. Through this approach, we have been able to secure and utilize funding programs to address the housing needs of Yukoners. The Government of Yukon will continue to take a proactive approach based on dialogue and open communication.

I'd like to again commend that minister for his work, as well as turning back specifically to this piece of legislation. I look forward to hearing debates in Committee of the Whole. I do have to respond to some of what I've heard today and I'll do so in very short order, because I know my time is elapsing quickly. I would note a few of the comments from the NDP on this bill. On November 9 this year, the *Whitehorse Star* ran an article that quotes the Member for Takhini-Kopper King calling the new *Residential Landlord and Tenant Act* "110 percent better" than the current legislation dating back to the 1950s." To further quote that member: "People are really happy."

As you can see, not only Yukoners but people across Canada are recognizing and appreciating the significant work that's being done by this government. Even in Question Period in this Legislature, we've heard accolades to the government and to the Minister of Community Services from the Member for Mount Lorne-Southern Lakes.

I will quote him again on November 8 in Question Period: "The people in attendance — tenants and landlords, including representatives of a First Nation housing department — said there are many good things in the act. We agree. It is a major improvement over the current act." Again, I'd like to thank that member for his support as well, but I have to admit that I am a little concerned hearing some of the comments from those members flopping back to another side where they say they want to amend the act to include rental controls, which is a disturbing thought. As we've seen around the world, rent controls have had a deleterious effect on housing supply, housing quality and housing condition. It is basically a regressive policy that has been proven throughout the world to be ineffective. Rent controls — whether in post-war England or New York or closer to home here in Canada — have been remarkably unsuccessful.

I would note that a very similar condition when it comes to our housing market exists in Saskatchewan and initiatives have been raised by the opposition there — the NDP — to implement rent control and of course the government and the Chamber of Commerce there have been united in rejecting those calls.

I will quote from the Saskatchewan Chamber of Commerce: “Rent control has a long history in Saskatchewan and Canada. During this time it has been shown to decrease the supply of new housing, discourage the maintenance of existing housing and increase government bureaucracy. Modern rent control has been ineffective at significantly limiting the cost of rent below market value and/or establishing more affordable housing.”

So, Mr. Speaker, if the members intend to provide an amendment to this bill that smacks of rent control, I’ll be forced to vote against it, unfortunately. Once again, I would like to commend the Minister of Community Services for her work and commend this bill to the House.

Ms. Hanson: Mr. Speaker, I rise to speak to this bill. As my colleagues have already expressed, the Official Opposition finds much in the bill that we can and do support. I also come at this from the perspective, as have several members opposite and the experience of one of my colleagues here — from having had the experience of being a renter, a landlord, a homeowner and back now into the experience of moving into my riding and being a renter. I can tell you, Mr. Speaker, that it is a daunting challenge in the City of Whitehorse to find reasonable, quality rental accommodation. I had the experience, as do many in this Chamber, of being in different phases of our lives of having the experience of being either the homeowner or landlord and a renter.

I just wanted to make a comment. I find it disturbing and uncomfortable to hear the blatantly negative and partisan remarks that are being made with respect to the position of the NDP somehow as being against this bill. What the NDP has attempted to do in this debate is to raise the voices of Yukoners, and I would point out to the Member for Copperbelt that it was not as a result of a Yukon Party platform that their *Landlord and Tenant Act* came to be reviewed. It was nice to see the Yukon Party finally making a commitment to this in their platform, but it really debases the very fact that this legislation came to this Legislative Assembly as a result of the unanimous consent of this Legislative Assembly. That means that all parties recognized the absolute need for a unanimous and non-partisan appreciation of the fact that both landlords and tenants were dealing with an antiquated piece of legislation.

When we say that it’s 110 percent better than it was, that’s scant praise. Members opposite have recognized that it was a very poor piece of legislation, which protected neither the interest of landlords nor the interest of tenants.

There are partisan digs at the NDP that are attempted by quoting from a member of the Official Opposition in Ottawa’s letter to the minister responsible for the Yukon Housing Corporation. Quite frankly, I applaud that member for making those comments. What she was saying when she wrote to the minis-

ter responsible for housing in the Yukon is recognition that there has been a significant amount of work done. What he conveniently leaves out and what we have been calling this government to be held to account for is the fact that they will not and have not supported the development of a Yukon housing strategy. In fact, Madame Morin was seeking the minister’s support for Bill C-400, which is to develop a national housing strategy.

I applaud Ms. Morin in her positive comments toward the minister and toward the efforts of this government, but they are not enough. We know that, because we are living with the reality today.

When we raise the issues that we do when we talk about the potential of taking an incredibly good start in terms of the work that has been done to date to improve and when we make suggestions about improving the legislation that’s before us, we’re doing this not because it’s NDP logic, as the Minister of Justice would suggest in his attempt to deride the comments made by us. These are concerns brought forward to us and to this Legislative Assembly by citizens. One of the citizen groups that spoke most strongly about a couple of these areas that we feel so strongly about was the Yukon Anti-Poverty Coalition. When we talk about eviction, the Anti-Poverty Coalition said in their submission — and I think their voice needs to be heard because somehow it’s getting lost here — that termination of a tenancy by eviction is the biggest fear or risk for tenants.

The Anti-Poverty Coalition used a reasonable approach in their attempt to get their voices heard. The Anti-Poverty Coalition is an umbrella organization of many non-government organizations and many individuals who are committed to social justice and economic justice in this territory, and who have, over the years, worked tirelessly to come up with housing options, including rental options, for Yukoners.

The Anti-Poverty Coalition was clear that eviction without cause is not acceptable. Eviction with spurious cause is equally unacceptable. They did say that the cause must be substantive, and they gave some examples. You don’t see that reflected here. Perhaps the members opposite, inoculated as they are by their locked doors, don’t get people coming to their doors, walking into their offices and saying, “Help, I’ve just been evicted without cause.” When you pry back into the story, there’s validity to too many of these stories. Because they have to get past that door, perhaps they don’t get the individuals coming in or phoning in desperation because they live in Copper Ridge and their rent has just been doubled. So they find another accommodation in Riverdale. When they get there, with their little kids in tow, the place is covered in black mould. They’re told by the landlord, “Too bad, so sad. Take me to court.”

Mr. Speaker, these are unacceptable conditions to be putting young families — working families — in and those are the experiences of people coming into our offices weekly. When we raise these concerns about eviction without cause, we’re reflecting the voices of Yukoners. These are not partisan NDP positions. These are based on the experiences of our friends, your friends, your neighbours, and they should be taken seriously, and they should not be ridiculed.

As the Anti-Poverty Coalition said, “Landlords should certainly have the right to evict tenants for reasons...but the Act should clearly stipulate a requirement...” when they’re going to evict people. Their “...basic point...” was “...that cause must be spelled out in order to offer clarity to the tenant and the landlord. There must also be due process laid out in the legislation that the landlord or the tenant can follow.”

If the process is not followed, there must also be repercussions laid out in the legislation so that every party is clear on their rights and responsibilities. Nobody is saying that all tenants are saints or that all landlords are victims — that’s not what we’re saying. We’re saying that there needs to be balance. That’s what Yukoners have said over the course of the last three or four years as they have waited for this legislation — waited patiently for this legislation. We’re not suggesting delays. What we are suggesting is that there are reasonable accommodations to be made and reasonable amendments that could be considered by this Legislature that should be considered.

The other area in which we have raised some concerns — and we’ve cited numerous examples of people who put in their comments, as they were asked to by the government, in terms of the open consultation this summer — the on-line consultation. They submitted their comments in good faith, thinking that they would be taken into consideration — that, in fact, there should be some way of addressing the whole issue of how rent increases are managed. The Minister of Environment has jumped to the conclusion that rent controls are what we’re suggesting. That’s not what we’re prescribing; that’s not what we have suggested. What we have suggested is that there needs to be a reason, a rationale, and an ability to avoid price gouging.

When we see — as we have seen in this city — people’s rents doubled, there is something wrong with the system that allows that. You need to have a creative mind, and if you only have one thing in your head that you call “rent control”, that’s unfortunate. There are other approaches and there are other approaches that work in other jurisdictions. I’m hopeful the minds and the will and spirit of this Legislative Assembly, which three years ago this month agreed by unanimous consent to deal with this pressing issue of renewing the landlord and tenant legislation in this territory, will have the creativity to actually look at these remaining few issues.

I’m not going to go on at length. We’ve made it clear that we think this is a good piece of legislation. It has many things we do support, but there are several areas in which we do wish to engage in constructive dialogue in terms of seeking the amendments that will achieve the kind of equity and balance that is so important for all involved in this dialogue between landlords and tenants. Both need to be protected.

There’s one important area I wanted to point out in terms of one I think that is significantly important, and it’s the importance of the application of this legislation to the kinds of accommodation that the most marginalized and the lowest income people in this territory face, and that’s those people who are forced to live in hotel accommodations.

Now, the Minister of Health and Social Services has walked with me and seen the conditions that some of those are

in when we have people living in basement suites — that we as taxpayers pay \$800 or \$900 a month for, without windows — that’s substandard housing; that’s substandard accommodation. I’m pleased that this legislation will now apply to those forms of accommodation and that we can then begin to look at the kinds of conditions we expect our fellow citizens to live in.

So there is much to be recognized in terms of the achievement that has been made in bringing forward this legislation, and we believe that there is positive room for some positive amendments that will make this legislation the best piece of legislation. As Yukoners, and as the Yukon Legislative Assembly, we desire to serve Yukon citizens no less than the best that’s possible. We do not need to be at the middle or the bottom of the pack when it comes to the kind of legislation that will ensure that Yukoners have safe accommodation and that landlords are also treated equitably.

Hon. Mr. Graham: I was really pleased to hear the Leader of the Official Opposition speak about balance, because it was one of the things I noticed throughout everyone else’s speaking points on this side of the House and how balance was so important in this piece of legislation. The fact that we’re conferring rights on landlords brings with it certain responsibilities for those landlords, in the same way we’re conferring rights on tenants — it also confers these responsibilities on tenants. I think that’s something that we shouldn’t lose sight of here: that with these rights come certain responsibilities.

I’m really happy to see that the legislation was written in plain language, as most of the other members have stated here, because without that I don’t really understand it that well. I think one of the most important things that was said during any of the speeches that I’ve heard here today was a point made by the Minister of Community Services, and it was that one of the principles here was to foster a healthy private rental market that protects the interest of both tenants and landlords.

That’s a very important principle because, as I’ve said in previous debates in the Legislature, the Yukon right now spends approximately 10 percent of our budget each year on social housing. Other provinces across this country spend roughly .07 percent. We’re spending 70 percent more, or 70 times more, on social housing than other provinces across this country, and that’s simply not sustainable, especially in the long term. It’s absolutely vital that the private market and private businesses remain healthy and involved in the rental market, if we hope to see it continue in a healthy state.

One of the things I haven’t heard anybody else say here today was thank you to the City of Whitehorse for some of the things they’ve done to increase the supply of rental accommodations here in the city. Zoning has been changed to allow more rental units in private homes across the city.

Planning in many cases has increased the number of multiple unit lots and they’ve increased the number of lots across the city, but more importantly it’s something that we never saw before where the city opened lots that were set specifically for duplexes, triplexes — four and even eight in some instances. They have done a lot. They also did it while I was there as well, so I’m going to take some credit for it. We also included things

like granny suites. That was something that wasn't included previously and it is something that really helped the rental situation in the city. As well, tiny homes were defined and allowed in certain parts in the city. I think those kinds of things really increase the rental supply in the city, but not only that, they brought in a whole host of new landlords. In my experience going through this legislation they brought in a whole host of new landlords who weren't involved in the preparation of this legislation and that to me was really important — it's really unfortunate that they weren't involved, because I think their input would have been very important.

Again I speak about balance, and I almost thought a number of us had co-written these speeches because I've heard many members here talk about balance and how important it is that both landlord and tenant respect and agree on the condition of the rental housing unit before signing their agreement. That's something that has never occurred before and I think that's very important. They will then have to do another inspection at the end of the tenancy agreement to once again determine, in tandem, the condition of the unit and, if damages have occurred, how it will be compensated.

I also see that security deposits are clarified and I think that's very important. Tenants will also be able to collect interest on those security deposits now, and that was very good. It's also important that no longer will first and last month's rent be required when you first move into a unit. That was one thing that was a real detriment to people taking rental housing when they had to pay the first month, the last month and the damage deposit all at one. It was really difficult for them to come up with that amount of money all at the same time.

Again, a balance is what I'm talking about. Interestingly enough, when I listen to the Member for Takhini-Kopper King, she commented on the fact that only 38 percent of the respondents agreed that one month was sufficient time for a person to be evicted from their rental accommodation. But I think that it's important that 55 percent agreed that two months would be okay. That's what the term was set at: two months' notice. And yet, to end a tenancy, 88 percent of the people in that group agreed that one month was perfectly acceptable and no cause was needed for a tenant to end the rental agreement. So again, balance. You need that balance. If it's good for one, it should be good for the other.

To me, having a tenant evicted without cause is a bit of a red herring, because if somebody wants to evict a person badly enough, they'll come up with a reason. The fact that the time was extended from one month to two months was a positive thing, to my mind.

I just thought it was interesting to see the difference in numbers and it was very interesting to me to note that probably the vast majority of these people were renters. We weren't hearing from that huge group of people out there who are living in their home with maybe a little apartment downstairs or a granny suite on the side.

I think it's very important that I say at this time that the minister deserves a great deal of credit for maintaining that balance, especially when it comes to the issue I was just talking about. The legislation is also very well balanced in the area of

condo conversion and mobile home changes by requiring the time frames to be extended to six months and 18 months. I think those time frames for notice are reasonable and fair under the circumstances.

I also liked the idea of the residential tenancy office. By administering the legislation, they'll be able to provide information on the rights and responsibilities of both landlords and tenants. They'll be able to provide that advice and support to all their clients. Again, I emphasize both landlords and tenants will be able to take advantage of that advice, but more importantly they'll be able to hear and settle disputes. It's very important that they are able to make binding decisions and orders on both parties. It's also really important that the only things that will be able to be taken to the Supreme Court are errors in law, not the amount of compensation or the order itself. That won't be able to be taken to court; those things will be set. The only thing that will be taken are errors in law. That's kind of important to the whole process.

As I sat and listened to the members' opposite suggestions for change to the bill, I was struck, and that was why I was very happy to hear the Leader of the Official Opposition mention landlords a couple times as well. I felt that there was a certain slant being proposed by some members opposite and that slant was to only deal with tenants. That's why I keep reiterating how important balance is — balance between landlords and tenants. I'll be really interested to see the recommendations come down during Committee of the Whole and be able to discuss some of those recommendations because, like my friend behind me here, I don't agree with rent controls. If the members have alternatives to rent controls, I'll be interested to hear about them, but rent controls themselves have proven over and over and over again they don't work.

I was also interested in hearing that only the landlords who were gouging and who provided unsuitable housing didn't meet minimum standards and things like that. We never heard once from any of the members about tenants who destroy property; tenants who have loud parties; tenants who do a myriad of other things — and that actually happens. I was going to say that I have never been a landlord so I wouldn't know what it's like to come home to a property that I own that was destroyed, but that wouldn't be exactly true because I am a landlord. My mother has lived with me for 15 years in an apartment. I don't think she has squawked once about the rent that I've charged her in those 15 years. I know I haven't given her 24-hours notice ever when I go down to visit her, so I'm going to have to change my habits in the coming months once this legislation is passed.

It was an interesting comment. Over and over we hear about the gouging landlords, about the terrible landlords, and we don't hear about the tenants who are difficult to landlords too. What is the response if those tenants are doing all of those things that they do? Landlords really don't have any alternative except to evict. It is unfortunate but that sometimes does happen.

In closing, I believe that this is a good act. It's not perfect. We're seldom in that position where we bring in perfect acts, but I think it's a good act. I think there are some other things

we'll be able to do in regulation — one of which is the minimum standards for rental accommodation. We've had discussions with Health and Social Services and Community Services on that issue because the Health and Social Services department through our legislation will probably have to enforce any regulations that are brought in which will determine what minimum standards will be.

I was glad to hear the Leader of the Official Opposition talk about long-term stays, hotels, and motels because that was also a great concern of mine. I brought that forward to the minister and, to her credit, she made sure that when the legislation was brought in, we would be able to deal with long-term stay hotels and motels as if they were rental accommodations; they would not be excluded. That will be done through regulation. I have the minister's assurance that those regulations will be brought forward and discussed thoroughly in a public setting before we implement them. With those assurances from the minister and with the act here in front of us, I think it's a fairly good act. It has my support. It will treat tenants and landlords equally, and I think that in most cases that's more than an adequate statement in itself.

I thought it was interesting that the Member for Southern Lakes said that it doesn't follow Canadian best practices. Well, Mr. Speaker, I'm here to tell you that it does. There may be one or two things that the opposition would like to have in it that have been left out, but other than that, this follows Canadian best practices. I think it's an excellent job, an excellent compromise and an excellent balance done by the Minister of Community Services and I commend her for that.

Ms. Stick: I thank everyone for their comments today. I think the select committee that brought this and the recommendations forward did a really good job at looking at the whole of the old, outdated and wordy act. I congratulate the staff who have worked on this new one. I support this act; I do have concerns in some areas.

I think I'll first talk about Riverdale South. It is quite a mix of people who are living in the homes they built 30 or 35 years ago and who are still in the same home. So we have that group of people. There are five different apartment complexes, for a total of nine apartment buildings in Riverdale South. They range from lovely accommodations and landlords who care and work hard to maintain their buildings and have good tenants, to the other extreme, where I wouldn't want anyone I know to live. It's interesting the minister across the way brought up how there are bad tenants.

I think it's actually some kind of relationship, where really bad housing brings really bad tenants, whereas if you provide a nice place and take care of and treat your tenants well and make it a secure place, you're going to attract good tenants.

I see some of the places that are below standard. You just look and you know. You can smell it. You can see it. It's in the hallways. It's in the insecure doors. Part of that is because landlords don't care. They might not be caring who they rent to, either. But I also see young families struggling in those same buildings. I see seniors trying to live in those buildings and trying to maintain some kind of dignity in a place that really

does not afford that, while paying huge amounts of rent — ridiculous amounts of rent.

So I know there are bad tenants. I've met them when I've gone door to door. I know they're not the greatest. There are good tenants, too. It's the same for landlords. There are good landlords.

Some Hon. Member: (Inaudible)

Ms. Stick: What did I say there?

Speaker's statement

Speaker: Order. Direct your comments to and through the Chair please.

Ms. Stick: Sorry. There are bad tenants. There are good tenants. There are bad landlords. There are good landlords.

I've also seen in our area — my riding — a lot of condo development. We have Sternwheeler Village, which was recently sold and is being condo-ized. That's 60 family rental units that are now for sale and a lot of people are feeling very fragile and on edge as to where they will move to. Lewes Village that at one time was all rentals is now condos and that took place quite awhile ago, when there were vacancy rates in the Yukon, in Whitehorse.

We've got suites in private homes; we have garden suites; we have people renting rooms in their homes to individuals. There is quite the gamut — quite the cross-section. The minister responsible for Yukon Housing Corporation mentioned the single-parent family Whitehorse housing units — a welcome addition to our neighbourhood. I appreciate the fact that Whitehorse Housing has had the foresight to hire someone to work with that group of families to look at their housing situation; to come together as a community; to look at their landscaping, their playgrounds; how to be good neighbours and how to be good tenants.

I think there is something to be said for a program or a staff position that works with people on becoming good tenants. I think Blood Ties has offered a pilot program along those lines, and I think that's a good thing because sometimes people going out on their own for the first time don't understand the rules and don't understand what their rights are. I think this new legislation certainly addresses the rights and the responsibilities of landlords and tenants, and it's very clear, and that only has to be a good thing and helpful to all people.

I too am concerned about the no-cause eviction section. We talked about balance in this act, but you can't deny that the landlord and tenant relationship is not an equal one because the landlord ultimately — if they were to give eviction without notice — can put people at risk of homelessness, especially in this time when there are just so few rental units available. It is a fear that people have. They do not feel secure in their home. It's where they live — it is their home.

It's an inherent imbalance. Someone does have more power in this relationship and, you know, we've talked about this in the House that housing has been recognized as a human right. So maybe instead of saying that we get rid of — I heard the Minister of Justice say that, well, tenants don't have to give a reason, so let's put it in that way then. Tenants have to give a

reason why they're leaving and landlords have to give a reason why they're being evicted, if you want. It's just an option; I'm just thinking outside the box. You know, people have legitimate reasons for leaving, and they give notice: I'm moving; I bought a house; I've got a better apartment; I'm getting married — who knows. It's just a different way of looking at it, if you want that balance. It's just a suggestion.

I'm very pleased about the minimum rental standards because I've seen substandard and it's sad that people have to live in those kinds of situations and pay for it. I'm really happy about security deposits and damage deposits and that those are clarified and that there's a way that it just doesn't automatically go, for some landlords, into their pocket.

Too many times I've had people come and say that they cleaned it. The carpet needs cleaning, but they have lived there for three years. Or they say: "The landlord's told me it needs a paint job, so I have to pay for it because I've lived there for this long." Therefore, they don't get their last month's back, they don't get their security back, or they don't get any of it back. Too often, I've heard of people having to pay first and last month's rent and then when they give their notice, they still have to pay another last month's rent and maybe they get the other back.

These are the people I hear from in my office who come in and say that not only are they not getting their last month and security deposit back, but now they have to pay for the next place." It makes it difficult. They can't afford it. It's a lot of money. So I'm glad that's in there. I'm glad it's clarified that there are forms and that there are ways to look at what is.

I hope the regulations are clear on what normal wear and tear is, because we all know that we need to paint every now and then. We need to replace carpets. We need to fix things in our homes. It's just ongoing and it's normal wear and tear, but it shouldn't be a burden for the tenant to take on.

I'm very pleased that the minister across the way spoke too about looking at long-term hotel rentals. The piece I worry about in that particular bit is that often people — marginalized folks — who live in hotels often face, come summertime or tourist season, increases in their rent. It's just automatic. Summer is here; here goes your rent and it has gone up, not always to go down again. So I am curious about that and wonder if maybe the regulations might be able to address that in some way, because this is their home. I have a few friends whom I've met over the years who live in a hotel room. That is their home. It's not the greatest; it's not where I would choose to live, but they like it and they're happy there. But they are always facing the seasonal increases in their rent.

Timelines I am happy with. Dispute resolution I think is so important and I look forward to seeing the regulations around that. Too often, people feel that there are just too many barriers to be able to take a landlord or a tenant to court. It costs money; it costs time; and for many people it's just a barrier. As soon as that is their only option, they stop and, so they might not receive fair treatment or their last month's rent back. I'm glad that that is available and that there will be an office that people can go to and get advice, whether they are a landlord or a tenant, or have questions answered as to what is happening in their

lease, or is this fair, or is this right, because right now they don't. The information available to people is very minimal and people try but too many people are just not getting the help they need.

I don't have much more to say. I certainly look forward to going clause by clause through this. I know we have some amendments that we would like to bring forward and I look forward to a good discussion about it, but I do support this act and again thank the minister for bringing that forward.

Ms. McLeod: I'm really pleased that we are speaking to Bill No. 51, the *Residential Landlord and Tenant Act*, today and my thanks to the Minister of Community Services and of course her support for bringing this legislation forward. It has been waited for for a long time and I'm sure that, overall, people are going to be very pleased.

It has been a long time since I was a renter and I've never been a landlord, but I am a homeowner. I do, however, know a lot of people who are landlords and who are renters and, from both sides, there has always been some angst on how best to get along with that kind of a relationship, so I'm really pleased that this new legislation spells out for both parties their obligations and their rights. I really like the bit about having written tenancy agreements; I'm a very paper-based person and I just think that'll make everybody's life so much easier.

I did, of course, talk to some of my constituents about this upcoming legislation and some feel that it doesn't quite go far enough to protect the landlord. I think that's an important aspect, while we're encouraging people to get into this market and to open up rental units. Personally, I don't believe that the landlord should ever be expected to subsidize rental housing, but I think this bill does strive to achieve a balance between renters and landlords. As it has been stated by the Minister of Community Services, it's a living document.

So there has been a lot of discussion today about the ability of the landlord to evict tenants without notice. I'm really happy to see that this new act will still allow the landlord to make decisions on their own property. If someday they wake up and they decide, "I don't want to be a landlord any more," they shouldn't have to justify that to anybody. I know that perhaps that's not one of the scenarios that has been considered, but there are a lot of reasons for somebody wanting to evict a tenant and not always because of the tenant's issues.

I like this. Going back to the previous speaker's comments about all things being equal, perhaps all things being equal is that neither side has to give a reason for a severance of their relationship. It works between the rest of the population.

I want to talk a little bit about the housing situation in Watson Lake. Of course, that's my home riding and where we probably have a zero vacancy rate. We have limited choices. We don't have condos to complain about; we don't have garden suites to worry about. Really, our options are very, very limited. The largest landlord of course is Yukon Housing. I was happy to see this draft strategic plan from the Yukon Housing Corporation. I think there are opportunities in here to promote the development of the private rental market in Watson Lake. I know that a lot of people will be really excited to hear that,

because we just don't believe for the most part that government should be the only landlord. I won't say any more about that.

It's a difficult thing to be a renter in a small town. Once you get a reputation as being an undesirable kind of renter — good luck. You just aren't going to find anything anywhere. I, of course, raised two children in Watson Lake and when they were trying to get out from underneath the wing of their mother, they went out to rent their own places. My son wound up in a place that had no water and no heat and bare light bulbs for electricity and plastic on windows. He was pretty happy because it wasn't leaky. I, however, walked in and asked, "They charge you to be here?" So, I really am looking forward to seeing the rental standards when they come out because I'm really a big fan of minimum standards.

Now, I understand that if you're happy enough with no heat and the standard is wood heat for that unit and you're okay with that, then that's great. That works for everybody, but in a climate like ours when it's reasonable to expect that there's some heat then by golly, there should be.

One of the things that is a little bit concerning for me and for some people I have talked to is the one amount for a security deposit or whatever we are calling it. There are so many landlords who get left on the hook at the end of a tenant-landlord relationship for either the empty fuel tank or the people who run out on the last month's rent or the damages that are left. Quite frankly, I just don't agree with that portion of it, but it really is one of the only parts that I do have a problem with. In the spirit of balance and seeing the good things go forward with this bill, I'm very happy.

I thank all the members for their comments and I thank the minister again. I'm really looking forward to seeing Yukon Housing Corporation go forward with their strategic plans and how that can benefit rural Yukon. Thank you.

Mr. Hassard: It's a pleasure to rise and speak on behalf of Bill No. 51 today. I appreciate all the hard work that the officials have done on this act. As you're well-aware, through the Yukon Housing Corporation, the government is the Yukon's largest landlord; therefore, this bill is doubly important to the government. The *Landlord and Tenant Act* has served Yukoners for many years — since 1954, in fact — but as clearly indicated by the select committee in 2010, changes are definitely necessary to support today's rental environment.

Yukoners had opportunities to identify their concerns during the select committee's nine-month consultation in 2010. This consultation process invited written submissions or the completion of a questionnaire, and it also included public hearings in a number of communities. The select committee sent letter to all First Nations and the Council of Yukon First Nations, offering an opportunity to make comments or raise concerns about the *Landlord and Tenant Act*.

The results of this consultation were clear: Yukon landlords, tenants, and other interested parties such as non-profit organizations wanted changes. Our government heard this message and began a collaborative process to change the legislation. Building on the work of that select committee, the De-

partment of Community Services issued a survey this past summer offering Yukoners another chance to provide input.

Mr. Speaker, the *Residential Landlord and Tenant Act* replaces part 4 of the *Landlord and Tenant Act* and deals solely with matters related to residential tenancies. Yukoners identified some key concerns, including the respective rights and obligations of landlords and tenants, security deposits, rental standards, and dispute resolution.

The new act addresses these concerns and provides a plain language framework to provide guidance and certainty for Yukoners involved or supporting residential tenancies. This clarification and simplifying it, I think, is one of the keys to this act, Mr. Speaker.

The new act applies to Yukon Housing Corporation as an agent of the Government of Yukon. The corporation operates under the *Landlord and Tenant Act*, just like every other landlord, and will continue to operate in a manner consistent with the new *Residential Landlord and Tenant Act* when it comes into effect.

It is important to us as a government that the Yukon Housing Corporation leads by example in supporting good landlord and tenant relations and rental housing standards. Many of the new provisions captured in the act reflect best practices across Canada and, in fact, also reflect the current practices of the Yukon Housing Corporation.

The corporation provides housing for many Yukon individuals and families. Yukon Housing Corporation operates or supports more than 700 social housing units and more than 150 staff housing units here in the Yukon. Collectively, this means Yukon Housing is attending to more than 850 tenancies at any given time.

Many of these clients are single parents, seniors or low-income families, and some of them need barrier-free housing or other supports to live independently. This government recognizes how important it is to have safe and affordable housing, and the staff work diligently every day to resolve issues and sustain tenancy for the clients.

Yukon Housing Corporation staff support the clients by providing information and education on the operation of the unit, tenant relations, services and repairs. All tenants have the support of the Yukon Housing Corporation's technical team. They can call for assistance 24 hours a day if they are experiencing difficulty in their unit and the staff responds as quickly as possible to reduce the impact on the tenant.

It is essential to recognize that a tenancy agreement is more than a contract between the owner of the property or landlord and the tenant. A successful tenancy is about the relationship and the communications between the parties. Tenancy relationships are often managed within multi-unit buildings where the health, safety and needs of other tenants must be recognized and accommodated. Yukon Housing Corporation, like other landlords, must balance the needs and rights of all of its tenants to ensure a safe living environment.

Sometimes balancing tenant safety can mean making difficult decisions. Yukon Housing Corporation implemented a no-smoking policy last year. This was done to protect tenants from the effect of second-hand smoke and to reduce the damage that

it causes to the building. We are pleased that most of our tenants support this important decision.

With respect to minimum rental standards, the details of which we will see in the regulations, our government supports a fair and reasonable approach to ensuring that renters have safe accommodation. The Yukon Housing Corporation has taken full advantage of the funding provided through Canada's economic action plan, which was introduced in 2009 to repair and upgrade its housing stock. As of March 31 of this year, Yukon Housing Corporation spent \$7,400,000 on repairs and upgrades to some 350 social and staff housing units. One key point to this is that more than half of this money was spent in communities, not in Whitehorse — important to me.

Yukon Housing continues to assess its rental stock on an ongoing basis and plan repairs and upgrades so that we can make sure we are offering safe and energy-efficient units to Yukoners using the program.

As we move forward with the development of minimum rental standards in consultation with Yukoners, it will be essential to adopt the same balanced approach as we have in the legislation before us here today. While we want to see improvements to the rental stock to address safety and energy efficiency issues, we need to be cognizant that an overly aggressive approach could result in a reduction in the number of rental units on the market. It is critical, therefore, to approach such requirements for minimum rental standards in a fair and measured manner.

In addition to the costs associated with continually maintaining a rental unit or upgrading heating systems, flooring, appliances, et cetera, landlords often have to bear the cost of damage to their property. As a landlord, Yukon Housing Corporation is unfortunately all too familiar with the costs associated with the damage to a rental unit. A significant portion of the corporation's maintenance budget goes to repairs for damages each year.

For example, one of the Yukon Housing Corporation's units was damaged recently and costs to repair that single unit are estimated at approximately \$100,000. Damage can also result in a unit being out of service for months, creating significant hardship for landlords and further reducing the vacancy rate. Many Yukon landlords use rental suite income to help pay their high mortgages, but often rental income is the only source of income for an individual family.

Under the *Landlord and Tenant Act*, a tenant can apply their security deposit to their last month's rent. This means that where there is damage to a unit or property, the landlord might be left without any deposit to use for repairs. Under this new act, the landlord will hold the deposit until the move-out inspection is complete; then this money can be used toward repairs of damage and during the tenancy period, it acts as an incentive to tenants to treat the rental unit with respect.

It is important to remember who we are trying to serve with rent-gear-to-income programs. Yukon Housing Corporation's social housing programs are in a place to serve those who need financial assistance to provide safe and healthy accommodation for themselves and their families. The social and seniors social housing programs involve a fairly vigorous ap-

plication process where the household income, assets and other factors are considered. Applicants whose incomes fall below the housing income limits set by the Canada Mortgage and Housing Corporation are eligible for social housing.

Tenants pay 25 percent of their household income for rent and heat. When a person's circumstances improve, and we hope that they do, we need to find ways to help them progress to the private housing market. As the regulations are developed, government will seek input so that this provision is used appropriately. The Yukon Housing Corporation will develop operational policies to support the transition to market housing. In fact, we are already looking at new complementary programs to help our clients and other Yukoners find appropriate housing options.

Another area of the act we are extremely pleased with is the approach to dispute resolution. Community Services will be putting together a new residential tenancies office that will provide public information materials, dispute resolution services, and it will also make binding decisions under this legislation.

As I mentioned earlier, successful tenancies depend heavily on the landlord and tenant relationship and on the communications between the two parties. Sometimes this relationship needs support, and sometimes the tenancy needs to end. It is critically important that the rules around ending a tenancy are clear and fair, and I believe that this new act supports both of these values.

With social or staff housing in all Yukon communities, Yukon Housing Corporation is very familiar with the types of issues that can arise and how they can affect the parties involved and other tenants as well. Yukon Housing Corporation staff is committed to positive dispute resolution and go to great lengths to allow tenants to provide important information or to offer a remedy before the tenancy ends. Eviction is a last resort — after extensive dispute resolution or an event that puts other tenants at risk.

We are excited about the new dispute resolution process that will be available once the new act comes into force. It will be available to either party, and the director will be able to issue orders that help resolve issues before the tenancy relationship is at risk. We believe that all landlords and tenants will benefit from this support. For the Yukon Housing Corporation, the new process will resolve any perceptions of conflict of interest and will support quick resolution of issues. On occasion, this may include eviction, but we believe in the fairness of this process.

I would like to thank all the staff in the Community Services department, who have worked so hard to bring this legislation forward in such a short time.

There has been quite a bit of conversation this afternoon around the mention of rent control and people quoting Yukoners and that people have requested rent control in this *Residential Landlord and Tenant Act*.

I would like to just very briefly comment on why I don't think rent control would be so good for Yukoners. The first is that rent control sets a disturbing precedent for government involvement in private sector investment; there is the cost to

taxpayers; and it increases bureaucracy and fosters an environment for confrontational relationships between landlords and tenants. Secondly, the stigma of rent control may discourage potential investors in the Yukon's rental market. Finally, if housing affordability is our goal, then applying an additional burden on the providers of housing will only make matters worse.

I'm very happy with the balance of the rights between the landlords and tenants in this act and I don't think it should be amended in any way to include rent control.

In closing, I would like to once again thank the staff in Community Services. They've done a great job here and I look forward to seeing this bill come into effect. Thank you.

Hon. Mr. Istchenko: Before I go on, I would like to note that there is a wonderful long-time Yukoner who listens to the deliberations in this House. One of my fellow colleagues is her son and she informed him that I say "Mr. Speaker" too much when I speak. For her benefit — I know she's listening — I will try and refrain from using it, so thank you.

Listening to the deliberations in the House today, perhaps a general theme here today is that this act provides greater clarity. This Bill No. 51, *Residential Landlord and Tenant Act*, is a welcome thing. It has been a long time coming and I'm very proud to support it.

It's good to see that the act stipulates who it does and who it does not apply to. Having exclusions for a living accommodation that is included in a single contract with a business lease or living with a single contract with a business lease or living accommodations owned or operated by an educational institution or a living accommodation that is provided by an emergency shelter, transitional housing — again, this provides greater clarity to both the individual seeking the accommodation and the individual providing the accommodation.

Other areas that I'm pleased to see prescribed in the act for greater clarity are rules about payment and non-payment of rent and things like the protection of a tenant's rights to quiet enjoyment of property. I'd like to speak a little bit to my fellow colleague, the MLA for Watson Lake, when she spoke about her children leaving and going on. My son did the same thing and he moved into a rental apartment in our riding. He didn't want to listen to mum and dad any more, so he thought it would be imperative that he got himself his own place and we encouraged him — did we ever — I think we loaded everything on the trailer and were ready to go as soon as he thought about it. He got himself into an apartment block where he was quiet, but everybody else wasn't. There was supposed to be somebody managing the building, but he would go to them and things just never got dealt with. Eventually, he wound up moving. When he wound up moving, they went after him for damages in the hallway and stuff that happened from other people, which caused good old dad here to go and deal with some of that stuff.

I like what's coming forward, because it really does protect the tenant's right to the quiet enjoyment of property, and it's important also for the landlords. He can keep his investments and keep making money, but the tenant also has to enjoy

reasonable privacy and freedom from unreasonable disturbances, which you especially see in apartments.

Something else that plays into this is that we passed amendments to the Land Titles Office this spring, which will make it easier for developers to bring multi-unit complexes to market. We're committed to our Yukon Party platform to modernize the land titles process, and we're well underway in addressing that commitment.

We look through our Yukon Party platform — I did not too long ago — and I looked at the accomplishments. They are very incredible. For a new government, with one year under our belt, Yukoners should be very proud of this government. Working with members opposite, we have accomplished a lot. During the campaign, a lot of things were brought up, and I believe this government is doing well for Yukoners.

Back to the landlord and tenancy — the fact that at the present time a tenant may terminate a tenancy at any time, for any reason that they do not need to share with the landlord, as long as it complies with the prescribed period of notice in the tenancy agreement or, by default, the *Landlord and Tenant Act* — the government has taken the sensible approach, hereby enforcing a notice period of tenancy termination, but does not prescribe any requirements for either party to the tenancy agreement to provide reasons.

One of the things I do see as a bit of a flaw with the logic behind the members opposite needing special protection against eviction — but there is not much in there to offer landlords the same protection. So I agree with my colleague down the way here about that.

I like the fact that we have gone forward and that the Minister of Community Services and her staff have worked very diligently at coming forward with this. As you know, housing is an issue across Canada. We talk about housing all the time, and this is something positive for renters, landlords and tenants. This act represents a good balance, and it will regulate what is a private transaction between two parties so they are both reasonably protected. It does not pursue the flawed policies that skew the legislation too much in favour of either the tenant or the landlord.

So, again, I'll thank all members for speaking today, but I agree that I don't see a necessity for amendments to this, and I believe Bill No. 51 should go forward as is.

Hon. Mr. Cathers: In rising today in support of Bill No. 51, I appreciate comments from members on this. In beginning my remarks, I would want to note that there are a lot of elements to the overall housing picture. The legislation around rentals is obviously a very important part of that, but all parts of the housing and building market are connected, so a shortage of available houses or homes that are affordable to people in the sales market has an impact on the rental market. Also as a number of my colleagues have noted, those who encourage rent controls or other restrictions on rental accommodation are not being mindful of the fact that, when we have a situation as we do currently where there is a bit of a shortage of rental accommodation, putting in additional restrictions and additional requirements that place extra costs or burdens on those who may

choose to build rental accommodation is not a good way to actually encourage people to make those investments. Rent controls have been shown in many jurisdictions around the world, including here in Canada, to have a positive effect in some cases in the short term but, in the long term, to actually dramatically reduce the supply of rental accommodation that is available because it discourages investment into those areas.

The whole nature of the housing market has evolved over time. At one point in time, it was probably not as common as it is currently to see people who are into it in a small way where they may have a garden suite or a building. It's important that when one looks at situations, for example, someone who may choose a basement apartment or attic suite or other housing that is attached to their building — that doing as the NDP have called for and making it harder for them to choose to end the tenancy of someone who is in there is something that may actively discourage them from choosing to make that available for rental. I think it's fair to say that it will discourage some people from choosing to make that choice to enter the rental market if they are concerned that if they have a problem, it may be hard or costly for them to demonstrate and get the government's permission to end the tenancy of a problem tenant.

Another example of where those calling for preventing people from choosing to end a tenancy without cause are really not thinking things through and thinking of the overall effects of such an ideologically attractive policy — and by that I mean ideologically attractive to our NDP friends — is where someone buys a building that they themselves wish to live in and someone is currently renting it. If the person owns a building and happens to sell it to a person who, themselves, are actually looking for a place to live, it may end up affecting and reducing the availability of affordable housing stock for those wishing to purchase a home. Also, there is the case of someone who, again using a small-scale example, might have a rental basement suite in their house and have a child that became of age. One of my colleagues pointed out the example of his child who was eager to get away from home. There may be other examples where a son or daughter is eager to move to over the garage or down into the basement and have a little more privacy while still living at home. The parents might choose to provide their child with that increased independence and perhaps, as many families do, give them a break on the rent.

By government getting in and placing a lot of restrictions and having government always be the decider of whether it's permissible for someone to allow their child to move into an apartment that previously has been occupied by a tenant — those types of things have all sorts of unintended consequences, which ultimately reduce the freedom of citizens to make choices. So it's important to put in place a balanced structure, with appropriate protections, that ensures people are not going to be pushed out on to the street without warning — that they'll be given reasonable amounts of time and reasonable amounts of notice if a landlord chooses to end a tenancy agreement. In contrast to what one of the NDP members suggested, it should not be a requirement for a tenant to have to give a reason to move and get permission from government to do so. If a tenant wishes to move across the street or to a different apartment in

the building, or to a different community, or whatever the case may be, having government place restrictions on the freedom of individuals to make choices may come from well-intentioned, ideological beliefs that if government steps in and becomes the decider in those cases that they can somehow prevent wrongs from being done to people with this increased government scrutiny and control.

But the reverse is also true — that by government placing high restrictions on people's choices — both landlords and tenants — it can have unintended consequences that have not been thought through, and that leaves people in the situation where they are deprived of the freedom to make choices once they are in the rental market, either as a landlord or a tenant or, in the case of somebody contemplating building a building to rent or renting out an accommodation, particularly in their house or on their property where they might come to a conclusion that their ability to end the situation — if they didn't like it — would be diminished. That could also include somebody who isn't sure that they're really prepared to deal with the responsibilities of being a landlord around repairing appliances and being responsible if there is a problem with utilities and so on and so forth.

Finding that it really doesn't work for them or they are reaching retirement and now choose to spend a portion of their winters in southern Canada — just to list a few potential situations — all these types of things can have the unintended consequence of discouraging people to enter the rental market at the very time when we should be encouraging people to build more rental accommodation.

Another factor is that the Yukon housing market is not identical to what is happening in other areas nationally, but it is notable that the Royal Bank has today in a *Canadian Press* story noted that the cost of home ownership became more affordable in the recent quarter due to a modest decline in home prices and gains in Canadian household income. Another notable factor is that, comparing 2012 to the previous year in the Yukon, there has been a dramatic increase in the availability of houses that are on the market, and that has resulted in a decline in the price of homes from this year to last year, particularly within certain segments of the market. That is something that has a very positive effect on people entering the home ownership market, and it also makes it less likely that someone will choose to convert rental accommodations into a condominium, for example, because the housing prices have been so high that it has encouraged that type of activity.

We believe that this legislation is written in much more plain language and it does things, including requiring tenancy agreements. It's also important in the tenancy agreement structure that while there's a standard tenancy agreement required that speaks to things, including requirements for services within the house, it has also been recognized within the legislation that, unless it is agreed to otherwise — because there are people within areas around the Yukon, especially within rural Yukon and within my riding — who rent a cabin to someone, or rent several cabins, in the case of a few landlords in my riding. Cabins are made available — they are not serviced with electricity or running water. The tenants who choose to rent

them do so knowing that they do not have running water or electricity.

Of course part of the reason that they choose to rent that accommodation is that it is typically cheaper than buildings in town that are serviced. Also for many people who move toward that type of accommodation, they may personally wish to go toward a simpler type of accommodation and, with it, also be out in an area that is more remote and has more wilderness and green space around it.

It's important that in setting clear guidelines and a structure that allows for an improved relationship between landlords and tenants and improved clarity in the act and a good balance between the rights of landlords and tenants, that we also not deprive Yukon citizens of choices to live in a cabin in the bush and rent it from someone and not have running water, by putting in something that is geared only to a Whitehorse market. So again, this legislation has addressed that.

As I mentioned previously, the fact that also needs to be recognized, particularly when it comes to the NDP's proposal that they intend to propose amendments to this legislation is that we think it's important to not only ensure that this is balanced legislation, rather than legislation simply slanted toward the tenants, but that we actually look at something that understands the effects of things like rent control and understands that by making it harder for people to make choices around their buildings, you actually actively discourage people from building rental accommodation and that by adding additional burdens, additional costs or additional elements of state control that is not a good way to encourage people to build new rental accommodation, which is one of the things that we believe is necessary to focus on. As members know, we have looked at, and are currently looking at, a number of potential ways to encourage people to build rental accommodation and encourage them to keep it for that purpose.

Another element that I'd like to touch on with that is that if it's too hard to evict a tenant, landlords will be more reluctant to rent to someone who doesn't have good references, and so that, in my opinion, would disadvantage young Yukoners or people who have moved to the territory recently, because if they don't have a good list of references, and if a landlord looks at them says, "Well, if I rent to you and you're problematic, but you haven't quite contravened one of the requirements under the act, or I can't prove to the satisfaction of a government agency that you have done so, I don't have any ability to deal with the problem."

Again, that can have the unintended consequence of making it hard for some people to even find accommodation. Another group who would be disadvantaged by such a restriction or people who have past substance abuse problems and not been good tenants or people — and I would think that again it might be young Yukoners, especially — who have made a mistake in the past and perhaps as a 19-year-old out on their own for the first time had a wild party and did significant damage to a building. They may find it very difficult to convince a landlord to give them a chance, even though they have a bad previous reference.

I think I have addressed that point significantly, but I think it is important to keep in mind that things that may appeal to someone's ideology — in this case the NDP's desire to have government step into every area of people's lives so that they can provide greater control if someone does something wrong, or so it appears to us at times. I would point out that the NDP has called for, I think, in excess of 35 new pieces of legislation and regulations. From our perspective it seems that their idea of a solution to everything is more regulation, more regulation, and more regulation. We believe that government needs to regulate certain things and that government, in some areas, certainly needs to have clear and effective regulation, but that we should not go to the point of reducing freedoms of Yukoners and the freedoms that Yukoners and other Canadians have fought for over the years — to have freedom of choice — and go to a more state-run model like some countries around the world.

A few other things I'd like to note are, as the minister responsible for housing noted, the Yukon government has taken a number of steps in investing and building new housing.

We have built more social housing than any previous government. There has been a dramatic increase in the social housing stock — if memory serves, in excess of a 40-percent increase in the availability of social housing. The minister responsible for the Yukon Housing Corporation has even been commended by a federal New Democrat MP who wrote to him stating: "You have shown great leadership in the area of housing. In the last few years, your territory has implemented many initiatives to help combat problems in the housing sector. Like you, the NDP believes that housing issues are a priority."

As the minister responsible for the Yukon Housing Corporation noted in his response: "Our approach has been one of open discussion and understanding with both the Government of Canada and our provincial and territorial colleagues. Through this approach, we've been able to secure and utilize funding programs to address the housing needs of Yukoners. The Government of Yukon will continue to take a proactive approach based on dialogue and open communication."

One thing that my colleague, the Minister of Yukon Housing Corporation, missed mentioning in his letter and I apologize if he mentioned it in his remarks — I missed hearing him say it — is the fact that of the northern housing money that we had received from the federal government, we transferred millions of dollars — tens of millions of dollars — to Yukon First Nations in sharing with them to help them address the needs of their citizens.

So we have taken a number of steps here. We will continue to do more. It should be noted that the NDP seemed to have a bit of a shifting position on this legislation with one of the members noting publicly on November 9 that people are really happy that there's something moving forward with this, and that the NDP member called the new *Residential Landlord and Tenant Act* "110 percent better" than the current legislation dating back to the 1950s. We also appreciate that another of her colleagues noted that, at their own meeting they held, the people in attendance — tenants and landlords, including representatives of First Nation housing departments — said there are

many good things in the act. We agree. It's a major improvement over the current act.

I appreciate the comments we've received. I believe this is good legislation and I commend it to the House. Seeing the time, I move that debate do now adjourn.

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

Motion to adjourn debate on second reading of Bill No. 51 agreed to

Speaker: Given the time, this House stands adjourned until Monday at 1:00 p.m.

The House adjourned at 5:25 p.m.

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Yukon Housing Corporation Draft Strategic Plan 2013-2018: Stakeholders presentation (dated November 22-23, 2012)
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