

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Monday, November 26, 2012 — 1:00 p.m.**

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

*Prayers*

**DAILY ROUTINE**

**Speaker:** We will now proceed with the Order Paper. Tributes.

**TRIBUTES**

**In recognition of the International Day for the Elimination of Violence Against Women and the White Ribbon campaign**

**Hon. Mr. Pasloski:** I rise in the House today to pay tribute to the White Ribbon campaign. This campaign launches every year on November 25, which marks the International Day for the Elimination of Violence Against Women.

The White Ribbon campaign is the largest effort in the world of men working to end violence against women. It relies on volunteer support and financial contributions from individuals and organizations. The White Ribbon campaign addresses issues of public policy and encourages men and boys to speak out in their workplaces and their communities against violence done to women.

In 1991, a handful of men in Canada decided they had a responsibility to urge men to speak out against violence against women. They were responding to the terrible events of December 6, 1989, at l'École Polytechnique in Montreal. Outraged by that specific act of hatred and violence and by society's general willingness to turn a blind eye to violence against women, these men chose to act. They chose the white ribbon as a symbol of men's opposition to violence against women.

As an elected representative of Yukoners, and as a married man, as a father of three daughters and one son, I am proud to wear the white ribbon. Members of the Legislative Assembly, it is our responsibility to be role models in working against violence toward women by acknowledging that women have the right to live free from physical, sexual or psychological violence at all times.

Wearing a white ribbon is a personal pledge to never commit, condone or remain silent about violence against women. Each year men and boys are urged to wear a white ribbon starting on November 25, International Day for the Elimination of Violence Against Women, until December 6, Canada's National Day of Remembrance and Action on Violence Against Women.

By wearing a white ribbon, men pledge to never commit violence again or remain silent about violence. The elimination of sexism and our commitment to ending violence against women are absolutely fundamental in achieving full equality for all women and creating communities of peace and safety for women and girls.

As men, we can make a choice to speak and act when we know violence is taking place. Our sisters, nieces, mothers, aunts and our children need us to demonstrate leadership and strength in our allied role to challenge and prevent violence through our actions and words.

Without our actions and commitments, women and girls will continue to experience barriers to gender equality. Men must join women who continue to work tirelessly as victim services workers and transition home workers who often feel isolated in their efforts.

As men, we must speak out against sexism and violence and strive to become allies with women to ensure that general equality is realized in the Yukon, not least through the creation of safety and respect for all women and all girls. This is a challenge that any man can and should choose to take.

In closing, Mr. Speaker, I would like to recognize that we do have present some of the volunteers from the White Ribbon campaign who have worked tirelessly on behalf of this very important cause here in the Yukon. I would like to recognize them for the work they have done.

*Applause*

**Hon. Mr. Pasloski:** I would also like to mention that part of the work was the creation of a calendar for 2013, which is to raise awareness and to raise money for this cause. I'm proud to say that the Yukon Party caucus has purchased these calendars for all Members of the Legislative Assembly, and we will be distributing them to all members.

**Mr. Tredger:** Mr. Speaker, I rise on behalf of the Official Opposition to commemorate November 25 as the International Day for the Elimination of Violence Against Women and to mark the beginning of the White Ribbon campaign.

The White Ribbon campaign runs for the next 12 days, until December 6, when Canadians remember the 1989 tragic deaths of 14 young women in Montreal.

The White Ribbon campaign was started in Canada by Canadian men. I personally was introduced to the campaign by Dennis Rankin, who was then the executive director of the YTA. He worked very hard and tirelessly to raise the profile of the White Ribbon campaign among teachers and all Yukoners.

Men who wear this white ribbon take personal responsibility for speaking out to stop the violence against women. We pledge never to commit or condone any kind of violence and to not stand by silently if we see it happening. It is a sad testament that every year when we pause to recognize this day and look back at how far we've come, we see that the statistics on the incidence of physical abuse, sexual abuse and even the murder of women have not gotten much better.

Even in 2012, it is believed that at least 200 Canadian women will be the victims of murder; that one in five women will be a victim of sexual assault in her lifetime, and that aboriginal women are four times more likely to suffer violence in their lives than non-aboriginal women. This continued cycle of abuse and assault of women endures from generation to generation, as children learn what they live.

As men, we must learn to recognize the warning signs of possible abuse in the faces of other men and women. As a community, we must offer support to anyone we feel is being abused by listening, supporting and believing in what they share. We can offer that person information on the agencies and services available to them to help them make decisions and take steps to leave the abusive situation. However, we must also understand that no decision will be easy. We must not abandon the woman who doesn't do what we see on the outside as right and logical.

We should all take responsibility for challenging stereotypes and put-downs. We can stop laughing at jokes or comments that make fun of the opposite sex or other races. We can educate others about the consequences of violence.

The white ribbon reminds us that violence has no place in any of our relationships, whether that relationship is with a spouse, with a child, or in the workplace.

The complexity of social, economic, judicial and emotional events and causes that surround an act of violence are not straightforward. It is a slow process to change power structures that have existed for thousands of years, but we must continue to be aware of them in our daily lives. We must work toward equality and educate our children to do the same. We must stand as examples to those all around us. We hope that one day these tributes will be a thing of the past, and that we as a society will no longer need to be reminded that violence is never okay.

We salute those professionals and volunteers who are in our transition homes, our addiction treatment services and counselling positions, supporting women who have been assaulted and abused. We thank the professionals who work with men, helping them break the chains of violence.

We thank community members who are wearing white ribbons and taking a stand against violence. Most of all, we thank the women who have risen up out of violence and shown us that there is hope — that at the end of the tunnel we will find light.

**Mr. Silver:** I rise today on behalf of the Liberal caucus to recognize and tribute the 12 Days to End Violence campaign. To coincide with the International Day for the Elimination of Violence Against Women, the official launch of this year's 12 Days campaign was held today at noon with the release of the calendar featuring Yukon men, called "Yukon Men Can End Violence". This year's campaign is focused on men and how important it is for men to know about this issue and to be the ones thinking about what can be done to prevent it.

The campaign, run by Yukon women's groups, will be holding many events and activities to raise awareness of the realities of violence against women and how we as a society can take actions to help end this violence. The 12 Days campaign will conclude on December 6, the National Day of Remembrance and Action on Violence Against Women.

White Ribbon Yukon is a campaign led by men to oppose violence against women. In solidarity with the 12 Days to End Violence, the White Ribbon Yukon campaign will hold local activities and events to raise awareness about the role and re-

sponsibility of men to address gender-based violence in the territory.

According to Stats Canada, women in the Yukon are three times more likely to be victims of violence than are those in the rest of the country and four times more likely if they are a member of a First Nation. We need to stop viewing violence against women as mere isolated cases — as something that happens to somebody else or as being something private — and start recognizing that this issue affects all of us as human beings — men and women.

We would like to thank the women of the Victoria Faulkner Women's Centre, the Whitehorse Aboriginal Women's Circle, the Yukon Aboriginal Women's Council, the Yukon Status of Women Council, Les EssentiElles, and the Women's Directorate. These Yukon women's groups are bringing more awareness of violence against women in our society and territory in hopes of creating change in social attitudes and behaviours toward violence against women.

We would also like to thank the White Ribbon Yukon campaign, Stephen Roddick and crew, for encouraging Yukon men to wear the white ribbon to signify their pledge to never condone, commit or be silent about violence against women. I am proud to be a participant in the "Yukon Men Can End Violence" calendar and to wear the white ribbon.

Today, let us make a commitment for change. Let's work together and take a stance to end violence against women. Thank you.

### **In recognition of Northwestel Festival of Trees**

**Hon. Mr. Graham:** I rise today on behalf of all members of the Legislature in recognizing the Northwestel Festival of Trees currently underway in our very own foyer and, more importantly, recognizing what the festival has accomplished and the people who have contributed to it over the years, including our very own Minister of Education and, more importantly, his spouse Amanda Leslie.

It has been 10 years since the first Festival of Trees was organized by the Yukon Hospital Foundation as a fundraiser to meet the growing demand for new and additional equipment for the hospital. For 10 years, some very creative people have been designing and decorating these beautiful trees that have graced our foyer for the past several years and, before that, the Elijah Smith Building. Thousands of city residents and visitors have viewed these creations.

The Northwestel Festival of Trees is the unofficial kickoff to the Christmas season, and it includes numerous events, all designed to raise more money for the foundation and, importantly, give back to the community. The generosity of Yukoners over the past decade has allowed the foundation to purchase heart stress-testing machines, a digital X-ray machine, the CT scanner, orthopedic drills, Neopuffs and other equipment for neonatal care.

For the past several years, the focus has been on raising funds for an MRI machine. I understand that the foundation is pretty close to its goal this year and will shortly be able to purchase this piece of equipment for the hospital. Our government is committed to matching funds from the Yukon Hospital Corporation, up to \$2 million, to make this new MRI machine a

reality. All of these machines and pieces of equipment benefit Yukoners. In some cases, they enable citizens to remain in Yukon rather than being sent Outside for tests, such as with the CT scan, and eventually with the MRI machine. We know that individuals react much better in their return to good health if they can remain in their home communities. The efforts of the foundation, sponsors, volunteers, the people who bid on the trees at auction, and all those who attend the events all help these folks on their return to good health.

The Northwestel Festival of Trees makes an important contribution to the well-being of our citizens. We salute the volunteers and the designers. I would also like to encourage people to visit our administration building to see the work and loving care that has gone into making this year's festival worthy of the 10<sup>th</sup> anniversary.

Mr. Speaker, I would also like to take the time to point out that there are trees available for viewing later this week at the Yukon Convention Centre.

I'd also encourage everyone to visit the website [www.yhf.ca](http://www.yhf.ca) for more details on the wonderful work this foundation is doing on behalf of all Yukoners. Thank you very much.

**Speaker:** Introduction of visitors.  
Are there any returns or documents for tabling?  
Are there any reports of committees?  
Petitions.

## PETITIONS

### Petition No. 6 — response

**Hon. Mr. Istchenko:** I rise today to respond to Petition No. 6, presented by Mr. Elias, Independent member for Vuntut Gwitchin, on November 8, 2012. This petition asks the Legislative Assembly to urge the Government of Yukon to become a major partner by committing its portion of the financial resources to the successful construction and decommissioning of a winter road from the Dempster Highway to the community of Old Crow, Yukon in the winter of 2012-13.

I would like to thank the individuals who raised the issue of the winter road to Old Crow and who signed the petition. The Yukon government recognizes the importance of a winter road to the citizens of Old Crow and has collaborated with the Vuntut Gwitchin on previous road projects.

The Yukon government has been working with the Vuntut Gwitchin First Nation for several months now, as they develop a business case for the winter road, and is looking at how to contribute to the project. We are committed to working on this important issue, and our officials are going to meet again in the near future to discuss the project and work on the terms and potential roles and responsibilities.

**Speaker:** Are there any petitions to be presented?

### Petition No. 8

**Mr. Tredger:** Mr. Speaker, I have for presentation, a petition signed by four people regarding the requirement of consent from Yukon First Nation governments before oil and

gas dispositions are issued for traditional territories not covered by a final agreement. The petition reads:

To the Yukon Legislative Assembly: This petition of the undersigned shows:

THAT the terms upon which First Nations agreed in good faith to support the devolution of oil and gas from Ottawa to the Yukon were confirmed in a memorandum of agreement, entered into by the affected First Nations and the Government of Yukon, dated January 1997;

AND THAT, with respect to those First Nations that had not concluded a land claim agreement, the Government of Yukon agreed in the MOA, as follows, that, in return for those First Nations' support for the devolution of oil and gas, Yukon will not issue any new oil and gas dispositions in those First Nations' traditional territories without their consent:

"5.1 In addition to recommending the amendment to Bill C-50, referred to in 4.2, Yukon hereby agrees that it will not, in respect of a traditional territory for which the effective date of a Yukon First Nation's settlement agreement has not occurred, issue any new disposition in respect of Yukon oil and gas lands in the Yukon Territory, without the consent of that Yukon First Nation."

AND THAT in a letter dated October 25, 2012, the leaders of the Kaska Nation informed the member of the Executive Council responsible for the Executive Council Office and the member of the Executive Council responsible for Energy, Mines and Resources that the proposed repeal of section 13 of Yukon's *Oil and Gas Act* currently before the Yukon Legislative Assembly will not, if enacted, have any effect on the Government of Yukon's legally enforceable promise in paragraph 5.1 of the 1997 MOA "that it will not, in respect of a traditional territory for which the effective date of a Yukon First Nation's settlement agreement has not occurred, issue any new disposition in respect of Yukon oil and gas lands in the Yukon Territory, without the consent of that Yukon First Nation";

THEREFORE, the undersigned ask the Yukon Legislative Assembly to request that the member of the Executive Council responsible for the Executive Council Office confirm that the promise made by the Government of Yukon in paragraph 5.1 of the 1997 MOA "that it will not, in respect of a traditional territory for which the effective date of a Yukon First Nation's settlement agreement has not occurred, issue any new disposition in respect of Yukon oil and gas lands in the Yukon Territory without the consent of that Yukon First Nation" continues to be legally enforceable and will be honoured.

### Petition No. 9

**Mr. Tredger:** I have for presentation a petition requesting assistance relocating residents and businesses that wish to leave Keno City. The petition reads as follows:

This petition of the undersigned shows:

THAT tourism and tourism-related businesses are critical to the economy of Keno City, and have been, and continue to be the largest employer in Keno City;

THAT Keno City has always been a quiet, tranquil community, even during the last period of mining in the area with many residents choosing to purchase properties for that very reason;

THAT recent industrialization of Keno City has had impacts that have fundamentally changed the nature of Keno City itself;

THAT the choice to locate a mill and the associated infrastructure a mere 300 metres from homes and the addition of ore haul roads existing, under construction and planned, as well as new mines opening within close proximity to Keno City, has further reduced the marketability and livability of Keno City;

THAT traffic in Keno City and along the Silver Trail highway between Mayo and Keno City has increased tenfold since 2009 and has increased even more on the most dangerous section of the road between Flat Creek and Keno City and there has been an increase in serious accidents;

THAT the addition of new ore haul roads, expansion of newly permitted mines, other new developments and the possible expansion of the dry stack tailing facility to accommodate these activities will further increase the risk to Keno City residents and visitors, especially through dust and fine particulate matter;

THAT the health impact assessment identifies that very little information is available, monitoring to date has been inadequate, and dust conditions in Keno have been assessed by using a model based on conditions at the Red Dog mine in Alaska, not for a residential community;

THAT Keno City's sole water source is at risk, and backup water sources and plans need to be identified;

THAT the Bellekeno ore haul road and rock storage area is located immediately across Lightning Creek, adjacent to the community-owned and operated Keno campground, which is within the boundaries of Keno City;

THAT industrial activity and increased industrial traffic has resulted in numerous complaints from visitors who have stated that "they would not consider camping here again";

THAT two small tourism-related businesses have closed; one has sold at a loss and the other remains unsold, with the remaining businesses facing an uncertain future with falling tourist numbers as a result of mining activity;

AND THAT some residents now feel trapped here, unable to find buyers for their homes, and locked into an environment that they would have never chosen to live in;

THEREFORE, the undersigned ask the Yukon Legislative Assembly to urge the Government of Yukon to consider means to facilitate the removal from the Keno City area of affected residents and businesses who wish to leave and making possible the relocation of said persons and businesses to other communities with adequate compensation and supports.

**Speaker:** Are there any other petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motion?

## NOTICES OF MOTION

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

THAT this House urges the Nobel Foundation to award Malala Yusufzai of Pakistan the Nobel Peace Prize in recognition of her courage and dedication for the rights of girls.

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

THAT this House urges the Government of Yukon to work with First Nations, the Yukon Fish and Wildlife Management Board, renewable resources councils, the Yukon Trappers Association and other stakeholders to support the trapping industry in the Yukon, provide for trapper development and encourage Yukoners to participate in this important historical and cultural practice.

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

THAT the membership of the Standing Committee on Rules, Elections and Privileges, as established by Motion No. 6 of the First Session of the 33<sup>rd</sup> Legislative Assembly, be amended by:

- (1) rescinding the appointment of Jim Tredger; and
- (2) appointing Jan Stick to the committee.

**Mr. Tredger:** Mr. Speaker, I rise to give notice of the following motion:

THAT this House urges the Minister of Education to reinstate the F.H. Collins Secondary School Building Advisory Committee or create a new advisory committee in order to:

- (1) provide for representation from parents, students, school administration, user groups and the department during the construction of, and transition to, the new F.H. Collins Secondary School;
- (2) provide input, advice and direction to the department on all aspects of necessary temporary programming changes, construction and transition matters; and
- (3) ensure regular and timely dissemination of information.

**Ms. White:** Mr. Speaker, I rise to give notice of the following motion:

THAT this House urges the Yukon government to support the Bill C-400, an act to ensure secure, adequate, accessible and affordable housing for Canadians, which is sponsored by the New Democratic Party of Canada and is presently before the House of Commons, in order to require the minister responsible for the Canada Mortgage and Housing Corporation to:

- (1) consult with the provincial and territorial ministers responsible for municipal affairs and housing; and
  - (2) consult with representatives of municipalities, aboriginal communities, non-profit and private sector housing providers and civil society organizations;
- in order to establish a national housing strategy.

**Speaker:** Is there a statement by a minister?  
This brings us to Question Period.

## QUESTION PERIOD

**Question re: F.H. Collins Secondary School Building Advisory Committee**

**Ms. Stick:** Mr. Speaker, the guidelines for the building advisory committee for the design and construction of the new F.H. Collins Secondary School are very clear. The guidelines state that the committee helps to ensure the design and

function of the facility meets local needs. It also states that the committee will typically continue to meet during the detailed design and construction phases to address any project-related issues that may require their input.

The Minister of Education has disbanded this committee since last year and here we are today — parents, students, and user groups, all upset with the lack of a clear plan for programming around the gym that will be demolished in March 2013, a mere three months away.

Why has this minister disbanded the F.H. Collins Building Advisory Committee when it's clear it was to continue through the construction phase?

**Hon. Mr. Kent:** With respect to the building advisory committee, I did meet with them on two occasions over the past year — once in early December, when the decision was made to delay the tendering of the project for one year, and again in June at a point where my colleagues and I on this side of the floor added an additional amount to the budget in order to deliver the school they had envisioned when conducting their meetings.

Again, when it comes to the gym being unavailable, removing the old gym was necessary for the new construction, and it was a recommendation that emerged from extensive consultations by the building advisory committee. After attending meetings on November 22, the open house, the department was looking into fiscally responsible options for a temporary gym at F.H. Collins during the construction period.

But when it comes to the building advisory committee going forward, we want to ensure that we're good, sound, fiscal managers. The design work has been done. The Department of Education is essentially turning this project over to the Department of Highways and Public Works to manage the construction, and we want to make sure we deliver the project based on the budget that comes forward in January once the tenders are open.

**Ms. Stick:** There is still a role for the building advisory committee. These individuals are concerned about what is happening. The minister announced at a meeting on November 21 — or his department did — that the committee input is finished now that the design phase is over. Department officials suggested that this committee would be reinstated when it was time to look at landscaping options. It seems that the minister thinks he can use community input only when he chooses. Parents, administrators, students and user groups are concerned about what's happening.

When will the minister reinstate this committee or set up a new one to give all stakeholders a vehicle for their concerns around issues such as the gym and physical education programming at F.H. Collins?

**Hon. Mr. Kent:** I'd like to thank the building advisory committee for all the work they put in. I know there were years of work put into coming up with the design and the programming for the new building, which has flexible learning space. As mentioned at the open house on this past Thursday evening, there was an opportunity for many members of the community to come and visit and to also look at some of the options that were developed for physical education during the

construction period. As mentioned, there were a number of concerns raised and some good ideas put forward by members of the public at that open house.

However, we're going to look into some fiscally responsible options for a temporary gym at F.H. Collins during the construction period.

Again, I would like to thank the building advisory committee for all the work they put into coming up with the design. The tender is out right now. We expect it will close the middle of January, at which point we hope to have a successful bid that is within the cost parameters that we have established, and we'll be able to move forward at that time.

I would also like to thank the Member for Mayo-Tatchun for coming to the open house on Thursday evening, all the public who came there, and especially the students I had the opportunity to talk to there about what the gym means to them.

#### **Question re: *Oil and Gas Act* amendments**

**Ms. Hanson:** Mr. Speaker, for weeks the Yukon New Democratic Official Opposition has highlighted the Yukon Party's pursuit of conflict with Yukon First Nation governments and its failure to meaningfully consult the public on changes to the *Oil and Gas Act*. Our warnings that this kind of conflict leads to economic uncertainty has been echoed by investors who say legal battles with First Nation governments over land use will drive investment out of the territory.

Today we are pleased to learn that the Premier has invited Kaska leaders to meet with him early next month. We hope this means the Yukon Party has listened to the voices of Yukoners and is now willing to change course.

Will the Premier now agree to withdraw the proposed changes to the *Oil and Gas Act* and consult meaningfully throughout the Yukon on all aspects of the industry, including fracking?

#### **Speaker's statement**

**Speaker:** Before I recognize the Premier — I paused at the beginning of Question Period because something has been on my mind over the weekend. Going back over the Blues over several weeks, I've given rulings in the past about personalizing the comments here, as well as trying to attribute a particular motive to the actions or inaction of either side.

I just want to take this moment to remind members of those previous rulings and to keep them in mind when members are answering or asking questions, in particular, on these very sensitive subjects. Sorry for the interruption.

**Hon. Mr. Pasloski:** I've written a letter to the Kaska Nation and have invited them to have a meeting with the Government of Yukon. They have acknowledged that they would, in fact, like to do so.

It's another example of how this government continues to work with First Nations and, as I'm standing in the House on this, we have certainly spoken of the many different things this government does each and every day, and it literally goes unheard.

We could probably spend the rest of Question Period talking about the many different things the Yukon government

does to work together, as well as to support Yukon First Nations and build capacity for Yukon First Nations, and to help in the training of their employees to ensure they can continue to move forward and build and mature in their governance.

We continue to work with them. At the meeting date, we will sit down with the Kaska Nation and have a strong discussion to really look at the opportunities there are for benefits to all members of the Kaska Nation and for all Yukoners.

**Ms. Hanson:** Unfortunately, that did not answer the question. The government now has an opportunity to meaningfully consult throughout the territory on how the emerging oil and gas industry should look, including the issue of fracking. The government now has the opportunity to respect First Nation agreements, repair damage and pursue a path of cooperation. So my question, again: Will this government show it has heard the voices of Yukoners and First Nation governments and agree to withdraw the proposed changes to the *Oil and Gas Act* and move forward with public consultation on aspects of the oil and gas industry, including fracking?

**Hon. Mr. Pasloski:** I'd just like to briefly reflect on some of the things that we've done lately. Certainly, the resource revenue sharing agreement we have agreed to with First Nations — acknowledging that as the Yukon prospers from the mining industry we will, in fact, be sharing those revenues with First Nations. We have spoken about the action plan between the Government of Canada, Yukon First Nations and the Yukon government through the Minister of Education working on First Nation education. We talked about the Minister of Health and Social Services and the good work that has done with Kwanlin Dun, in terms of child services. Of course, we have been working diligently with Kwanlin Dun, as well, in terms of the lands they have and their opportunities to move forward through an MOA with the government and, in fact, with all the First Nations who are interested in looking at opportunities to do so. We are looking at the land titles system as well — we continue to work with that. We're working with First Nations on land-based treatment. We have intergovernmental accords, as well, with a number of First Nations. We continue to hold land set aside for the unsettled First Nations. While they have acknowledged that they are not interested in a self-government agreement or modern-day treaty, they do have lands set aside we continue to hold for that.

**Ms. Hanson:** On one hand, this government likes to talk about cooperation and economic growth and moving forward together. On the other hand, this government insists on plowing ahead with changes to the *Oil and Gas Act*, including fracking — changes that are creating conflict and economic uncertainty. Their claims simply do not add up. Will the government spare the rhetoric and commit to withdrawing the proposed changes to the *Oil and Gas Act* and take the conversation about fracking to all Yukoners, or will they insist on plowing ahead, despite the risk to First Nation relations, economic uncertainty and the undermining of public trust?

**Hon. Mr. Pasloski:** It is the NDP opposition that just opposed having a dialogue on fracking in this House last week. This government continues to invest and partner with First Nations across this territory. We have provided millions of dollars

to First Nations, over and above the obligations we have, to work toward building a stronger economy and increasing capacity for First Nations.

Another example of working together recently is the Minister of Environment working with wildlife management plans, for example — the wolf strategy and the bison strategy — an example of a joint or dual decision document with Vuntut Gwitchin for decisions that have to occur in north Yukon where, in fact, both governments are working together to have a decision document that represents both governments.

This government continues to work together with First Nations to build opportunities for all Yukoners in terms of education, training and business opportunities and ensure that, as we have described, they remain full partners in our economy and we continue to move all Yukoners forward together.

#### **Question re: Mining sector development**

**Mr. Silver:** Last week the Member for Pelly-Nisutlin asked the government to work with Yukon College and the mining industry to train and develop a skilled workforce made up of Yukon residents to help meet the current and future needs of the mining and resource sectors. He also called on the government to use the centre for northern innovation in mining as a vehicle to deliver the mining and industrial training. The centre is an ambitious plan developed by Yukon College and one that deserves our support.

Now that the government is on board, the next question is to what extent? The college has presented a budget of \$30 million over the first six years of operations. There are one-time capital costs and ongoing O&M commitments that will be required to get this program off the ground. One of the first items on the agenda is a mobile trade unit with a price tag of \$2 million. Is this item something that the government will be funding?

**Hon. Mr. Kent:** I would like to thank the Member for Pelly-Nisutlin for coming up with that motion last week and of course the member opposite for bringing forward this question today.

There are some tremendous opportunities through the centre for northern innovation in mining. I was able to highlight a number of them last week during Education debate: high school dual-credit opportunities, strengthening partnerships, delivering trades and tech programs.

As I mentioned earlier this sitting as well, our government has endorsed this vehicle for delivering mine and industrial training throughout the territory over the next number of years. In light of this initiative, Advanced Education has contributed \$60,000 to Yukon College, matched by the college to support the executive director position. They are going to conduct the foundation work for the establishment of CNIM over the next while, including other avenues for funding. We're exploring avenues with industry and with the federal government. Once we have those avenues explored we'll be able to determine what sort of financial commitment is needed by the Yukon government.

**Mr. Silver:** I'm glad to hear that the minister takes this seriously. Over half of the people working in our mines currently are coming from outside of the Yukon and that is a

big concern to our caucus. The government has recognized that and is moving ahead with a plan to address it. I'm happy to support this. It was a commitment that the Liberal platform had in the last election.

In order for this entire project to get off the ground, the college will need a commitment from this government to cover some of the O&M costs to operate this centre for mining. The figure varies from year to year, but it is a minimum of \$3.5 million per year.

Is the government committed to transferring at least this amount every year to the college to help fund this project? When will that money start flowing?

**Hon. Mr. Kent:** As the member opposite referenced, there are a number of those workers who do come and work in our mines from outside the territory. This is one of the opportunities we have to train Yukoners for those jobs that exist directly in the industry. Education is also working with Economic Development on some recruitment and retention initiatives of some of those mine workers who travel in from other parts of Canada right now.

With respect to the member opposite's question, as I mentioned earlier, we have the executive director of the centre for northern innovation in mining who is in place right now. We're looking at other avenues of funding. Once we get an idea of what industry and federal government commitments will be, we'll be able to make a better assessment as to what the Yukon government's contribution will have to be.

**Mr. Silver:** The minister and I have talked about this project as recently as last week in advance of the Geoscience Forum. It is one I strongly support, and I definitely want to see it go ahead. The college has identified the need for a new facility as part of the project. When I asked the minister last week about funding this new expansion at the Whitehorse campus of Yukon College, he was noncommittal. The funding for this project needs to be in place very soon if the college is going to go into construction in 2014. There is nothing in the budget before us and there is nothing identified in the government's own long-term capital plan for this building.

Will we see a commitment for the new facility from this government, and how much will it commit?

**Hon. Mr. Kent:** As I mentioned, this project not only has the support of the Member for Pelly-Nisutlin with the motion he introduced last week, but it also has the support of government and all our caucus on this side of the House.

Going back to my previous answer, the executive director is in place right now looking at sources of funding from industry and from other levels of government, including the federal government. Once we have an idea of what our contribution will need to be on the operation and maintenance or capital side, we'll be able to reflect that with what we as the Yukon government have to commit to a project that will bring training and opportunities to Yukon residents in the mining industry.

#### **Question re: F.H. Collins Secondary School gym**

**Mr. Tredger:** The Minister of Education has proposed that, to accommodate gym classes at F.H. Collins during construction of the new facility, students would be bused around Whitehorse to the Canada Games Centre and other ven-

ues. I have done some math on this idea. Loading students into buses will take approximately five minutes. The drive to the Canada Games Centre is another 12 minutes. To unload the bus, three minutes. For students to change into sports gear and get on to the court, another five minutes. To change when finished, another five minutes. Total: 25 minutes. That is if everything goes well. The return trip is another 25 minutes. Mr. Speaker, that is a total of 50 minutes out of a 72-minute class. Even with double booking, students — over one third of the class — will miss out for two years. Where is the sense in that?

If the minister wants to put students first, how can he justify this emerging logistical nightmare?

**Hon. Mr. Kent:** I attended the November 22 open house, along with the deputy minister and a number of senior officials from the Department of Education. Some options were presented for the delivery of student PE activities and other gym activities. There are a number of resources available in the community for teachers to utilize in planning their PE programs. A number of concerns were expressed not only by parents who were in attendance, but also by students whom I had the opportunity to talk to there.

As I mentioned in a previous answer, we're looking into some fiscally responsible options for a temporary gym at F.H. Collins during the construction period. Again, we won't know the budget for this project until the middle of January, if we are able to award a tender successfully based on the cost estimates that we've proposed. So after that time, we'll be able to hold an open house, discuss some of these temporary gym options at F.H. Collins. Again, we're committed, obviously, to providing the resources for students to have a gym — not only during the PE time, but also the rep teams.

I did have the opportunity to go to F.H. Collins for the volleyball tournament on Friday, and I also visited the school today at lunch time to check out the activity in the gym.

**Mr. Tredger:** Presently, students use the gym from 7:30 in the morning to 8:00 or 9:00 at night. It is used before school, after school and at lunch time. There are over 100 kids in the gym at lunch hour. The gym is the heart of the school. If the students aren't hanging out in the gym, where will they be hanging out? The photo lab is certainly not big enough. User groups from outside the school also have time in the gym.

Not having the use of the gym for two and a half years is an extremely bad option. The lack of planning and the lack of consideration for students are unacceptable.

Will the Minister of Education reconsider options and look at options to provide an on-site facility for the students?

**Hon. Mr. Kent:** Just for members of the House, the gym is not going to be available beginning in March 2013. Removing the old gym was necessary for the new construction to occur on the current site of F.H. Collins, which was the recommendation that emerged from extensive consultations with the community that was done by the building advisory committee. That's who we turned that over to. They're the ones who came up with the plan and the programming. Again, it's a very exciting and ambitious plan and programming and it had to be located on that site for a number of reasons.

As I mentioned, as a result of the concerns that were raised on November 22, we're looking into fiscally responsible options for a temporary gym at F.H. Collins during the construction period.

I know that members opposite have continually asked the government to be fiscally responsible with this project and that's what we intend to do. There is a \$55.8 million cost estimate for the project that we intend not to exceed. We'll have a better idea in the middle of January what the budget will be for this project, and we'll be able to make a decision at that time.

**Mr. Tredger:** When the building advisory committee met on it, the time was one and a half years, not two and a half years — a significant difference. The minister has not done his homework. One phone call was made to one tent supplier to get a single estimate. That is not adequate. The minister has not considered a tender from other suppliers or other means of accommodation. He has rejected the option of using a tent. Busing is unacceptable. We must put children before other considerations.

Will the minister involve teachers, parents and students through a building advisory committee to come up with more viable options for physical education classes and community events while F.H. Collins is under construction?

**Hon. Mr. Kent:** In his previous question, the member opposite criticized the building advisory committee for coming up with a plan that would remove the gym for a year and a half, which was extended to a two-year construction time frame so that we wouldn't get hit with cost overruns and those types of things.

What was mentioned on Thursday night is that we're not prepared to add \$1.3 million to the estimate for this project. We are looking at fiscally responsible options for a temporary gym at F.H. Collins. Department officials are investigating what that could look like, but the total project estimate is \$55.8 million and that's what we intend to stick with as far as this goes.

Again, we are looking at options for a temporary gym at F.H. Collins during the construction period. It's a challenge when the member opposite criticizes the building advisory committee on one question, then asks me to re-establish it in the second question. If he's on his feet again this afternoon, perhaps he can tell us which option he prefers.

**Question re: Social inclusion and poverty reduction strategy**

**Ms. Stick:** It has been over three years since the anti-poverty and social inclusion summit was held, which brought together important perspectives on poverty reduction and the social inclusion policy. The Yukon government has had three years to draft a social inclusion and poverty strategy. We understand the strategy is making the final rounds of consultation with all stakeholders, and we look forward to seeing bold leadership from the government on social inclusion and poverty reduction.

Can the minister provide a date when the social inclusion and poverty reduction strategy will be released?

**Hon. Mr. Graham:** I won't even attempt to provide an exact date. As the member opposite has stated, we're doing our final consultations. We're trying to make sure, as members

opposite will appreciate, that we're very inclusive with this policy and that we get the policy right.

I will be bringing it to our Cabinet sometime within the next month. Shortly after that, I imagine, we will be releasing it to the public.

**Ms. Stick:** I'm glad to hear that this is still moving forward because, since the summit, more Yukoners are relying on the food bank for their nutritional needs. We've seen a growing income inequality and more people living in poverty. We have high hopes that the strategy will be visionary and incorporate ideas from those living in poverty and the people and organizations who work with them, and, of course, provide a clear path toward a better Yukon.

Can the minister inform the public how much money has spent on the social inclusion file to date, and perhaps provide a ballpark number about how much the strategy will cost to implement in the short, medium and long term?

**Hon. Mr. Graham:** The member only has to look back in previous budgets to find out what has been spent in the last two years. It's there in the budget, and I'm sure if the member wanted to look, she would find out. She would also find out what was put in this year's budget as a target. I will go back through the budget documents, write out those numbers for her and present them as soon as possible.

**Question re: Residential Landlord and Tenant Act**

**Mr. Barr:** All but two jurisdictions in Canada require a reason for tenants to be evicted, and there are legitimate reasons for evictions, including non-payment of rent, damage to the unit, illegal activity and the landlord's personal use, which could be to demolish the building, sell the building, convert it to a condo, undertake major repairs or use it as a home for themselves or a family member.

Most jurisdictions require a landlord to provide a reason to kick a person out of their home. Only two jurisdictions do not: New Brunswick and the Yukon. Why does the Yukon Party believe that allowing tenants to be evicted without a reason represents a balanced approach to landlord and tenant rules?

**Hon. Ms. Taylor:** As I have stated all along, and as I believe all members on this side of the Legislature stated last week in response to the current bill before the Assembly, the government is very pleased to put forward modern residential tenancy legislation that reflects a balance between the interests and the rights of landlords and tenants. We certainly look forward to debating the specifics of the bill.

We certainly look forward to debating the specifics of the bill, but the bill before us does respond to a number of concerns and issues that have remained inadequate over the years.

This is the very first time that any government of any stripe has really touched this legislation in well over 50 years. We look forward to moving forward on a whole host of recommendations from the select committee — eight specific recommendations, and moving forward in a more balanced, standardized matter.

**Mr. Barr:** Mr. Speaker, the government's logic is flawed. The new *Residential Landlord and Tenant Act* will continue to allow this unfairness to tenants. No one should be tossed out of their home without reason. The Yukon Human



Rights Commission said as much in its submission to the Select Committee on the *Landlord and Tenant Act*. The commission wrote that the act should state: "... when a landlord evicts a tenant, there must be cause for the eviction, which should be clearly identified. Evictions based on any of the personal characteristics protected under human rights law, such as source of income, family status, disability are discriminatory."

Why does the Yukon Party government insist on allowing a practice that is opposed by the Human Rights Commission and has been outlawed by most jurisdictions in Canada?

**Hon. Ms. Taylor:** The Government of Yukon is responsible for landlords as well as tenants, and it is this government's approach to proceed with the modernized tenancy legislation that adheres to the interests and the rights of both landlords and tenants.

I appreciate what the members opposite have been articulating over the course of the sitting and that is to really promote rent controls, to promote the prohibition of rental units from being converted into condos and the list goes on, but we on this side of the Legislature are responsible to all Yukoners. That's why we are proceeding with provisions that address rent increases. It really does address ending tenancies without cause and with cause and overholding. It provides a new dispute resolution mechanism based on mediation and alternate dispute mechanisms. We look forward to proceeding with the legislation and debating the merits of the bill.

**Mr. Barr:** The Yukon Party is defending the indefensible, and the position flies in the face of public sentiment and the work of the select committee. The Yukon Anti-Poverty Coalition said: "Landlords should certainly have the right to evict tenants for reasons..."

In the public consultation held this summer, many Yukoners said there should always be a reason for eviction. The select committee's first recommendation was that the new act be based on best practices and that causes be clearly spelled out.

Eliminating evictions without cause will not diminish landlords' rights to evict for legitimate reasons. It also respects landlords' rights to sell, demolish, renovate or occupy the unit themselves.

Will the government work with the Official Opposition to amend the bill to end unfair evictions without reason?

**Hon. Ms. Taylor:** I'm finding a disturbing trend here by the members of the opposition and that is by their ability to cherry-pick certain specific submissions put forth by Yukoners and not telling the complete story. Likewise, the government is adhering to all select committee recommendations, incorporating best practices, modernizing the language of the act — again, note the consideration of a separate act for residential and commercial tenancy, clarifying rights and responsibilities of both landlords and tenants, providing for rental standards, eviction, termination of tenancy — providing clarity on security and damage deposits, providing a modernized dispute resolution mechanism and enforcement. We're increasing public education; we have enhanced dollars within the year's budget. It's unfortunate that the members opposite have voted against all that. The members opposite find housing so very important

yet they continue to vote against housing-specific initiatives in this budget.

**Speaker:** The time for Question Period has now elapsed. We'll proceed with Orders of the Day.

## ORDERS OF THE DAY

**Hon. Mr. Cathers:** Pursuant to Standing Order 14.3, I request the unanimous consent of the House to call Motion No. 309 for debate at this time.

### Unanimous consent re proceeding with Motion No. 309

**Speaker:** The Minister of Energy, Mines and Resources has requested the unanimous consent of the House to call Motion No. 309 for debate at this time. Is there unanimous consent?

**Some Hon. Members:** Agreed.

**Some Hon. Members:** Disagreed.

**Speaker:** Unanimous consent has not been granted.

## GOVERNMENT BILLS

### Bill No. 51 — *Residential Landlord and Tenant Act* — Second Reading — adjourned debate

**Clerk:** Second reading, Bill No. 51, standing in the name of the Hon. Ms. Taylor; adjourned debate, the Hon. Mr. Cathers.

**Hon. Mr. Cathers:** It's a pleasure to rise again in concluding my remarks on Bill No. 51, *Residential Landlord and Tenant Act* — although it is very disappointing to see that the NDP doesn't even want to talk about having an informed dialogue on the oil and gas industry. With that, I wrap up my remarks.

**Hon. Mr. Pasloski:** It is with pleasure I rise today for an opportunity to support the legislation that is moving forward, the *Residential Landlord and Tenant Act*. Unfortunately, I wasn't able to hear some of the debate — some of the comments that were made at the end of last week — but I'd like to begin by acknowledging and thanking the Minister of Community Services and her department for the incredible amount of work that has occurred to get us to where we are today, to be able to have this legislation here in this fall sitting in 2012 — to be able to move forward with this. It was a tremendous amount of work and, again, they were up to the task. So I do want to thank the minister and her department as well.

I'd also like to acknowledge the comments I read in the paper by the NDP, who were commenting on the fact that this legislation is a 110-percent improvement over the existing legislation, and that's exciting to hear from the NDP.

For this legislation — I guess the original act goes back to 1954, and then there was a part added in 1972. I think minor amendments were made in 1982, but there really has been not much of substantial change to this legislation for almost 60 years. It was created to be able to ensure protection and balance for legal rights and interests of both landlords and tenants. What we are moving forward with in this fall sitting and this piece of legislation is also about maintaining the very important

balance between landlords and tenants and indeed is why we insisted that we would move forward with a *Landlord and Tenant Act* versus what the NDP were continuing to refer to as just a tenancy act.

There was a Select Committee on the *Landlord and Tenant Act*. The Yukon Party government put this together with the focus on residential tenancy, and its Yukon-wide consultation resulted in eight high-level recommendations. This summer, there was a discussion paper that included detailed policy options arising from those recommendations and additional proposals based on best practices that we have seen and heard about from other jurisdictions.

These eight recommendations included incorporating best practices — so, use of written tenancy agreements, use of conditional inspection reports, new dispute resolution processes outside a court, security deposits and condo and mobile park conversions, to also address those issues. The second was to modernize the language of the act and consider a separate act for residential tenancy.

The new *Residential Landlord and Tenant Act* creates legislation that will only deal with residential tenancies. It uses plain language as much as possible and is constructed to walk the reader from matters at the start of the tenancy, during the tenancy, at the end of the tenancy, and then it goes into the dispute resolution processes and enforcement.

Rights and responsibilities — each section of the new act sets out rights and responsibilities of landlords and tenants; when the rights, responsibilities and obligations in a tenancy agreement take effect; the landlord's right to have rent paid on time; the tenant's right to privacy; the landlord's responsibilities to comply with rental standards, and tenant responsibilities not to damage the unit.

For rental standards, the new act contains a section on the landlord and tenant obligations to repair and maintain rental units. It requires landlords to comply with existing applicable legislation and with the new minimum rental standards that will be set out in subsequent regulations. It states that tenants must maintain the unit in good repair and must pay for damages they cause.

There is also a notice with cause for eviction, and the new act clearly sets out the landlord's reasons for a 14-day notice of eviction or "notice with cause" — for example, for non-payment of rent; the tenant repeatedly late paying their rent; unreasonable number of occupants within the rental unit; significant disturbance or jeopardizing the health or safety of occupants; damage to property; illegal activity; sublet without written consent of a landlord; or the tenant gives false information to prospective tenants or buyers.

Now the tenant can also terminate the tenancy with 14 days' notice if the landlord does not comply with the tenancy agreement.

The *Residential Landlord and Tenant Act* adds new minimum termination of tenancy provisions for landlords: six months' notice for condo conversions, 18 months' notice for mobile park closure and two months' notice for all terminations without cause, which right now with the existing legislation is

only one month's notice. The tenant's minimum notice to the landlord does not change, and will remain at a 30 days' notice.

This also speaks to security and damage deposits. This legislation establishes clear provisions around security deposits. One deposit only and limited to a maximum for one month's rent can be put toward any debt owed to the landlord at the end of the tenancy. It can be used as last month's rent only with the landlord's written approval. It sets out what happens if parties disagree about use of the deposit. Condition inspection reports are important.

It also discusses dispute resolution and enforcement. This act creates a director and deputy directors of residential tenancies who will investigate and hear disputes and can issue orders to either landlords or tenants to comply. The new residential tenancies branch will be established in Community Services, where landlords and tenants can apply for dispute resolution. The branch will also provide informal dispute resolution and public education.

Enforcement and compliance with the act will be achieved by director orders, which can require withholding of rent, reducing the rent, imposing a significant administrative penalty, possession of rental unit to the landlord, payment of damages or proof that rental standards have been met — perhaps by an inspection. Director orders can be filed and enforced with the Supreme Court. Of course, there can be new offences and penalties as well.

What's very important is increased public education. Over the next several months, all new public education materials will be developed. There will be the use of a variety of tools, including social media, plain-language questions and answers and pamphlets, and in-person information sessions will occur. Public education will be a key role of the new residential tenancies branch.

There are some other changes that are worthy of notice as well: notice of rent increases will be restricted to once per year and there must also be three months' notice for that rent increase; clear provisions around overholding tenants and abandoned property; what tenancies the act does not apply to; and special provisions for staff housing and housing-tied-to-income. With that, I'm referring to social housing.

There are some next steps that are also required and those include the development and consultation on the regulations moving forward, setting up the residential tenancies branch, the development with those people in the branch of the public education materials, and the implementation of the *Residential Landlord and Tenant Act* for the fall of 2013.

This piece of legislation again speaks to balance and balance is something in fairness to consider. It is something that this government continues to strive and to work for and work toward not only with this legislation, but with all legislation and in how we deal with all situations that we come across as a government.

The *Residential Landlord and Tenant Act* does balance the interest of both parties — both the landlord and tenant — and clearly sets out their rights and responsibilities. It does provide for independent and easily accessible dispute resolution and supports a healthy private rental market.

This is just another milestone along the way of this government's hard work toward ensuring fairness for landlords and for tenants. It also goes along with some of the hard work and the great work done by our caucus and our ministers on all the aspects we have with regard to the housing continuum that occurs from emergency shelters right through to home ownership at the other end. We are engaged at all levels as a government to continue to see that we can address those issues and priorities of Yukoners. We're very proud that we again have lots for sale at the counter, where Yukoners can move forward and purchase a lot.

We see the stabilization of housing prices. Subjectively by looking at some of the ads in the papers, we're seeing an increased number of vacancies in the rental market. More people have opportunities to get rent that way. We're excited by some of the innovative stuff the minister responsible for Yukon Housing Corporation is putting forward, creating opportunities for people who are paying their rent but are not able to save the amount of money they need to take that next step into home ownership and thereby create opportunity to create equity for themselves.

We will continue to work toward seeing that we can come up with a program that will address this issue. I believe, as a result of that, we will create more flexibility in the rental market. In a free-market system with demand and supply, I feel confident that we'll then also begin to address the issues around the rents that are out there. In fact, we have already been seeing that, with more availability of rental spaces in this community, that in fact starts to apply pressure on the prices.

This government is very proud of the work that they are doing. Again, I'd like to acknowledge the minister and her department for the incredible amount of diligence. I know there were a lot of people who were skeptical whether we would be able to move forward by the fall session of 2012 with this legislation, and we're very proud to be able to do so.

**Mr. Tredger:** I'd like to begin by thanking the members opposite for acknowledging that the NDP is doing just what we told the people of the Yukon we would do. We are supporting good ideas; we're holding the government accountable; and we will bring forth constructive and creative improvements to legislation.

I'd like to thank the select committee and members of the Department of Community Services and the Minister of Community Services for bringing forth this legislation. There's much to be said for it. I'm pleased to have the opportunity to put the NDP Official Opposition caucus position on record yet again. The NPD Official Opposition has been clear: the bill is an improvement and there is much within this bill that we support, including minimum health and safety standards, plain language, elimination of the last month's rent and clarification of security deposits, standardized tenancy agreements, inspection reports and dispute resolution.

We have also been clear that there are major gaps not addressed by the bill. It still continues the archaic practice that tenants can be evicted without cause and it does not prevent price gouging.

We are hopeful that the government will work with the opposition to address these gaps in order to give Yukoners an improved and modern *Residential Landlord and Tenant Act*. We have been clear that the modern landlord and tenant rules need to contain fair provisions to prevent price gouging.

Most jurisdictions have, through regulations, some parameters by which rents can be increased. Some jurisdictions have a form of rent review, a mechanism by which tenants receiving a rent increase can have recourse to have the amount reviewed and overturned. This could be triggered by receiving a huge increase of, say, 50 percent — not unheard of during the current housing crisis primarily in Whitehorse.

Some jurisdictions have rules on fair rent increases based on a formula. For example, rent may increase at a percentage mirroring rises in the consumer price index plus an additional percent rise. There are also rules for additional rent increases for landlords who install new appliances, conduct major renovations or units that are grossly undervalued relative to the average rents in a local housing market. That should address many of the concerns I heard from across the way on Thursday.

There are many tools at a government's disposal to prevent price gouging. We believe it's time for the Yukon to have clear rules to prevent that. So far, the government has shown no willingness to do something to prevent it. They seem to believe that there is no role for government, that they will leave it up to the market.

It is consistent with their Lot 262 failure. The Yukon Party said they had a plan to get more affordable housing units on the market, but their plan simply involved asking the private sector for ideas. Then they rejected these ideas. We are no closer to having more affordable housing in the Yukon. In fact, this bill contains no abilities for the Yukon government to preserve affordable rental housing stock from condo conversions.

But government does have a role and a responsibility in ensuring that a range of housing needs are met, and government does have an important role in creating fair rules that recognize the rights and responsibilities of landlords and tenants.

On Thursday, Yukon Party members talked a great deal about how their bill, the *Residential Landlord and Tenant Act*, was balanced. "Balance" seems to have become this government's favourite buzzword in regard to everything they do. They claim this even if the facts show something different.

Let's not forget the government's claim that their plan for the Peel is one of balance. A lot of Yukoners would dispute this and say their plan is unbalanced — that it favours one industry over the needs of land users. First Nation governments, who are threatening legal action around unilateral action by the government, fail to see the balance in their plan for the Peel, and neither do the majority of Yukoners, who have said they want this unique watershed protected. So the government's claim that the bill is balanced needs to be examined.

The Community Services minister said the new legislation is balanced and will benefit landlords and tenants equally. The bill continues to permit tenants to be evicted without reason, and it does not stop price gouging.

When I consider balance and when I think about balance — sometimes in relationships, there is an inherent imbalance in

that relationship. That is when it's important for the government or agency to step in and ensure that the relationship is fair and safe for all.

When somebody is looking for housing in a very difficult market they are already in an unbalanced position. They are restrained by factors of income. They are restrained by the vacancy rate and they are restrained by the need to find accommodation for them and their family in a tight housing market. That creates an imbalance.

Quite often — not always, but quite often — the landlord has a financial position that is superior to the renter. We know that with a higher income usually comes a better education, more confidence and more ability to use various parts of the system so that it works in their favour.

I've met a lot of landlords and a lot of tenants and I have a great deal of respect for the landlords in our territory who have purchased buildings and houses and shared them through renting with those people who are looking for residences. I have met people who have converted their basement or built a garden suite to help alleviate the housing shortage in Yukon. I've talked to industry members who have bought and obtained housing so their staff could work and live in the Yukon. I have the utmost respect for landlords, but they are often in a position that is better served than the tenants.

The Minister of Justice said the fundamental flaw in the NDP logic is that tenants need some special protection against eviction, but not to offer landlords the same protection. What he is really saying is: landlords should be able to evict without reason.

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

#### Point of order

**Speaker:** Minister of Energy, Mines and Resources, on a point of order.

**Hon. Mr. Cathers:** The Member for Mayo-Tatchun, in my view, contradicted Standing Order 19(g) by imputing false or unavowed motives to another member. He referenced comments by the Minister of Justice and then the Member for Mayo-Tatchun went on to say something that was clearly contrary to what the Minister of Justice said and intended.

#### Speaker's statement

**Speaker:** I don't believe there's a point of order but I will have to check the Blues to locate the exact wording. I may have heard it differently. I'll check the Blues tomorrow and give a ruling then, if required.

Member for Mayo-Tatchun, please continue.

**Mr. Tredger:** It is agreed by all sides, government and opposition, that the current *Landlord and Tenant Act* is archaic and has outlived its usefulness. It is extremely unbalanced and we would be more apt to call it the Landlord Act, but this bill, unless we amend it — and that is our intention — misses out in restoring the balance.

The minister has said the bill overwhelmingly reflects the work of the select committee and the 200 comments the public submitted as part of the consultation, but the select committee's first recommendation was that the new act be based on best

practices. Eliminating no-cause eviction is a best practice many jurisdictions in Canada have adopted. Rules for fair rent increases have been adopted by most jurisdictions in Canada. Why did these best practices not make it to the final edit of the legislation?

All but two jurisdictions in Canada require a reason for tenants to be evicted, and there are legitimate reasons for evictions, including non-payment of rent, damage to the unit, illegal activity and landlord's personal use, which could be to demolish the building, sell the building, convert it to a condo, undertake major repairs or use it as a home for themselves or a family member.

It's not unreasonable to ask for cause. Most jurisdictions require a landlord to provide a reason for kicking a person out of their home. Only two jurisdictions do not — New Brunswick and Yukon. In their submission to the select committee, the Yukon Human Rights Commission said no one should be tossed out of their home without reason. The commission said: "The act should state that when a landlord evicts a tenant, there must be cause for the eviction, which should be clearly identified. Evictions based on any of the personal characteristics protected under human rights law such as source of income, family status, disability, etc. are discriminatory."

The Yukon Anti-Poverty Coalition said, "Landlords should certainly have the right to evict tenants for reasons..." In the public consultation held this summer, many Yukoners said there should always be a reason for eviction. Eliminating evictions without cause will not — and I repeat will not — diminish a landlord's right to evict for legitimate reasons. It also respects the landlord's right to sell, demolish, renovate or occupy the unit themselves.

We hope that this best practice supported by the select committee and echoed in public comments will be addressed through an amendment to the bill.

As I said, the NDP supports the intent and much of the content in this bill. However, we do feel improvements can and should be made. I personally have a few concerns and perhaps they will be addressed in the legislation. The establishment of a residential tenancy director and office would be established in Whitehorse.

I would hope the government would work to make sure that rural members had access to that and that there were ways to make that available — and through education and through continually reporting, let all the public know of its availability and its options. I noticed talk about an accessible dispute resolution process and an independent advisor to do that. Again, I hope that is available to people in the rural communities where it may be needed. I like the idea of a pre- and post-viewing — that would have helped me in a number of places that I have rented in my past — and written tenancy agreements. I am a little bit concerned, in terms of renting and tenants and landlords, that there is a significant population in the Yukon struggling with literacy. I like the idea that the act is written in plain language. Even at that, though, it is fairly difficult to understand at times. So I hope one of the duties of the residential tenancy director, or his office, would be to help interpret and perhaps provide assistance to landlords and tenants as they get

used to this new act and what exactly should be in a pre- and post-viewing, what you can ask for and what you can expect, as well as in terms of the tenancy agreements, so that those who are struggling with literacy or who are feeling insecure or just want a place to live, do not get caught up in the wording and end up not being served by some of the good things in this new act.

I would also mention that a number of landlords I've talked to have expressed some concern about upgrading and meeting standards and whether they will have time to meet those standards and what they do with the tenants when they are refurbishing or remodelling a unit — the mould or whatever it is — so it renders the unit safe. Landlords do have some questions about that and how much time they would have to put it in place and where they could go with it — the cost of implementing the new standards and whether that is able to be passed on and where people will go with it.

We did have one question about pet deposits. Landlords have asked about an additional pet deposit, so that when they're renting to someone who wants to have pets in their house — dogs are an important part of the Yukon and many tenants would like to have dogs — will there be an option for an additional pet deposit, so that the landlord is covered and can feel comfortable renting to tenants with pets?

Having said that, I would reiterate once again the NDP's stance on this. We do like the intent of the act, and there is much that is encouraging about it. We feel that it has made a lot of improvements, and can and should be amended somewhat to make it even more fair and more balanced.

**Speaker:** As all members have had the opportunity to speak to this, I'll ask the Minister of Community Services for her closing comments.

**Hon. Ms. Taylor:** I'd like to thank all members of the House for their comments. Very interesting comments have been put forth on the floor. To be very sure, this afternoon there will be some interesting discussion.

I want to start by just again going back to the select committee that was struck a number of years ago — specifically, their report that they tabled in 2010 on the *Landlord and Tenant Act*. There was recognition by all parties of the Assembly at that time, as there is today, that there was the need to modernize and update the legislation seeing that we have not seen any major revisions to the act since the 1950s.

I want to go back to the actual report. Of course, the select committee was comprised of all political parties represented in the Legislative Assembly. It's interesting. Without getting into the specifics, under the conclusion, it said, "The committee feels that the primary purpose of the act is, and should remain, to balance the rights and protections of the landlord and the tenant. The committee believes that principles must be kept in mind when the act is amended so that it promotes positive and respectful relationships."

The report then also goes on to say, "The committee believes that a fair and equitable *Landlord and Tenant Act* will clearly lay out the rights and responsibilities of all parties. It

will clearly define to whom it applies. It will balance the rights and protections of both landlords and tenants. It will provide clear definitions. And finally, the legislation will be accessible to the majority of Yukoners."

I want to thank the select committee and the members who contributed to those recommendations. In the last election, this party, this side of the Legislature, won a mandate to adhere to the recommendations of the select committee. The select committee made eight specific recommendations that I outlined for the members opposite earlier today. The government has adhered to that, all the while maintaining our overarching commitment for a balanced piece of legislation. I want to thank our Department of Community Services, working in collaboration with other departments, for their hard work in reflecting upon what Yukoners had to say, including landlords, tenants and other members of the public, and moving forth in a balanced and measured approach to this legislation.

There has been a lot of interesting dialogue. When the actual committee went on to say that the act principles should promote positive and respectful relationships, I have to say it does disturb me to some degree that the members of the NDP caucus continue to refer to price gougers and, in fact, the current piece of legislation that we have is a landlord act. Where do you begin with that?

The government has worked hard to reflect upon all comments that have been brought forward by Yukoners, to consider the current market and consider where we were, where we are and where we could go. As I have stated and as I will state again and again for the members opposite, the Government of Yukon is moving forward on a number of fronts. The *Residential Landlord and Tenant Act* is but one mechanism by which we are moving in response to the needs of Yukoners and to respond to the housing needs of all Yukoners.

I heard on the floor of the Legislature — I think it was the Member for Takhini-Kopper King — that there's no housing strategy, the government has done nothing, it has been one-offs. I would not coin the single-parent family residence in Riverdale as being a "one-off". In fact, that is a really important housing initiative that this government and previous Yukon Party governments have worked hard on. The lion's share of those single-parent families happen to be women and children.

It's unfortunate because the previous NDP voted against that initiative, just like they have voted against second-stage housing in collaboration with the Yukon Women's Transition Society. They voted against \$35 million plus worth of land development expenditures in this year's budget.

The Government of Yukon has worked hard over the last number of years. Specifically, over the last three years, we have come through with over 550 residential lots. What do members opposite choose to do?

There is a need for land development; there's a need for housing initiatives right across the spectrum of the housing front, and members opposite, including the current Leader of the NDP, vote against it.

When we talk about addressing the needs of Yukoners in a balanced and responsive approach, and then we hear comments from the members opposite referring to price gougers and how

that the current act we have is just a landlord act, I don't think that is promoting respectful relationships between landlords and tenants. Yes, the government recognizes there are shortfalls in the current act and that is, in fact, why the government has come up with a piece of legislation within a year of its renewed mandate to adhere to the select committee recommendations.

When we talk about best practices in the rest of the country, it is interesting to know that when it comes to rent controls — such as what the NDP opposite is promoting — there are only four jurisdictions in the country that have chosen to adhere to that. It's not for me to say whether that is right or wrong. Given our circumstances — what we promoted during the last election and what we have heard, we have chosen not to proceed with what the NDP is promoting.

Instead of trying to restrict the private rental market, we believe we need to actually do more to encourage landlords to invest in new properties; to encourage landlords to invest in their current investments — private investments, by the way, because at the end of the day it is private investment in housing. So we have to find that balance, and we have. We have enhanced the notice provisions for notice without cause from one month to two months for landlords; for the tenants, that remains at 30 days. When it comes to condo conversions — and I thank the Liberal Party for supporting the bill going forward, and I support the Member for Klondike. But when it comes to the NDP, what we have heard is that, you know, on the condo-conversion front, not one province or territory in this country have actually gone there.

Some municipalities have gone there. They have looked to use different zoning controls, through their bylaw process, but the government is very supportive of finding that balance between both the interests and rights of landlords and tenants.

There was a lot of discussion about the lack of affordable housing. Over the past number of years — several years — the Government of Yukon has invested well over \$100 million in different housing initiatives in all parts of the territory. That has resulted in well over a 40-percent increase in the available housing stock through Yukon Housing Corporation. Under the previous NDP government, there was no investment in affordable housing initiatives.

This government, on the other hand, has chosen to leverage dollars through the federal government, whether it's Canada stimulus funding or through various housing initiatives.

I'm very proud to be able to support a new 34-suite seniors independent living housing complex at 207 Alexander Street. But to be sure, the Leader of the Official Opposition and her party will — well, in fact, they have: they voted against it.

Options for Independence housing for FASD clients — something we also went to the polls on. Again, the NDP voted against it. Second-stage housing — Betty's Haven — is incredibly important housing for those families who are fleeing abusive relationships, looking for that transitional housing for 12 to 18 months. Again, the members opposite voted against it. Emergency youth shelter — the Minister of Health and Social Services in collaboration with Skookum Jim Friendship Centre — again, adding to the mix of that housing spectrum, from emergency shelter all the way through to making home owner-

ship more attainable, whether it be through the work of the Yukon Housing Corporation, whether through land development, or whether it be all the way through to the continuing care — we have added a number of beds for continuing care and, again, the members opposite voted against it.

Habitat for Humanity — investments in land being made available to support their organization, in support of Yukoners who do not necessarily have the wherewithal to go through the conventional financing options. I could go on at great length about all of the investments made by the previous Yukon Party government. The ones I just mentioned are just recent investments of the Government of Yukon, in collaboration with the Government of Canada. There is a whole host of various initiatives that we are undertaking. The land modernization project through Justice is a multi-year project and something that will help streamline and make more efficient the delivery of land in support of home ownership.

I won't go into great detail on all that members opposite have spoken to — but there are quite a few comments — other than it is disappointing to hear the NDP members opposite again referring to the term “price gougers” and that the act that we currently have is the landlord act.

I am proud of the bill before us. I believe it does reflect a balance. We look forward to hearing further comments from the members opposite. We look forward to going into all the provisions of the bill and really reflecting upon the select committee recommendations and how this bill will in fact improve. At the end of the day, I will give credit to the members of the Official Opposition. They did say that the bill was 110 percent better than what it is today.

Although the other day, I think it was the Member for Takhini-Kopper King who said that it's wrong to suggest that 110 percent better means unqualified support. One hundred and ten percent of nothing is still nothing, and 110 percent of a bad thing does not necessarily make it a good thing. So I don't know. I'm confused.

But we will look forward to getting into the merits of the bill and talking further as to why members opposite should support this bill.

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

**Some Hon. Members:** Division.

#### Division

**Speaker:** Division has been called.

#### Bells

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

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

**Hon. Mr. Cathers:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Graham:** Agree.

**Hon. Mr. Kent:** Agree.

**Hon. Mr. Nixon:** Agree.

**Ms. McLeod:** Agree.

**Hon. Mr. Istchenko:** Agree.

**Hon. Mr. Dixon:** Agree.

**Mr. Hassard:** Agree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Silver:** Agree.

**Mr. Elias:** Agree.

**Clerk:** Mr. Speaker, the results are 16 yeas, nil nays.

**Speaker:** The yeas have it. I declare the motion carried.

*Motion for second reading of Bill No. 51 agreed to*

**Hon. Mr. Cathers:** I move that the Speaker do now leave the Chair and the House resolve into Committee of the Whole.

**Speaker:** It has been moved by the Government House Leader that the Speaker do now leave the Chair and the House resolve into Committee of the Whole.

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

**Chair (Ms. McLeod):** Order. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 51, entitled *Residential Landlord and Tenant Act*. Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

**Chair:** Committee of the Whole will recess for 15 minutes.

*Recess*

**Chair:** Committee of the Whole will now come to order.

### Bill No. 51: *Residential Landlord and Tenant Act*

**Chair:** The matter before the Committee is Bill No. 51, entitled *Residential Landlord and Tenant Act*.

**Hon. Ms. Taylor:** I am pleased to rise again to speak to Bill No. 51, *Residential Landlord and Tenant Act*.

The bill before members today supports the government's priority to implement the recommendations of the Select Committee on the *Landlord and Tenant Act*. It is written in clear and plain language and balances the rights and obligations of both tenants and landlords. The bill separates the *Landlord and Tenant Act* into two different pieces of legislation: the new act, which addresses residential tenancies, and the commercial *Landlord and Tenant Act*, which refocuses the remainder of the existing *Landlord and Tenant Act* to address commercial rentals only. It also clarifies the types of residential tenancies it applies to and will help to explain in the legal framework around the landlord and tenant relationship.

A new residential tenancies office is a key feature of the new bill. It will provide binding dispute resolution for landlords and tenants that will — except in some very limited instances — eliminate the need to go to court. In addition, this new office will provide public education to help landlords and tenants un-

derstand their rights and responsibilities. Increased public education is an extremely important element of the implementation of this bill.

Modernized and strengthened provisions in the new bill include a dispute resolution process outside the courts; mandatory written tenancy agreements and condition inspection reports; clarification on the amount and use of security deposits; a limit on frequency of rent increases to once per year; provisions for safeguarding the privacy of tenants; provisions for safeguarding the privacy of tenants as well as clarity for landlords in dealing with overholding tenants; clear rules and timeframes for both termination with and without cause; notice requirements for condo conversion as well as for changes in use of mobile home parks; clarifying the rules for subletting and new enforcement provisions including administrative fees and penalties.

The new bill also provides for regulation-making powers, including the ability to develop minimum rental standards to help ensure the health and safety of tenants.

Departmental officials recently briefed members opposite on the details in the bill, and I'd like to take the opportunity to respond to some of the questions raised during that briefing.

There were a number of questions regarding minimum rental standards, what those standards will address and how they will impact any landlords whose properties may not meet the standards. Officials have begun research on how rental standards are addressed elsewhere in the country. I'm told that no two jurisdictions are the same. Some are very high level while others are very detailed. In the development of minimum rental standards in Yukon, we need to fully consider what they will say, how they can be met by landlords and how they will be enforced through the legislation.

As such, as I have committed a number of times over the course of the sitting, the government looks forward to seeking full public input on the various elements of the standards as part of the development of regulations necessary to implement the new act. We need input on what Yukoners feel makes sense for Yukon. With regard to how long landlords will have to ensure their properties meet the minimum rental standards, this will also depend on details of the standards themselves. We certainly will take this into consideration as part of the transition provisions provided for in the regulations. As I also stated earlier in the sitting, those regulations, those actual public consultations, will commence early next year and alongside that will come the development of the regulations to be crafted as a result, which will then form part of the bill and it will be fully proclaimed later on in the year.

Another area of question from members opposite at the briefing centred around rent increases. Of course the new *Residential Landlord and Tenant Act* does change the frequency of rental increases. As I have stated a number of times, a landlord cannot increase the rent in the first year. After that, the rent can be increased with three months' notice. I am aware that this has resulted in some tenants facing rent increases per year. The bill before us today clearly sets out that the rent cannot be increased in the first year and can only be increased once per year, again with three months' notice.

Members opposite have questioned why the new legislation does not provide for rent control. As I have just stated on the floor of the Legislature, the government remains committed to tabling and adhering to balanced residential tenancy legislation and also to ensuring that Yukon has that healthy private rental market. Rent control could result in discouraging existing landlords from continuing to be in the business of owning rental properties. It could also discourage people from becoming new landlords, plus the impact of rent control could reduce the actual number of rental units available in the territory.

Property owners have a right to a return on their own investment, and we want to find ways to encourage the development of more rental properties and have a larger inventory of units available in Yukon.

Working with the minister responsible for Yukon Housing Corporation, we are developing more land and launching other programs to assist Yukoners throughout the housing continuum.

As I have mentioned, for the first time in years, we have a supply of building lots available over the counter, thanks to the efforts of the Land Development branch in Community Services. Rather than adopt rent control in Yukon — a policy, I might add, that has been dropped by many other provinces and territories, with only four currently using some form of rent control. We have instead balanced the interest of landlords and tenants by limiting the frequency of rent increases, in the name of promoting a healthy private rental market.

Switching to the new provisions on security deposits, there were questions as to why the bill does not speak to pet or other types of deposits. Thanks to the good due diligence and research provided by department officials in Community Services and Justice, research has shown us that while some jurisdictions do specifically permit pet deposits, in some cases, like in British Columbia, the combined value of the pet and other security deposits cannot exceed the value of one month's rent.

In other provinces, multiple deposits can result in making it cost-prohibitive for the tenant to enter into a tenancy. Again, the government does not feel that this is the best approach in the Yukon. Instead, the bill meets an important select committee recommendation by clarifying and simplifying provisions around the amount and use of security deposits. Bill No. 51 will limit the amount of the security deposit to one month's rent for monthly or yearly tenancies and one week for weekly rentals. It also provides that the deposit can be put toward any debt owed to the landlord by the tenant at the end of the tenancy. The legislation also sets out a clear process for dealing with security deposits, including a dispute resolution process.

This is a modern, clear and effective bill, which will foster a healthy private-rental market and will protect the interests and rights of both landlords and tenants. The tabling of Bill No. 51 is the first step in modernizing residential tenancy law in the Yukon. In 2013, as I've already alluded to, the government will embark on another public consultation on the regulatory package that is necessary to implement the legislation.

These regulations will include Yukon's first minimum rental standards. Officials in the Department of Community Services will lead this consultation and will also be working

toward addressing the many operational matters necessary to open the new residential tenancy office.

It's important that we work to get this right and that we take the time to fully consult with the landlords, tenants and others as we prepare to implement this legislation in its entirety.

Again, I want to thank the many officials in the Department of Community Services, in Justice and the other Yukon government departments for the incredible job they have done in preparing the bill that is before us today. I also want to thank the many Yukoners who have participated in the select committee review and the consultation that took place earlier this year.

We expect that the modernized *Residential Landlord and Tenant Act* will improve the quality of life for Yukoners by balancing the legal interests of both landlord and tenant. Thank you.

**Ms. Hanson:** I just wanted to reiterate what the Yukon Official Opposition, the New Democratic Party, has said repeatedly in this Legislative Assembly and outside these Chambers in public meetings, in forums that we've participated in, in conversations with groups as diverse as various landlord groups — Anti-Poverty Coalition, Humans Rights Commission — that we are pleased to finally see the tabling of modern residential tenancy legislation. To repeat what I've said, because it's important: this modern residential tenancy legislation is a testament to the fact that legislators can, when challenged, do the right thing. We've said repeatedly that we believe that this is a good piece of legislation, but it's not the best piece of legislation. I believe that Yukoners deserve the best and I believe that that is what my predecessors — Todd Hardy and Steve Cardiff — pushed this Legislative Assembly over the years to do. They were finally successful in getting unanimous consent of this Legislative Assembly three years ago this month to move this forward.

It's a great testament to the willingness of legislators to work together that we have this piece of legislation to the state it is, and we are pleased with many aspects of it. I think perhaps that when the minister says the bill overwhelmingly reflects the findings of the select committee and the 200 public comments that she would have been more accurate to say that it does reflect most of the findings and recommendations of the select committee and a portion of the 200 public comments, not the majority.

Despite the fact that the government in its public questionnaire did not ask the public directly, should there be a form of rent review or rent control or rent ceiling, et cetera, a majority of Yukoners took the time in responding to the public process to indicate that there should be some way to deal with rental increases. The public was asked the simple question that reflects what the minister has indicated is in the legislation: should the rent increases be limited to once per year?

One of the interesting things is that how you frame a question really does determine the kind of answers you get. Despite framing the question to seek a simple yes or no, Yukoners being Yukoners came back with hundreds of other ideas. In this



particular area, 46 of the 71 comments in response to that yes/no question said there should be some way to deal with rental increases. Yukoners made comments like, "There has to be a ceiling on how much rent can go up by unit." "There needs to be a cap on rent increases." Some were quite emphatic about that; one person wrote, "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."

When the NDP has reflected on the voices of Yukoners, it is not the NDP who talk about price gougers; it's the lived experience of people who have had their rents dramatically increased. I had an e-mail this afternoon from somebody who told me that her rent in one year had increased 22 percent. That's a significant amount for anybody. I don't know anybody in this room or anybody in the listening public whose wage has increased 22 percent in one year.

I have a couple of comments and a couple of questions. It's the intent of the Official Opposition to not spend an awful lot of time in long conversation on this, because we do believe that this is a substantive piece of legislation. We would like to be able to move as quickly as we can to Committee of the Whole to move through the legislation and address the specific clauses as it goes through. I'll set out two or three questions for the minister and then hopefully we can move forward.

One of the questions I would have is that if the assertion is that the bill reflects the findings of the committee and the public comments, why didn't these comments find their way into the drafting of the bill? Was the bill written before the consultation or what was that all about?

We've heard a number of theories about rent and rent increases. The minister just said that any form of addressing the issue of how rents are increased would somehow put a chill on the private market.

I would point out to the minister and her colleagues that the fact is that there has been little or no building of rental properties for a vast number of years in this territory. When you speak to builders, they'll tell you that it's because it's very difficult. The return on investment from rental is slow. It's not fast. What we've seen being built in this territory is condos — not private rental accommodation. It's the public centre — when the federal government put the stimulus funding into this territory, that's where we started seeing some building — some catch-up — not keep-up, but some catch-up — to the demand that has built up over the last number of years for affordable rental accommodation.

The private sector wasn't there, because they saw that it was a very long-term investment, and they were looking for a quicker return on their investment. We have had this explained to us numerous times when we've questioned developers in this territory about why they have made conversions of certain rental properties in this territory to condos, and it's simply because it's good economics for them. It's not good for the person who doesn't have the money to make a down payment to purchase a home, but it is good economics.

What we're saying is there needs to be a balance of the interest of both the private sector, which wants a return on their investment — and all the submissions we've seen — from the

Anti-Poverty Coalition, the Human Rights Commission — you name it — and landlords and tenants alike are saying there needs to be balance. Ignoring it, without any means of saying what's fair, doesn't serve either party, and it clearly leaves many people in a dangerous position.

We have heard and, as the Official Opposition, we experienced the day-to-day realities of people whose rents are increased — and I use the words advisedly — by huge amounts. In response to those very large rental increases over the last couple of years, some tenants haven't been able to afford those rental increases and have been forced to vacate their homes or devote even more of their household budget to rent. I've seen and have talked with families where they've had to bring in extended members of the family — where a working couple with children could no longer afford their rent and were having to move in with seniors. It changes the dynamics of the families, and it also puts on additional stresses that don't need to be there.

For Yukoners not receiving a living wage when the rent goes up, it means deductions from the food budget, from the children's ability to participate in recreation — the kinds of things that lead to the kind of healthy lifestyle that we talk about when we talk about a wellness strategy. There is recognition that there are cost of living increases for landlords too. When heating fuel prices increase, so does the cost to operate a rental housing building. When landlords have to do renovations, they are out of pocket. Good landlords have the right to increase rent. Nobody I have talked to has disputed that, but we can have rules that balance this right within the context of fairness, and that's all we're talking about — fairness for all, including tenants.

Median rents in the last five years in Whitehorse have increased 22.8 percent. The vacancy rate in Whitehorse right now is 1.3 percent. If this private sector model that we're hearing so much about is working so well what's holding it back?

There are some fundamental issues at play here. Dawson City — the vacancy rate — this is all according to the Yukon Bureau of Statistics — is at zero percent.

We're asking for the members of the Legislative Assembly to consider this from the perspective of both those who invest as landlords and those who invest as tenants, invest in their security of tenure and their ability to have a place to live for more than a short period of time. We know that some other jurisdictions do place some terms on the right to increase rent in order to ensure that there is fairness, so I'd ask the minister to speak to how this new act prevents tenants facing increased cost of living in terms of food, fuel and increased electrical rates — which we are now hearing about — from being hit with massive rent increases as well. How will the ordinary Yukoner deal with a massive increase when all these other costs are going up as well? This was a summer consultation, which usually doesn't generate that much interest. The fact that it got over 200 hits is a good sign. One of the questions I would ask the minister: Why did the government not directly ask Yukoners if they favoured some rules around rent increases beyond whether rent increases should be limited to once per year? We just spoke about an annual increase and that's it.

So as I mentioned earlier, even though the government didn't ask it directly, a great number — actually, the majority of those who commented — put in some ideas and some of their lived experience, stating there should be fair rules that would prevent unfair rent increases and asking for some provisions that would ensure that all rent increases are fair.

My concern and the question that I raised on behalf of my colleagues is why these comments didn't find their way into the drafting of the bill. How will the person who, a year from when this legislation comes into effect — how will their legitimate concern about a massive rent increase — and we can quibble about what is “massive”. I would say anything that is getting into 20 percent — and that's small compared to some of the ones we've had come into our office. A 20-percent rent increase, when we're not prepared — there is no collective agreement on anybody's table in the foreseeable future that we'll ever see that kind of increase and when you combine the increases to rent with the increases in the cost of food and the cost of fuel, what has to give?

So barring unwillingness to find a way to address the fairness issue — that addresses both the needs of a landlord to cover their cost and maintain a return on their investment — how do we ensure that landlords are not made vulnerable? And, more importantly, how are tenants not made vulnerable by this omission of any mention of an ability to address the issue of fairness in rent increases? With that, I'll leave it.

**Hon. Ms. Taylor:** I'd like to thank the Leader of the Official Opposition for her comments and her questions. Where to begin — you have to take the bill in its entirety. I continue to say this over and over again, but when the original *Landlord and Tenant Act* was first crafted, it was crafted on that basic fundamental understanding of finding that balance that protected the rights and interests of both parties.

When I speak of both parties, it is the landlord and the tenant. The select committee that was struck a number of years ago also — as I read earlier today in their report — in their conclusion and findings — is that it's so fundamentally important that that balance be continued.

It's not about any one particular section of the bill. I think when one takes the bill in its entirety, there are definitely provisions that are in support of tenants, and there are provisions in support of landlords. It's about finding that balance. In fact, when we go through each of the specific provisions within the act, one can see that, in many cases, there are provisions in support of both landlord and tenants, and then there are provisions that are of specific importance to tenants and vice versa to landlords.

Again, the Yukon government feels, and we believe, in the bill in its entirety as it is before the Legislative Assembly here today, there is that balance. In terms of the select committee, there weren't any specific recommendation when it came to rent control and the approach that the members opposite are advocating for — that rent control, payment of rent — there wasn't any specific reference to that. Furthermore, as I just referenced not long ago as well, when you refer to the rest of the country and, again, in doing our due diligence — it comes down to finding that balance — not making it any more restric-

tive on landlords to impede their efforts to enhance their properties or to impede their efforts to make new properties available; it is about finding that balance. It is also hearing concerns as well from tenants in providing that security, we have been able to address some of those concerns. By limiting those rent increases to only once per year, that isn't necessarily the case here today in the current act. We don't have those specific provisions. Providing there's three months' notice, those rent increases can be provided once per year, not a multitude of times throughout the year.

When we looked at other places in the country in doing our research, we found that the majority of jurisdictions in the country don't have those rent controls. To the best of our ability, there are only four that currently have it: British Columbia, Manitoba, Ontario and Prince Edward Island. Some jurisdictions have implemented those rent controls but later removed them, as they determined a detrimental impact to the rental housing market over the long term.

We know that there have been instances in some jurisdictions that have shown that when rent controls were in place, construction of rental properties dropped; vacancy rates have decreased; and fewer units have been made available for rent. When you look at rent controls in jurisdictions like Alberta, Saskatchewan and New Brunswick — those that were in place actually were suspended. Even jurisdictions with rent controls — we looked at those as well. Additional increases are permitted based on a landlord's capital costs expenditures in some of those cases. It leads to a very difficult decision as to whether or not the capital cost expenditure warrants that added rental increase beyond the regulated amount.

In addition, half of those jurisdictions with rental controls — any new residential rental complexes are exempt from the rent regulations so it does vary in jurisdictions.

As I have stated all along and our caucus has discussed this at great length as well, it's important to encourage landlords to continue to maintain their properties, to build rental units in support of a healthy private rental market. So from our perspective — the government's perspective — rent controls could result in discouraging people from becoming or even staying as existing landlords in Yukon, and that would have a very detrimental impact on tenants, of course.

In reviewing some of the discussion in *Hansard* of the past, I know that there was some discussion — the Minister of Justice articulated quite eloquently as well about pros and cons. To be sure, we understand that there is a great deal of debate on this specific issue from all parties. The Government of Yukon, instead of initiating more restrictive measures on either party, has chosen to work within the government.

I know that the minister responsible for the Yukon Housing Corporation spoke at great length about their strategic goals, and really one of those goals is to support initiatives to increase the availability and the affordability of rental accommodation in the territory. We recognize that there is much more to be done on this front. Likewise, we also recognize that we need to be strategic about this and work in partnership with other governments, other organizations and the private sector in

support of the full range of choices along the housing continuum in the territory.

The minister responsible for the Yukon Housing Corporation — through the board of directors — is looking to facilitate access to more attainable, suitable, sustainable home ownership in Yukon. I know the minister announced not long ago the interest of the Yukon Housing Corporation in coming up with an attainable home ownership program available for families who may be able to hold a mortgage, but do not necessarily have the financial means to have been able to build an actual down payment.

It's something that has been tried in other jurisdictions, and it is something that our government is looking at and certainly rolling out in short order. There is a significant number of housing options available for Yukoners at the current time. As the Minister of Health and Social Services also stated the other day, accolades go to our municipalities. Working in collaboration with many of our municipalities — for example, the City of Whitehorse — we have been able to make substantive land available in many corners of the city. In Ingram, which is just up the road from where our family lives, and has been living for almost 20 years, a substantive number of housing options have been made available for Yukoners — nearly all fully built out. Likewise, with Whistle Bend coming on stream with the phase 1 lots, we now, for the first time, have lots available over the counter. Likewise, thanks to the city's concerted efforts to provide more densification within the city limits, we are finding more land being made available.

Again, it comes down to working with the City of Whitehorse. Through their own bylaw process and through their own efforts, the City of Whitehorse has also promoted rental properties coming on stream — garden suites within individuals' homes. I know members opposite may not think that is good enough. I say it's certainly one tool within the tool kit to draw from. A significant number of homeowners within the city and throughout the territory have chosen to make rental suites available on their specific properties and make more rental properties available.

So efforts are being made by all parties, various government departments and organizations, and the private sector to make more housing options available, and we support that. It's not the Government of Yukon's desire to place restrictions on those efforts.

Again, as I mentioned, there are provisions within the *Residential Landlord and Tenant Act* that limit those rent increases to only one time per year, after the first year of tenancy, with three month's notice, preventing tenants from having their rent increased a multitude of times per year.

This is really in keeping with many other jurisdictions in the country and in keeping with our government's mandate to provide that balance of interest and, more importantly, it is in keeping with the government's mandate in making more home ownership options available for all Yukoners throughout the territory.

**Ms. White:** I'd just like to take this quick opportunity to thank the officials for their brilliant briefing and also for

passing on my questions to the minister so she was able to answer quite a few of them off the top.

I have a lot of different questions, so I'll just start with one. How will long-stay hotels be affected by the new legislation? In accordance with health and safety standards, tenant rights and landlord rights, generally how will long-stay hotels be affected?

**Hon. Ms. Taylor:** I'd like to thank the member opposite for her question. The bill contains a section, as members opposite will have learned during the briefing, that exempts certain types of housing from the act. It also includes a regulation-making power associated with a bill to exempt other types of housing as identified in the future. So there are a couple of ways that the bill does approach this issue.

In terms of long-term stays in motels and hotels, that is one area that will be considered during development of the regulations. It's an area that is approached by a variety of means by different jurisdictions so merits a fuller discussion at this particular time. The true vacation use of motels and hotels is exempted from the legislation and is noted in the bill.

**Ms. White:** I'm just going to refer to them as "long-stay hotels" because I'm unsure of what else to call them. Will tenants within those long-stay hotels have the same rights or expectations that their health and safety standards will be raised to the adequate levels we talk about?

**Hon. Ms. Taylor:** As I just stated, that is to be determined by way of the regulations when they come out. As I mentioned, there will be a suite of public consultation undertaken on the regulations and this will be one of those specific areas for which we will be obtaining feedback. We will be doing more research on the rest of the country as well.

**Ms. White:** In clause 14, changes to a tenancy agreement, in 14(2), it talks about making changes in the agreement and it says only if both the landlord and tenant agree to the amendment.

What happens if one of the parties disagrees; for example, if the tenant disagrees with the landlord? I guess in that case the landlord would be making the agreement — but if the tenant doesn't agree with it and it's really in the landlord's best interest that the tenant agree, is the landlord able to go to the dispute resolution process to get that changed?

**Hon. Ms. Taylor:** Basically, if both parties are unable to agree to a change or a proposed amendment, there is no amendment; both parties have to come to an agreement.

**Ms. White:** In clause 18, when it talks about security deposits and how they can only be taken at the beginning of a tenancy, if we have a long-term tenant in place and at the beginning of the tenancy the landlord did not ask for a security deposit and the property changes hands, is the new landlord able to ask for a security deposit or do they have to continue on with what was set up previously?

**Hon. Ms. Taylor:** Of course the issue of security deposits was front and centre during the select committee recommendations, and of course there are provisions within the bill that do provide that greater clarity on the use of the security deposits.

So in a nutshell, no — they have to make that security deposit available at the very beginning of the agreement that is struck. Again, the bill does provide a whole host of greater clarity — the one deposit only and limited to the maximum of one month's rent, but at the beginning of that arrangement. It can't be put toward any debt owed to the landlord at the end of the tenancy either. It can be used as last month's rent only with the landlord's written approval. It sets out what happens if the parties disagree about the use of deposits. That really comes down to the crux of the matter in making condition inspections essential, to which this specific bill refers.

I should also point out as our officials just reminded me that a new landlord, in assuming any new properties, would also inherit the present agreement.

**Ms. White:** Clause 7 it talks about new landlords; in 7(4) when it's talking about the transfer of security deposits between the old landlord and the new landlord, does the old landlord also have to include all of the interest up to that point in the forwarding of the new security deposit? Does it have to include the interest that the old landlord has held and be transferred to the new landlord?

**Hon. Ms. Taylor:** Sounds like a simple question, but it doesn't necessarily have a simple answer, as is the case in some provisions within legislation. As I understand, when a new landlord comes along and does have the agreement, as I just stated earlier — inherits the new agreement — of course, they would pay the interest for the total time inherited; however, even though you have the existing agreement and also have a new landlord as well, that's where it gets a little bit trickier, in terms of the provision of interest.

But, at the end of the day, the new landlord must pay the interest for the total time. I'm trying to explain this the best I can. Forgive me, but —

**Ms. White:** Some of the questions I don't even pretend to know an answer for, but it's more the curiosity. Am I to understand that the new landlord would be on the hook for the interest for the entire tenancy, even if, for example, the tenant had the rental unit for 10 years first, and then they moved out after a year — the landlord would be responsible for 11 years? That security deposit doesn't forward with the interest?

**Hon. Ms. Taylor:** Yes, that's correct.

**Ms. White:** I just wanted to give the minister an opportunity to answer, as opposed to me just acknowledging her nod and moving on. So, for mobile home parks, the question is: Is notice for a pad-rent increase the same as for other tenancies — so it is three months and it can happen only a maximum of once every 12 months?

**Hon. Ms. Taylor:** Yes, it is.

**Ms. White:** Clause 39(4) talks about the conditions of inspection. What happens at the end of a tenancy agreement if the landlord and the tenant disagree on the condition inspections? If the tenant believes it is wear and tear and the landlord believes it's substantial, what happens then?

**Hon. Ms. Taylor:** In terms of condition inspections, where there is in fact a disagreement between both parties, that dispute could be taken to the new dispute resolution process as is administered under the residential tenancies office.

The outcome of that is binding, of course. That is one of the benefits of having this new office in place and was a fundamental recommendation made by the select committee to have that option without having to seek redress under the courts.

**Ms. White:** With that fabulous opening, I was wondering if the minister could describe for us the vision of the residential tenancy office as it stands right now. It sounds like it's going to be a very big undertaking and I was wondering if she could give us a point-by-point response of what the government expects right now within that office.

**Hon. Ms. Taylor:** The residential tenancies office will be part of the Department of Community Services. It will be headed by a director of residential tenancies who is appointed as a member of the public service.

The director will in fact have the authority to hire deputy directors and other administrative staff who will provide that information about the legislation and help tenants resolve disputes. This is really fundamental, because it all goes hand in hand with providing the public education. That is why, in fact, we have some \$61,000 housed within the supplementary budget that we're talking about on the floor, which is to get the office up and running.

The crux of the matter is that this is a fundamental provision within the act. It provides that alternate dispute mechanism, other than, as I mentioned, seeking redress from the courts. This office is authorized to provide the information and education that would be provided to landlords and tenants and will also provide mediation and conduct hearings on disputes.

The main function of the office will be to work with both parties to provide a wide variety of tools and public education resources for both parties to know their rights and responsibilities as outlined within the act.

It will assist with resolving disputes before a formal application needs to be made. I think that's absolutely key. The model set out in the bill also provides the authority for the office to receive, investigate and mediate disputes. If mediation is not possible, as is the case in some circumstances, the director has that ability to conduct a hearing, which may be a paper exchange to begin with; it could be held by phone; it could be in person; in video conference — providing that flexibility and administering that mediation.

The hearing would issue an order by the director to comply with whatever the director provides as suitable in that particular instance. If the order is not complied with, it can be filed with the Supreme Court by the benefactor of the order and enforced through the courts. Really, it is about providing that mechanism that is available to each and every person. I know the Member for Mayo-Tatchun mentioned having the office — the new dispute resolution — made available to all Yukoners. As I outlined, it could be in person, it could be by phone, video conference. There are a number of provisions that make it flexible and available to all individuals throughout the Yukon.

There is a significant amount of work to be done, to be very sure, and that is why we have some additional resources in the supplementary budget, and in the next budget there will be even more provisions for more public education materials, get-

ting the office actually physically set up, hiring additional individuals to oversee these matters, including some administrative support as well.

There is a fair amount of work to be done, but we feel that the consultation on the regulations will help provide added meat, so to speak, to the functions of this actual office as well. Again, it will take the regulations and the bill to come together before the bill in its entirety is proclaimed into force and effect.

**Ms. White:** The minister touched on it briefly there in regard to rural Yukoners and my question is this: What access will they have to dispute resolution services within the communities, and will there be an office where they can go, so they can have video conferencing? How will we assist rural Yukoners in accessing the dispute resolution services?

**Hon. Ms. Taylor:** As I mentioned, if, in fact, the individual is not able to appear in person, provisions will be made available through the office by way of video conference, phone calls, or by way of paper — you know, there are a number of different venues for expressing concerns. That is something to be worked out in the months to come. It was just verified by our officials here today regarding utilizing the existing satellite campuses through Yukon College. Most, if not all, have video conferencing abilities and that, to me, would seem to be a natural way to start, in terms of making those venues available to all Yukoners. But, again, there may be additional options and that is something our officials will be working out in the months to come. We will be clearly articulating that by way of public education materials, advertising and so forth.

**Ms. White:** Thanks to the minister for the answer. I'm happy to know that we'll be facilitating to make it as easy as possible.

So there are a lot of enabling clauses within the new, soon-to-be regulations. We have regulations on security deposits, on health and safety and housing standards, on tenancy agreements and exemptions, inspections, director's decisions, fees and administrative penalties. I can only imagine that it's going to take a long time to get these regulations to the point where they're part of law.

So I have a couple questions based on that. I'm wondering about interim measures. Particularly, will there be interim measures making workable smoke and carbon monoxide detectors mandatory and the responsibility of the landlord before this takes its full effect? When will draft regulations be released for public comment and consultation?

**Hon. Ms. Taylor:** A number of items will be up for discussion on the proposed regulations going forward, in the interim, as the member opposite just referred to, in terms of oil-fired appliances and making those carbon monoxide detectors and smoke alarms available in each of those rental units — as well as homes, I might add.

As members opposite may recall, the minister responsible for Yukon Housing Corporation and I did make an announcement not long ago committing to make this actually mandatory in all Yukon households, not just rental properties. That is something that we are committed to. We are doing research on that because it is not a widely accepted practice in every other jurisdiction in the country. For example, making carbon mon-

oxide detectors mandatory in every household is something that would be the very first in the country, as I understand.

We don't have too many practices obviously to draw on in this regard. We're looking at existing legislation. We're looking at existing regulations, whether that is the *Fire Prevention Act* and/or regulations. It could be the *Building Standards Act* and/or regulations; it could be a combination of both; it could be something else, but it's something we're committed to doing and looking to bring forth as early as the next spring sitting.

It's something that we are advancing on as expeditiously as we can. Unfortunately, I can't give the members opposite a firm date for bringing forth these specific changes, but it is likely that there will be some provisions in place prior to the *Residential Landlord and Tenant Act* coming into force and effect.

**Ms. White:** I had the good fortune of being able to ask questions of the officials when we were discussing the legislation.

The answers weren't in some of the responses the minister gave. I would like to give the minister the opportunity to answer some of those. So when we talk about health and safety standards within rental units, and we talk about how we're going to bring them up to a certain standard — understanding that's not set right now — my question is this: How will those be identified as needing repair? Is the residential tenancy office going to check into rental units? Is it up to the tenant? Is it up to the landlord to say, "This is deficient and I'm going to fix it." Who is responsible for bringing forward concerns about health and safety?

**Hon. Ms. Taylor:** Minimum rental standards, as I expressed in my earlier remarks, are something that will take a bit of time, in terms of coming forth with the regulation-making power. It is something that is varied, in terms of its application in different jurisdictions right across the country.

Of course, there is a section within the bill — clause 33 has to do with obligations of both landlord and tenant to repair and maintain the rental units.

In terms of coming forth with those rental standards, as I mentioned, we will be making the installation of carbon monoxide and smoke alarms mandatory in all rental units. It refers to the fact that tenants must maintain the unit in good repair and must pay for any damages that they cause. It requires landlords to comply with existing applicable legislation housed within other ministries and with new minimum rental standards that will be set out in the regulation, of course.

In terms of tenants also responsible for maintaining reasonable health, cleanliness and sanitary standards in the rental units and not infringing on others' rights, they must pay for any damages they or a guest cause to the property.

The landlord is ultimately held responsible for providing and maintaining the residential property in a condition that complies with the health, safety and housing standards required by the regulations and other laws, as I said, housed in other ministries throughout the Government of Yukon, and making it suitable for occupation by a tenant.

It is largely complaint driven. In fact, if there was a concern put forth by a tenant on the standards that could be taken

to the dispute resolution office for discussion — by making available and mandatory the condition inspection report as well, and having that agreement between both parties. Again, having the actual standards in place once they come to fruition by way of regulation and in terms of meeting standards as set out in other departments — the ministry of Health, for example — and that coupled with the condition inspection report, will in fact provide clarity and expectations on both parties when it comes to this matter of importance.

**Chair:** Order please. Would the members like a brief recess?

**All Hon. Members:** Agreed.

**Chair:** Committee of the Whole will recess for 15 minutes.

#### *Recess*

**Chair:** Committee of the Whole will come to order. We are going to resume debate on Bill No. 51.

**Ms. White:** Just to better illustrate my point — I don't think I made my question very clear, so I'm going to use an example. If there is a tenant who is living in what could be described quite easily as a substandard or sub-par accommodation, and they have concerns about their health and safety within that space, and they address it with the landlord and nothing happens and then they approach it with the residential tenancy office — at that point in time, if a lot of repairs are needed and much more than what someone can live around — so, let's say it's a total gutting of the place — what happens to the tenant in the interim? So, they're concerned about their health and safety; they first broach it with the landlord, and then they need to broach it with the residential tenancy office. What happens to that person when the repairs need to be made to the unit?

**Hon. Ms. Taylor:** So, in that particular case, as the member opposite just outlined, if there are concerns with accommodation, or on the standards — minimal rental standards — call it what you will — the tenant would approach the landlord. If there is no change, of course, then it would be referred to the residential tenancy office for resolution. Without presuming what the outcome of that order would be — part of that order could, in fact, be to withhold some or all of the rent or to reduce the amount of rent. In terms of finding alternative accommodation, no, there is no provision — again, to be able to help address some of these concerns, through the withholding or reducing the amount of rent to be applied toward those actual repairs as a means of moving the order forward as well.

**Ms. White:** With our current vacancy rate being as low as it is, if someone brings forward this concern, which is valid, and the unit requires such extensive repairs that they are unable to live in it — I just want the clarification — at that point in time, is it the tenant's responsibility to find a new place, pay for the rent, the security deposit and all that goes along with it while that unit is being repaired?

**Hon. Ms. Taylor:** In that particular instance, as I mentioned, those provisions — withholding rent or reducing rent — the tenant could possibly apply to the director of the

residential tenancy office for an immediate break in the agreement as just a complete breach of the agreement itself. There is that provision as well.

**Ms. White:** Just to use other examples: if there is a tenant living in a unit that has reoccurring black mould problems — it has happened once; they bring it to the landlord's attention; the landlord tries to rectify the situation; it happens again; and they bring it up a second time, possibly even a third time. If the tenant at any point in time doesn't feel the landlord is doing enough and then brings it forward to the dispute resolution office, and then receives an eviction notice because they're causing trouble, what happens to the tenant in that case?

**Hon. Ms. Taylor:** In the case of a reoccurring breach, as the member opposite just put forward, there is a provision within the act itself — I think what the member opposite is referring to is "retaliation". The director does have provision within the act, where he or she could overwrite the actual eviction notice, based on the case put forth. I can't recall what the actual section is or what the section is termed, but there is provision for that director to override that actual eviction.

**Ms. White:** In clause 11, it says "Start of rights and obligations under a tenancy agreement". This is a real world example, and I'm hoping that the minister can tell us it won't happen in this situation any more. A young family took a look at a property in one part of town, did the walk-through while there were boxes still around the apartment. Everything looked good, they signed off on the tenancy agreement — they gave their damage deposit at this point. It was called a "damage deposit". They signed the lease. They were ready to move in, and they started moving their things into the unit and realized that there was a severe black mould problem. They brought that to the attention of the landlord. They were told, "Live with it or go find something else. It's up to you to do."

Then the landlord kept their damage deposit. With this new act, will that protect a tenant from that kind of breach of power from a landlord?

**Hon. Ms. Taylor:** Yes, in short. There are provisions within the act — again, through the minimum rental standards. In this case, it would be after the fact. There are inspection reports of course. There are provisions where the tenant could proceed to the actual residential tenancies office and actually take issue at that point as well. If a landlord and a tenant enter into the tenancy agreement, the rights and the obligations take effect the day the agreement was entered into, not specifically when the tenant occupies the unit.

**Ms. White:** From the perspective of a landlord, if a tenancy agreement is reached, the landlord has advertised for their property, someone who does the walk-through decides they want it, they sign the lease and they give the security deposit to the landlord — so the landlord has put the time and effort into getting a tenant — and then two days later the prospective tenant who is supposed to move in, calls and says, "Well, actually, I've changed my mind." Is the landlord then able to keep the security deposit for the time that the unit would be empty that month?

**Hon. Ms. Taylor:** Unless the landlord agrees, in fact, yes, the deposit could be lost. Yes.

**Ms. White:** I'm glad to hear that response, because it gives the landlord a bit of security then if someone waffles on the decision.

This is also in regard to landlords: for example, if a landlord owns one property or multiple properties and they all require an extensive or even minor amount of repair to bring them up to the standards set, what will be the transition time between the old act and the new act, as far as them getting up to that health and safety standard or minimal rental standard?

**Hon. Ms. Taylor:** As I mentioned earlier in my remarks, this will be part of the discussion and will help inform the way forward in terms of developing the regulations and making the act come into effect at a later time. As I mentioned, come early next year, we will be into developing and formulating those regulations. They'll be going out to public consultation. That's really the next major phase of this project. That also includes the development of the minimal rental standards.

I also mentioned earlier today that minimum rental standards will take a bit of time for a couple of reasons: there are varied approaches to this very subject across the country; and there are unique situations in the territory that need to be taken into consideration.

Yes, once the standards are developed, there will be a transition time for everyone to adjust and for public education to take force and effect so that everyone is fully aware of their obligations, their rights and their interests. That transition period will definitely assist landlords in meeting those respective standards.

**Ms. White:** When that is in place — we are talking about bringing up the standards and the levels — will there be financial assistance offered or made available to landlords to assist them in making those repairs?

**Hon. Ms. Taylor:** In terms of Community Services, we do not have any programs available. There may be current programs under Yukon Housing Corporation. I know that millions of dollars are housed within the corporation for accommodating changes and bringing rentals to fruition. I would have to dialogue with the minister at a later time.

**Chair:** Are there any further questions in general debate?

We will proceed, clause by clause.

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

**Ms. White:** Thank you for your indulgence, Madam Chair. In clause 2(2): "Except as otherwise provided by this Act, this Act applies to a tenancy agreement entered into before, on or after the date this section comes into force."

Can I please get some clarification on how this applies to tenancy agreements?

**Hon. Ms. Taylor:** This is really pertinent as a transition clause that encompasses everything before, here and thereafter, unless otherwise provided for. I guess you could say it's an all-encompassing transitional clause.

*Clause 2 agreed to*

*On Clause 3*

**Ms. White:** In clause 3(c): "living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation" — just clarification that there's no security for a person who's renting a room within a private home?

**Hon. Ms. Taylor:** That is correct. It is an area we look to, so one will consider a room rented out in a private home, where the landlord lives in the home — that is not covered by the act. In other words, it would be what we would call "unreasonable infringement" on the landlord's right to control their own home dwelling, considering it is within their home.

*Clause 3 agreed to*

*On Clause 4*

**Ms. White:** Clause 4 talks about the age of majority. A person who has not reached the age of 19 years may enter into a tenancy agreement as a tenant, and this act and regulations are unenforceable by and against by reason only because of the fact that that person has not reached the age of 19 years. In direct relation to the age of majority of 19 years, if a person under the age of 19 has made applications to be a tenant and feels that they are being unfairly discriminated against because of their age, is it any way affected by clause 4?

**Hon. Ms. Taylor:** This particular provision clarifies that a person under 19 can enter into a tenancy agreement and that the act and the regulations apply even though they are under the age of 19.

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

**Ms. White:** Clause 6 refers to what can't be avoided, so clause 6(1): "Landlords and tenants may not avoid or contract out of this act or the regulations." How will this be enforceable?

**Hon. Ms. Taylor:** This provision requires the landlords and the tenants to follow the act. It confirms that, again, attempts to try to force someone to agree to waive their rights under the act are not valid. When it comes to actual enforcement and provisions to ensure that this remains true, it is the full intent of the residential tenancy office to provide that enforcement mechanism.

**Ms. White:** If a landlord or a tenant feels that they are unable to get the tenancy agreement signed, or they are not able to meet some of the provisions, are they able to contact the office for dispute resolution purposes?

**Hon. Ms. Taylor:** Yes.

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

**Ms. White:** In clause 8, "Enforcing rights and obligations of landlords and tenants" — in subclause (2), it says, "A landlord or tenant may make an application for dispute resolution if the landlord and tenant cannot resolve a dispute referred to in subclause 65(1)". I was hoping for some clarification as to

how the dispute resolution process would go, the length of time, and more of an idea of how that would work.

**Hon. Ms. Taylor:** In the current act — the one we're not debating — as it exists today, both parties are required to apply. With the act we're currently debating, where a dispute arises, either party may apply for resolution to the director to resolve the dispute.

With respect to timelines, it's very difficult to comment because every matter and every dispute is very different. Some are complex and some are easier to resolve than others, so it would be very difficult to be able to be bound to a particular time frame.

**Ms. White:** I would take a quick moment to apologize to *Hansard* staff for speaking so quickly. I will try and slow myself down.

In clause 8(3), it says, "A term of a tenancy agreement is not enforceable if the term is ..." and it has a list of terms. Then it says in subclause (4): "For the purpose of paragraph (3)(b), a term of a tenancy agreement is 'unconscionable' if the term is oppressive or grossly unfair to one party."

How will that be brought to light? Is it that the tenant will bring their concerns to the dispute resolution office?

**Hon. Ms. Taylor:** The short answer is yes. It is primarily complaint driven, so a tenant brings that to the office, yes.

**Ms. Hanson:** Would the term "unconscionable" apply — in terms of oppressive or grossly unfair — would that have applicability with respect to rent increases above a certain amount — 25 percent, 30 percent?

**Hon. Ms. Taylor:** No, it would not.

*Clause 8 agreed to*

*On Clause 9*

**Ms. White:** Clause 9 is about liability for not complying with this act or tenancy agreement. I was hoping the minister could elaborate with both subclause (1) and (2). Subclause (1) says that when a landlord or tenant does not comply with this act, the regulations or their tenancy agreement, the non-complying landlord or tenant must compensate the other for damage or loss, including loss of rent paid or payable that results. In subclause (2), it says a landlord or tenant who claims compensation for damage or loss that results from the other's non-compliance with this act, the regulations or their tenancy agreement, must do whatever is reasonable to minimize the damage or loss.

Could the minister elaborate on this, please?

**Hon. Ms. Taylor:** This particular clause provides clarity in the case where the landlord or the tenant doesn't comply with the provisions within the act or the regulations or the specific tenancy agreement that comes to fruition between both parties. Again, it's either the landlord or the tenant who must compensate the other for damage or loss and that would be determined, if need be, by the actual director of the dispute resolution mechanism.

The second clause — parties have the duty and the responsibility to try to minimize their loss when claiming any compensation for loss, so it's a reminder of the duty to mitigate.

*Clause 9 agreed to*

*On Clause 10*

**Ms. Hanson:** I just have a question with respect to clause 10: "For the purposes of this Act, the relationship of a landlord and tenant under a tenancy agreement is one of contract only and does not create any interest in land in favour of the tenant." I'm just seeking clarification: Does this mean that if the parties enter into a rent-to-own agreement that the *Residential Landlord and Tenant Act* doesn't apply to them?

**Hon. Ms. Taylor:** In this particular area — again, this is really a matter of a strictly contractual relationship between the landlord and the tenant — the contract.

With respect to the rent-to-own properties, that is a completely different matter. That is something that would be held to that specific agreement, but when it comes to the relationship between the landlord and tenant for rental purposes, it's a relationship of contractual obligations.

*Clause 10 agreed to*

*On Clause 11*

*Clause 11 agreed to*

*On Clause 12*

**Ms. White:** Clause 12 says that tenancy agreements include the standard terms, which are terms of every tenancy agreement — subclause (a): whether the tenancy agreement was entered into before, on or after the coming into force of this section, and (b) whether or not the tenancy agreement is in writing. The second clause, in (b), is that not in direct conflict with clause 13(1), where all tenancy agreements must be in writing?

**Hon. Ms. Taylor:** No, because — again getting back to that transitional period — there may not have been a written agreement so to speak, so the act is all inclusive.

**Ms. Hanson:** Following up on that question, does that mean that's an indeterminate tenancy agreement so that if you have an unwritten tenancy agreement during the transition phase, there's no requirement to ever move to a written tenancy agreement?

**Hon. Ms. Taylor:** There is no requirement within the act that an agreement should carry forth from previous years or months with the old landlord moving over to the new. Of course, when it comes to conditions of the contract, whether it's written or verbal, the specifics — the actual minimum criteria for that contract would be spelled out within regulation.

**Ms. Hanson:** But the regulations are not between the individual and the landlord. It's the agreement that's between the individual and the landlord. So we're saying that there is no requirement, then — if I'm in a non-written tenancy arrangement today and the regulations come into effect next week, I could not have the expectation that I would actually see something in writing in X period of time?

**Hon. Ms. Taylor:** As I stated earlier, when it comes to the requirements for the tenancy agreements as is currently written, the landlord would prepare for the requirement that the tenancy agreement is to be in writing once the act takes effect, but for those agreements that have not had the luxury of having a written agreement in place, the standard terms of that particular tenancy agreement are deemed to be implied, and that would in fact be spelled out within the regulation.



*Clause 12 agreed to*

*On Clause 13*

**Ms. White:** On clause 13, requirements for tenancy agreements — if we go into clause 13(2)(b) and then into number four: “the amount of rent payable for a specified period, and if the rent varies with the number occupants, the amount by which it varies”, and in the next clause: “the maximum number of occupants permitted in the rental unit.”

For clarification, this needs to be discussed and in writing when the tenancy agreement is entered into. Is there a formula as to how many people may or may not be allowed in a unit and to what amount the rent can change?

**Hon. Ms. Taylor:** There is no magical formula when it comes to the maximum number of individuals who can reside within the unit. This would form part of the tenancy agreement that would be struck between the landlord and the tenant at the time.

**Ms. White:** If circumstances changed and the tenant felt this wasn't discussed in the beginning of a tenancy agreement, and then a notification of a cost increase was going to be given, would the tenant be able to take that to the dispute resolution office for resolution?

That would really form part of the overarching importance of having that written tenancy agreement between landlord and tenant — to be able to spell that out — and then if, in fact, there was any disagreement down the road — hence the importance of taking that agreement to the dispute resolution office.

**Ms. Hanson:** I just want to clarify that question, because it was a question that came up in discussions with folks about this legislation — in two parts, I guess. The first one: Is this a provision that is in place in other jurisdictions — just the frequency with which one sees it. Second is the example that was given in our conversation with folks. A family with a kid moves into a place and it is three or four bedrooms or whatever, and they have twins or they have triplets. Does that mean that they are going to be subject to eviction or that their rent is going to go up? If you have triplets, you are in deep trouble already financially, let alone having to see your rent go up. I guess the question is in terms of how much latitude this gives to put additional financial pressure on people.

**Hon. Ms. Taylor:** In terms of the tenancy agreement — yes, this is in line with other jurisdictions in the country. I keep going back to my reference to the very importance of having this in writing, should there be a dispute down the road. This can be taken to the residential tenancy office for clarification. The onus is between the two respective parties to be able to come to a mutual understanding at the onset.

**Ms. White:** Then with direct respect to this discussion right now, in the original tenancy agreement, there is nothing that states the number of tenants, and then the costs that could go up. Does that mean that if the landlord wanted to make changes it would be applicable under 14(2)?

**Hon. Ms. Taylor:** So as the actual clause spells out here — 14(2) — it does provide the onus on both the landlord and the tenant — they have to come to agreement to make the change to the term. That was also referred to earlier.

*Clause 13 agreed to*

*On Clause 14*

*Clause 14 agreed to*

*On Clause 15*

**Ms. White:** Clause 15 is “Application and processing fees prohibited”. Clause 15 says a landlord must not charge a person anything for (a) accepting an application for tenancy, (b) processing the application, (c) investigating the applicant's suitability as a tenant or (d) accepting the person as a tenant. In the market we have, if someone is asked for a fee to do any of those things, what provisions do they have to protect themselves from that if they are still desperately seeking rental accommodation?

**Hon. Ms. Taylor:** In this particular provision, this would be an offence for the landlord. Landlords are not allowed to charge additional application fees, as the member opposite just pointed out, for accepting, processing or investigating applications for rental or for accepting the person as a tenant. The other thing is, if in fact it was spelled out within the agreement, it could be taken to dispute resolution but, in this particular clause, it would be an offence.

**Ms. White:** If that was considered an offence and at this point in time, the tenant hadn't actually entered into an agreement so they are not actually a tenant — they would be a prospective tenant — would they have the ability to go to the dispute resolution office to say that this has happened and would the tenancy office investigate the claim that a landlord was charging a fee for application?

**Hon. Ms. Taylor:** The short answer is yes — as a prospective tenant, there is the ability to take that to dispute resolution.

*Clause 15 agreed to*

*On Clause 16*

**Ms. White:** In clause 16, “Landlord may require security deposit,” it says, “A landlord may require a tenant to pay a security deposit as a term of a tenancy agreement in accordance with this Act and the regulations.”

We appreciate the clarification now between a damage deposit and a security deposit.

I would actually like to put forward an amendment to clause 16.

*Amendment proposed*

**Ms. White:** I move

THAT Bill No. 51, entitled *Residential Landlord and Tenant Act*, be amended in clause 16 at page 13 by adding a new clause 16.1 as follows:

“Terms respecting pets and pet damage deposits

16.1(1) A tenancy agreement may include terms or conditions doing either or both of the following:

(a) prohibiting pets, or restricting the size, kind or number of pets a tenant may keep on the residential property;

(b) governing a tenant's obligations in respect to keeping a pet on the residential property.

(2) If a landlord permits a tenant to keep a pet on the residential property, the landlord may require the tenant to pay a pet damage deposit in accordance with the regulations.

**Chair:** The amendment by Ms. White has been distributed. All members should have a copy right now. It appears to be in order. We're going to start with debate on this proposed amendment.

**Ms. White:** The amendment I've just put up for proposal is in direct relation to a pet deposit.

The reason I am bringing this forward is — you may or may not be surprised to know that I have had plenty of calls from landlords who said that they want to be able to have people with pets renting with them, but they feel that an additional damage deposit is fair — so, on top of the security deposit — a specific damage deposit for the pet. I am also a pet owner and have rented, and I felt that it was fair to pay the damage deposit. My dog is often responsible, but occasionally not, and if he were to do damage at a place, I believe that that should be paid for with that deposit or even going into the security deposit. We have looked into other jurisdictions and have taken the language directly from them. It's widely accepted across Canada in this form.

**Hon. Ms. Taylor:** A couple of things — in some of our great research done by department officials in Community Services, there are a number of jurisdictions that do not have provision for pet deposits. That said, one of the items that was heard loud and clear in the select committee recommendations was to provide that clarity and, more importantly, to simplify that process.

So, again, without being cost prohibitive to any prospective tenant, we did choose to go with the one deposit — again, limited to the one month's rent. So the actual subclause — or, I should say 16(2), with respect to the first area, the ability to actually have a pet or pets would be actually spelled out within the tenancy agreement that would come to fruition as a result of both landlord and tenant agreeing or signing off on this particular provision.

So we would have to proceed with the bill as is currently written. There was consideration given to this, but again, keeping the deposits to one. There was some discussion about having a deposit for fuel and the list goes on — but just keeping it to one and limiting it to one month's rent, depending on the actual terms of the agreement.

With respect to whether or not a prospective tenant is able to have whatever kind of dog or cat or animal — a pet, so to speak — that would be spelled out within the tenancy agreement, so that is already within the bill itself.

**Chair:** Is there any further debate on the proposed amendment?

Are you prepared for the question?

**Some Hon. Members:** Division.

## Count

**Chair:** Count has been called.

## Bells

**Chair:** Would all those in favour of the amendment please rise.

## Members rise

**Chair:** Would all those opposed please rise.

## Members rise

**Chair:** The count is five yea, 11 nay.

## Amendment to Clause 16 negatived

**Chair:** Is there any further debate on Clause 16?

## Clause 16 agreed to

## On Clause 17

**Ms. White:** Clause 17 limits the amount of a security deposit. Clause 17 really clarifies the process, and I just wanted to point out that this has been a long time in coming. It's great that in the case of a monthly rental it's a month's rent, and for a weekly rental it's a week's worth of rent. I just wanted to recognize the great importance of this and to thank the department for their good work on clause 17.

**Hon. Ms. Taylor:** I'd like to thank the member opposite. As I referenced earlier, this is an area that was deemed to be quite important by the select committee, and we're very pleased to be able to provide that additional clarity when it comes to the amount of the security deposit required, again providing that additional definition for both parties' reference.

Madam Chair, seeing the time, I move that we report progress.

**Chair:** It has been moved by Ms. Taylor that the Chair report progress.

## Motion agreed to

**Hon. Mr. Cathers:** I move that the Speaker do now resume the Chair.

**Chair:** It has been moved by Mr. Cathers that the Speaker do now resume the Chair.

## Motion agreed to

## Speaker resumes the Chair

**Speaker:** I will now call the House to order. May the House have a report from the Chair of Committee of the Whole?

## Chair's report

**Ms. McLeod:** Mr. Speaker, Committee of the Whole has considered Bill No. 51, entitled *Residential Landlord and Tenant Act*, and directed me to report progress on it.

**Speaker:** You have heard the report from the Chair of Committee of the Whole. Are you agreed?

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.

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

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

## Motion agreed to

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

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