

**Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, April 30, 2013 — 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 proceed at this time with the Order Paper.

Tributes.

TRIBUTES

In recognition of Yukoners cancer care fund

Hon. Mr. Graham: It's indeed a pleasure for me to rise in the House today on behalf of all members in honour of the Yukoners cancer care fund. When the Canadian Cancer Society recently closed its local office, a concerned group of local residents were very quickly assembled by former Commissioner Geraldine Van Bibber to replace the missing cancer society. The group combined with the Yukon Hospital Corporation to establish the cancer care fund to support local cancer care and cancer patients in Yukon. The advantage of a home-grown organization is that the funds raised in the Yukon will stay in the Yukon.

This new fund will complement other local initiatives such as Run for Mom and Karen's Fund. The fund is run by volunteers who devote much time and energy to it. We can see the first fruit of their labours on Thursday with the official launch of the cancer care fund at 5:30 p.m. at the Yukon government main administration building foyer. The launch will also serve as a fundraiser with live music, appetizers and live auction. Admission to the event is by donation.

It's a great cause, Mr. Speaker, and we all appreciate your involvement in this fundraiser as well. I believe you were the one who approached Geraldine and the members of her committee to participate in this official launch and I think the launch and the fundraiser will be a great success.

We look forward to many more events and initiatives on behalf of the fund, and I congratulate the Hospital Foundation, but I especially congratulate the members that Geraldine Van Bibber was able to get together. I would like to take this opportunity, if I may, Mr. Speaker, to introduce all of them. With Geraldine in the Speaker's box is Florence Roberts, a former city councillor; Faye Cable is there, as is Blake Rogers; sitting in the row right behind is Patrick Van Bibber, Geraldine's husband of many, many years; Bev Buckway, the former Mayor of Whitehorse; Harmony Hunter; Krista — I'm not sure if I'll get your name right, Krista — Prochazka; and finally, Val Pike from the hospital snuck in while I wasn't watching. So I would like to take the opportunity, and I hope all members will take the opportunity, of welcoming these folks and congratulating them on the efforts to date.

Applause

In remembrance of Michael Dehn

Ms. Hanson: I rise on behalf of the Official Opposition to pay tribute to Michael Dehn, former executive director of the Yukon chapter of the Canadian Parks and Wilderness Society.

Mike died on February 4 of prostate cancer. Mike Dehn was born in Chicago in 1947. He was a lifelong learner, a true didactic in the best sense of that word. Mike earned a bachelor of science in electrical engineering from the University of Illinois in 1970; a Master of Arts in Economics from the University of Toronto in 1974; a Master of Environmental Science from the University of Calgary in 1986; and a PhD in Biological Sciences from Simon Fraser University in 1994.

When I first met Mike, I knew nothing of his educational background. He was simply the fellow who came one day to help us in our never-ending battle to understand the family computer, and he stayed to become a friend. Over the years we came to realize that Mike Dehn was a man of great depth who shared his knowledge, his skills and his patience with a wide swath of the Yukon community. Mike is remembered as a man who was passionate. He was passionate about the natural world and maintaining the integrity of our remaining unspoiled spaces.

Mike did not dwell on his cancer, even while undergoing many treatments, which took their toll on his time and his energy, but never his sense of humour.

Mike focused his energy and courage in his final years on an unwavering vision: protecting the Peel watershed. His enduring passion for wildlands and wildlife fuelled his tireless drive and devotion. Last spring, elders from the Yukon and Northwest Territories First Nations engaged in the Peel planning process invited members of this Legislative Assembly to a gathering at a hunting camp on the Dempster Highway to listen to their stories about the importance of the Peel to them, to their history and, most importantly, to their grandchildren. The Official Opposition caucus, along with the MLA for Klondike, was honoured to attend this gathering. Mike was also there, clearly revelling in the peaceful and respectful sharing of deeply held views. It was clear that his quiet advocacy was both respected and deeply appreciated by the elders and other leaders in attendance.

Mike had great empathy for people who have less in this world and was a strong and informed advocate for First Nations peoples, working to ensure treaties are honoured. One of his friends remarked that, "His was not a fight against individuals; it was against the mindset of industrial "progress" at all costs, which threatens wildlands and life support systems the world over."

Mike Dehn was a warrior, advocate, fighter and friend. It is inspiring to have known a person who devoted his life to creating a world that is more just, a world that values respect for people and the natural world that supports us all over short-term economic gain.

Mike is survived by his mother Maxine, his sister Martha, and his brother Matthew. In closing, may I suggest that you and others here today read or perhaps re-read *David* by Earle Birney. It is a poem that I think every Canadian student has no

doubt read. In paying tribute to Mike Dehn today, I can think of no better evocation of the beauty of nature and the tragedy of a life cut too short.

INTRODUCTION OF VISITORS

Hon. Mr. Cathers: I rise as MLA for Lake Laberge to introduce some constituents who are here for today's business — Hugh Henderson, Clayton White and Nansi Cunningham. I'd also like to ask all members to join me in welcoming Neil Hartling, the chair of the Tourism Industry Association of Yukon.

Applause

Ms. Hanson: I would like the members of the House to join me in welcoming other friends of Mike Dehn's as well.

Applause

Speaker: Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions to be presented?

PETITIONS

Petition No. 12

Ms. McLeod: Mr. Speaker, I have for presentation today a petition to the Legislative Assembly from the Mayo Road development area residents.

The petition is intended to recommend that all the remaining area in the Mayo Road development area that is zoned "hinterland" be rezoned to "protected open space", except for existing conditions as are noted on the front page.

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

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

THAT this House urges the State of Alaska, the U.S. government, the Alaska Board of Fisheries and the North Pacific Fisheries Management Council to continue to undertake management actions including regulations to ensure that an adequate number of chinook salmon are able to return to Yukon Territory again.

Speaker: Any other notices of motion?

Is there a statement by a minister?

This brings us to Question Period.

QUESTION PERIOD

Question re: Oil-fired appliance safety

Ms. Moorcroft: Mr. Speaker, the public will have to wait until regulations are drafted in six months to a year to see the government's full intention around oil-fired appliance safety. We do know that Bill No. 57 would allow for regula-

tions that would apply to part or all of the Yukon. The Yukon Party government is telling Yukoners to expect different standards pertaining to oil-fired appliance safety across the Yukon.

Yesterday the government said repeatedly that the need for lower standards was based on what they heard in rural Yukon, namely that small communities couldn't cope with higher licensing and certification standards. When it comes to oil-fired appliances, what safety standards is the minister willing to overlook for rural Yukon?

Hon. Ms. Taylor: As I mentioned yesterday, the Yukon government is very much committed to enhancing public safety related to heating systems across the territory in every single community, and we are working to do just that by introducing Bill No. 57, which we will be debating later on this afternoon. This requires that only qualified oil burner mechanics may apply for and hold permits for both the installation and modifications of those appliance home heating systems and also becoming the first in the country to make carbon monoxide detectors and smoke alarms mandatory in all residences — those using fuel-burning appliances and/or having an attached garage.

We are working on a number of fronts to enhance capacity with the number of certified oil burner mechanics that we have available throughout the territory so that we can continue to deliver and enhance oil-fired safety in the territory. We are very much committed to adhering to the bill and that it ensures that every community adheres to it.

Ms. Moorcroft: The government has said that it will enhance capacity but it's not prepared to bring in requirements for having certified technicians service appliances. This has resulted in deaths in our community.

The government is saying that opposition in rural Yukon to the recommendations from their own working group forced them to lower safety standards, but their consultation was flawed and they haven't released any record of public comment or any What We Heard document. The Yukon Party government's record has shown time and time again that there is a considerable gap when it comes to consultations between what the public actually says and what the government says it has heard from the public. I refer to the gap between what the public said and what the government represented the public as saying on the *Landlord and Tenant Act*, off-road vehicles, and the *Peel Watershed Regional Land Use Plan*.

The public is not prepared to take the government's word for it. Will the Yukon Party government release all the comments and reports from their consultation on oil-fired appliances?

Hon. Ms. Taylor: It's unfortunate that the members opposite weren't present at each of those community consultations held by the minister responsible for the Yukon Housing Corporation, myself, and rural MLAs on this side of the Legislative Assembly who accompanied us. It's unfortunate that none of the members opposite actually took time to attend any of the public open houses that took place in each of the communities of Watson Lake, Ross River, Pelly Crossing, Old Crow, and the list goes on. It's unfortunate that the members opposite weren't there to hear specifically from mayors and

councils and from First Nations, the public works departments, and so forth, which told us that there is not the capacity in a majority of those communities.

Having certified mechanics in every community is the ultimate goal. The reality, however, is that we're not there yet, but that's in fact why this Government of Yukon has gone to work and continues to work to increase the number of certified mechanics to build much-needed capacity in the territory in every community. We are taking action; we're taking action by delivering legislation that is very progressive compared to most other jurisdictions in the country. We're very proud of the bill, and we look forward to the members opposite's support.

Ms. Moorcroft: Well, it's unfortunate that the minister didn't acknowledge the presence of one of our MLAs at a hearing and what is also unfortunate is the government has not answered that they are prepared to provide on the public record what they heard. We have been clear that we don't think this bill is comprehensive and that there are major gaps the government hasn't filled. We have also been clear that despite this general critique there are some good measures, and we have proposed one reasonable change: a modest step that will increase safety — namely, requiring those who service oil-fired appliances to be licensed and certified. That is not only the NDP's idea, the government's own working group recommended it as well, but curiously this recommendation didn't appear in the focus questions for community meetings.

The government's consultation did not even ask this question of rural Yukoners. How can the government claim to have heard something loud and clear when it didn't even ask the question that its own working group proposed?

Hon. Ms. Taylor: I have to say it's very unfortunate to hear from the member opposite her lack of support for the bill before us, her lack of support for enhancing the safety of oil-fired appliances in the territory, her lack of support for enhancing the safety of our homes. Unbeknownst to the member opposite, this is actually a shared responsibility. It's a shared responsibility with government, and the member opposite finds it laughable. It's unfortunate. This is a very serious and critical issue and this government is actually getting at the root and the heart of the problem, and that is enhancing the safety of oil fired appliances throughout the territory. We are taking action.

I would just refer to one of the key coroner recommendations, which was to ensure that all applicable regulations have provisions to provide persons or companies presently working in the affected industry sufficient time to become qualified. That is what we heard in every single community that we went to, that there isn't sufficient capacity in every community to deliver this particular profession.

That is why, in fact, this Government of Yukon is working to enhance the delivery of training available for individuals to become certified mechanics, so that they can continue to install, modify — and, yes, service.

Question re: *Employment Standards Act* probationary period amendment

Ms. Stick: When it comes to probationary periods in the *Employment Standards Act*, the Yukon is trailing behind the rest of the country. Only two other provinces match the Yukon,

with probation at six months; others range from one to three months. A probationary period is where any new employee can be let go without any cause or notice. This period is meant to allow parties to see if it's a good fit. As a business employer, I know it takes less than six months to know if an employee will be able to do the job. For many seasonal employees in the Yukon, the six-month probationary period means they have no job security.

Will the minister do the right thing and bring the probationary period in the Yukon *Employment Standards Act* into line with other Canadian jurisdictions?

Hon. Ms. Taylor: We will continue to work with the Employment Standards Board. We will continue to work with all of our stakeholders, employees and employers and, yes, that also includes the Yukon Workers' Compensation Health and Safety Board, on issues of importance when it comes to employment standards in the territory.

Mr. Speaker, the good officials within the Department of Community Services do a lot of great work, in terms of enhancing public education and enforcing the provisions of the act as we know it today.

We recognize that there is always room for improvement when it comes to enhancing our provisions and modernizing the act, as other jurisdictions continue to do as well. We will continue to do that work as we have with other statutes.

Ms. Stick: Mr. Speaker, as we have noted in this House before, a six-month probationary period actually makes workplaces and job sites less safe. It's a plain, simple fact: employees under probation are less likely to raise workplace safety issues, especially if the employer doesn't require a cause or reason to fire a person.

Rather than building a culture of safety, we are inadvertently building a culture where workers may fear to stand up for their own safety. Will the minister and the government work to increase worker safety by establishing a three-month probationary period for Yukon workers?

Hon. Ms. Taylor: As I said at the onset of my remarks, what the government indeed will continue to do is to work with all of our stakeholders. We will continue to work with employers and employees and the Yukon Employment Standards Board and Yukon Workers' Compensation Health and Safety Board, as well, to continue to initiate provisions within our act and those statutes that are also overseen by the Yukon Workers' Compensation Health and Safety Board.

Mr. Speaker, when it comes to enhancing the delivery of safe working practices and conditions, the Government of Yukon is very much committed to doing so. That would require consultation with our respective stakeholders. I know that is something that is difficult for the members opposite, but we very much will continue to work with our respective stakeholders and continue to consult those specific stakeholder groups.

Question re: *Supportive housing*

Ms. Hanson: Yukon's homeless and under-housed are diverse; their numbers can be difficult to track. These factors alone make it important to know what needs assessment the government conducted with respect to planning an appropriate

and effective system of shelter and housing for the population, sometimes called the “hard to house.”

After all, the Yukon government has repeatedly agreed with the Auditor General’s recommendations for proper needs assessments to be conducted, and I quote: “to ensure that the services delivered in the hospitals are designed to meet the communities’ needs in the most cost-effective way possible.” Will the minister table the concept paper he referenced earlier this sitting produced by the Salvation Army which he said outlines a vision for a project here in Whitehorse and which, according to the minister, has apparently been signed off by Health and Social Services and the Yukon Housing Corporation?

Hon. Mr. Graham: Addressing the need for adequate housing in the Yukon is a very complex issue and there has been significant work done to date to increase not only our awareness of the situation and the understanding of the issue, but we’ve also attempted to identify potential solutions. One of those solutions is to partner with the Salvation Army in providing some transitional housing for under-housed people in the territory.

We do have, at the present time, a memorandum of understanding with the Salvation Army and we will be doing some further work in the upcoming few months. The next six months we’ll be doing some further work with the Salvation Army identifying exactly where this project will go and what the final working operation of the facility will be. At this time, I’m not willing to produce those documents we have with the Salvation Army. At the point where we have addressed some of the outstanding issues, perhaps at that time I would be more willing to bring forward some information.

Ms. Hanson: Over the years, local non-government organizations have put a lot of time and effort into studying the issue of homelessness in Yukon. They’ve brought forward evidence-based solutions that this government ignored. The Official Opposition asked if the government is working with those local NGOs but, in its April 9 response, the minister said, “Not on this specific project — we’re not engaged.”

It is a shame when the government fails to benefit from local efforts, expertise and experience. Citing only a track record that is pretty darn good, the minister said that the Salvation Army will be providing shelter, transitional housing for up to a year, support for any addictions or mental health difficulties, some employment training, perhaps, or assistance to find work.

Will the minister present to this House the actual programming model he is proposing to use to meet these objectives he has set out?

Hon. Mr. Graham: Well, it’s interesting to note that some of the things that have occurred in the last little while — the increase in size or the construction of Betty’s Haven; the increase in size of the OFI facility here in Whitehorse that will expand that facility somewhat; the recently announced Yukon Housing Corporation housing action plan — all seem to mean nothing to members opposite, and they mean a great deal to us. In recent months, we’ve also located the youth shelter beds to a facility away from the Sarah Steele Building. We’ve expanded programming and shelter-bed capacity at the Dawson City

Women’s Shelter. So we are making progress in a number of areas and we will continue to make that progress. It’s also interesting to see that the member opposite doesn’t apparently believe that the Salvation Army is an organization capable of handling this task that they’ve entered into an agreement with us to accomplish, because we believe that they are a very good organization and that they have the capacity and the ability to work with Government of Yukon to provide a very valuable service to our under-housed people.

Ms. Hanson: Mr. Speaker, let it be clear that I am not asking the minister’s opinion on what I might be thinking.

What I am saying is that it’s clear, for the record, that the government has not produced either its needs assessment or the terms of reference for its proposed response to the homeless and hard-to-house in our community. The government does not appear to want to partner with Yukon-based NGOs which have worked hard to address homelessness in the territory.

In addition, to date, no information has been disclosed regarding which location the government is considering for the expanded Salvation Army facility, or whether there will be consultation with neighbourhood associations and businesses.

When will the minister identify the location for the new Salvation Army? Will the minister indicate when local neighbourhood associations, such as the Downtown Residents Association, will be invited to comment?

Hon. Mr. Graham: It’s interesting to me to see that the member opposite doesn’t consider the Salvation Army a local NGO. The Salvation Army has been in the Yukon for a number of years. I consider them a local NGO. We’ve had extensive consultation with the Salvation Army.

I would also like to point out that we have done a number of other projects. We have worked on Takhini Haven, which was a five-unit project in the former transition women’s living unit at the correctional institute facility. We have accomplished a number of other things.

At the present time, we have not selected an area where this new facility could be placed. I said during the budget debate, Mr. Speaker, that we have budgeted some \$90,000 — or in that range — to do some of this planning. We have also partnered with the Yukon Housing Corporation to assist the Salvation Army and Health and Social Services in determining what would be an appropriate place to have the facility.

There are also a number of steps we will have to go through with the City of Whitehorse, including zoning, if that becomes an issue. So there are a number of steps yet to —

Speaker: Order please. The minister’s time has elapsed.

Question re: Genetically modified products and seeds

Mr. Tredger: Mr. Speaker, after the NDP Official Opposition raised the issue of genetically modified alfalfa in the Yukon, the Minister of Energy, Mines and Resources told this House that he met with members of the farming community in the first week of April. The minister committed to this House that the Agriculture branch would be, and I quote: “... actively involved in facilitating discussions between groups

representing Yukon farmers as well as the broader farming community to discuss this issue again.”

We are now hearing that little has happened since then. The Yukon Party government has promised Yukon farmers a discussion for many, many years. They still wait for the minister to honour this commitment.

Will the minister outline the process and timelines for engaging Yukoners in this important discussion?

Hon. Mr. Cathers: To begin with, I would encourage the Member for Mayo-Tatchun to stop inventing past commitments that he alleges government has made. In fact, government, in responding to Petition No. 10, as I indicated previously when the topic of genetically modified organisms had seen discussion — it was largely a hypothetical debate because it was generally agreed at that point in time that no genetically modified seeds would likely be viable for use north of 60. I’ve said this to the member before, but apparently I need to say it again and maybe say it a little slower and clearer for him: as a result, no additional action was taken by the government at that time.

As I indicated in responding to the petition this month, we believe the appropriate action at this time is for government to facilitate discussions involving groups representing Yukon farmers and the broader farming community to discuss this issue again. That’s exactly what we will be doing, but the member doesn’t seem to have any appreciation for the work that staff do and in fact that there will be time taken within Agriculture branch, as there has been within the department, to gain a better understanding of what options might be to discuss with farmers and groups representing farmers, and we will certainly be engaging in those discussions with them.

Mr. Tredger: Mr. Speaker, Yukon food producers have said the time to act is now. This is a time-sensitive issue. The introduction and potential negatives of genetically modified alfalfa into the Yukon is not just a producers’ issue. We have raised possible environmental concerns but there is another group that has a vested interest in this debate — consumers — consumers who purchase healthy local food from our local farmers and gardeners. Will the minister commit to ensuring that the voices and input of consumers are heard in this discussion on the implications of allowing genetically modified alfalfa into the Yukon food chain?

Hon. Mr. Cathers: Mr. Speaker, as I indicated before in the House, we believe the first step is in engaging with farmers. We see an interesting pattern here from the NDP. They claim to be the champions of consultation, but only when they like what they view as the outcomes of that consultation. Last week we saw the NDP vote against consultation with small businesses and the public on the matter of employment standards. The government brought forward proposed amendments —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Opposition House Leader, on a point of order.

Ms. Stick: Standing Order 19(g), is about imputing false or unavowed motives to another member or, in this case,

the group. We did not vote against the bill to which the member was referring. In fact, we voted in favour.

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

Hon. Mr. Cathers: I stated a fact; the NDP members are against consultation. There is no point of order in my opinion.

Speaker’s ruling

Speaker: It’s a dispute between members. If members want to argue who voted where, look it up in *Hansard*; it’s there. It’s not for me to decide. We can go back through *Hansard* to solve arguments over minor points of this nature.

Please finish your response, Minister of Energy, Mines and Resources.

Hon. Mr. Cathers: Thank you, Mr. Speaker, and as I indicated, the NDP only supports consultation some of the time. We saw even the NDP attack the off-road vehicle committee’s work when the former member of the NDP, the late Steve Cardiff, served on that committee, along with two other members and me. The committee unanimously agreed on their report and recommended that to the Assembly in good faith. The members of the NDP stood here earlier in this House and attacked their work and suggested that the committee did not accurately represent the views of Yukoners. I think that’s shameful.

Mr. Tredger: It would promote the debate if the minister focused on clear and transparent communication and focused on telling the truth —

Some Hon. Member: (Inaudible)

Unparliamentary language

Speaker: You will apologize for that immediately.

Mr. Tredger: Which part of that, Mr. Speaker?

Speaker: You just accused a member of lying. I’m getting a little tired of this from both sides. The rhetoric in this House right now has gone from a great high to very below-acceptable levels. You will apologize and then finish your question.

Withdrawal of remark

Mr. Tredger: I withdraw my remark and apologize.

Once genetically modified alfalfa is introduced into the Yukon all farmers and Yukoners will be affected and putting the genie back into the bottle will not happen. There are many jurisdictions that have taken proactive action on the introduction of genetically modified alfalfa into their communities. For example, the municipal governments of Vancouver Island and the Sunshine Coast have just announced measures to ensure that genetically modified organisms do not enter into their food production chain until they are proven safe. This is an issue that cries out for strong leadership.

What will this minister do to ensure that genetically modified alfalfa is not allowed into the territory until farmers and — we hope — consumers have reached common ground?

Hon. Mr. Cathers: Again, as I said to the member and to this House earlier in this sitting in addressing this matter,

we appreciate the fact that — in fact, the last time the topic of genetically modified organisms was given significant discussion within the farming community, it was largely a hypothetical question, and it led to the farming community being very divided on this issue. We understand that things have changed with the potential approval — and I have to emphasize “potential approval” — by the federal government of the release of genetically modified alfalfa. We are not aware of anyone who has any plans to actually grow this in the Yukon, but we do recognize it as a possibility. In responding to the concerns we’ve heard from producers, including the suggestion from Growers of Organic Food Yukon, that while we are leading in facilitating an attempt to get farmers on the same page — I point out that Growers of Organic Food Yukon welcomed that indication. Unlike the NDP, we are going to support the effort to build consensus, but the specific request made from Growers of Organic Food Yukon is that in the interim we take steps to prevent genetically modified alfalfa to be grown in the Yukon this year.

In fact, we’re still looking into whether we actually have the regulatory tools to even address that response, because, as members know, it’s too late in this session to table new legislation. We are giving that suggestion fair consideration and will respond in due course.

Question re: Liquefied natural gas

Ms. White: On repeated occasions, the Minister for Energy, Mines and Resources has refused to answer questions about the energy strategy he signed off on. The minister says he has to make fiscally responsible decisions, but he refuses to show Yukoners the evidence, on which he bases his decision to direct Yukon’s energy future to replace one fossil fuel, diesel, with another, liquefied natural gas.

To be clear, this is not a question about the Yukon Electrical Company Limited’s work in Watson Lake. This is a question about the minister’s statement that LNG should not be considered a transition fuel. He considers it a replacement fuel. Will the minister make public the cost and timeline for the replacement of diesel with LNG, including the price of infrastructure retrofit, projections of supply chain and cost for fuel, maintenance schedules and a full life-cycle analysis of the environmental impacts of liquefied natural gas?

Hon. Mr. Cathers: What I do have to point out to the member is that, in fact, I did answer the questions — whether the member did not understand the answer or is choosing to reflect something different. I point out that the information we’re getting in this case comes primarily from Yukon Energy Corporation and from the staff of that corporation — the work they have done and the analysis they have done, including work following the public planning exercise and the charettes that have occurred?

So unlike, it appears, the members of the NDP, when the Energy Corporation staff and board sign off on information presented to us, we assume that they are in fact presenting us their understanding of the facts. We ask questions. We ask for information, but unlike the NDP, we do have some expectation of competence on the part of the staff of the corporation and the boards of both Yukon Energy Corporation and Yukon Devel-

opment Corporation. As it comes down to the issue of specific projects, in fact, I would point out to the members that no decision has been made yet to actually put in liquefied natural gas generation equipment. It is something that is being looked at and both the Energy Corporation and government have been quite open about that fact, but that decision itself has not actually been made.

Ms. White: My concerns are about ministerial responsibility. The minister is responsible for providing direction on energy policy and its implementation to the Yukon Development Corporation, which is the parent company of the Yukon Energy Corporation. Our questions about energy are about the minister’s responsibility for the direction of Yukon’s energy policy. Yukon’s energy future deserves a truly informed debate. Across the political spectrum, more and more people are concerned about Yukon’s long-term energy future and the impact decisions we make today will have on our grandchildren.

Mr. Speaker, will the minister reconsider his position that LNG should replace diesel, that it’s not transitional but a replacement? And will he commit to taking a second look at the role a diverse supply of renewable energy could play?

Hon. Mr. Cathers: You know, Mr. Speaker, I would like to begin by encouraging the Member for Takhini-Kopper King to actually look into a bit of what is occurring in the North American context and other jurisdictions that are moving toward liquefied natural gas for electricity generation — including, I believe, according to the National Energy Board numbers, if memory serves, it’s expected, according to the Center for Climate and Energy Solutions, to account for 60 percent of capacity additions between 2010 and 2035.

So we don’t need to do all the work on inventing the wheel ourselves; we’re aware of the North American context; we pay attention to it; it is clear that most scientists agree that liquefied natural gas is a better option when it comes to climate change and reducing greenhouse gas emissions. The EPA recently released more data that supports this conclusion. We know in fact that it is cheaper than diesel fuel per kilowatt hour with roughly the same capital cost for the generation equipment, so that is why it is being looked at as a replacement for diesel as diesel assets are phased out of the system.

I don’t know what part of that the member doesn’t understand. We’ve made it clear our long-term objective is the pursuit of renewables, especially large hydro projects that meet the energy needs of Yukoners but, in the interim, diesel has been part of the system for years. As those assets become time-expired, something needs to replace them. At this point it looks like it will be —

Speaker: Order please. The member’s time has elapsed.

Ms. White: The government’s own Economic Development website features presentations from the April 2012 Yukon liquefied natural gas technical workshop, which was delivered in Vancouver. One document produced by the Department of Energy, Mines and Resources includes the Yukon LNG timeline, which shows that by 2015-16 the Yukon Energy Corporation would have two to three truckloads of LNG a day supplying Whitehorse.

There appears to be a new disclaimer on the website saying, "The materials do not necessarily constitute or reflect the Government of Yukon's policies, plans or priorities relating to Liquefied Natural Gas." This is new. Will the minister be clear and specific about the government's plans related to LNG? Is the minister directing the Yukon Energy Corporation to replace diesel with LNG so that, by the year 2015-16, Whitehorse will need two to three truckloads of liquefied natural gas delivered a day?

Hon. Mr. Cathers: No. That is the simple answer. What I would point out is that members don't seem to appreciate the fact we have staff at the Yukon Energy Corporation; we have boards of both Yukon Energy Corporation and its parent corporation, Yukon Development Corporation.

Unlike the NDP's apparent position, we have some expectation of competence on the part of those staff. We appreciate the good work that they do —

Some Hon. Member: (Inaudible)

Point of order

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

Ms. White: I'm going to go with 19(g): Imputes false or unavowed motives, in the terms of my questioning the competence of the board.

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

Hon. Mr. Cathers: I stated very clearly that I was indicating my impression of the member's position.

Speaker's statement

Speaker: I'm going to have a look at the Blues and, if it's required, I will give a ruling tomorrow. Please finish the answer.

Hon. Mr. Cathers: So to begin again, I would note we sincerely appreciate the work done by the boards of both Yukon Development Corporation and the Yukon Energy Corporation and the staff of the corporations. We appreciate the work they've done looking into various energy supply options, the significant time and money they have spent, including planning and public, and hearing from Yukoners about various energy options, and discussing those options.

I would encourage the member to research, as I indicated earlier within the North American context to better understand the energy supply choices that are being made, and also to read the letter of expectation between the Chair of Yukon Development Corporation and me, which I tabled in this House. It indicates very clearly the requirement that Yukon Energy shall not commit to a purchase agreement having a total commitment of \$1 million or more related to the development of new energy supply including, but not limited to, an agreement to purchase liquefied natural gas without the prior written approval of the Yukon Development Corporation's board of directors and the minister. Neither the board of directors nor I have issued such approval. We have been open about the fact that based on work to date, it looks like liquefied natural gas will have a role in Yukon's energy supply system.

Speaker: The time for Question Period has now elapsed.

Speaker's statement

Speaker: Perhaps I should have done this before Question Period, but prior to proceeding to Orders of the Day, the Chair will make a statement regarding proper order and decorum to be followed during points of order.

Yesterday, the Official Opposition House Leader raised a point of order during second reading of Bill No. 57. Some members, who had not been recognized by the Chair, continued to speak while the Official Opposition House Leader and the Government House Leader spoke to the point of order.

This is not in order. Standing Order 6(6) says, "When a member is speaking, no member shall interrupt, except to raise a point of order or a question of privilege." So only the member who has been recognized by the Chair to address the point of order should be speaking.

If other members wish to contribute to the resolution of the point of order they must wait to be recognized by the Chair.

Also, some members continued to speak while the Chair was conferring with the Clerk about the point of order and while the Chair was delivering his ruling. This, too, is not in order. Standing Order 6(4) says, "When the Speaker speaks at any time, any member speaking shall sit down and the Speaker shall be heard without interruption."

On a related point, when the Chair asks a member to apologize for a statement made or to retract words that a member has said, the member shall do so without qualification. Once the Speaker has ruled on the point of order, the member does not have the opportunity to further explain his or her remarks or to comment on the ruling. The member is to simply offer the apology or retraction and move on.

The Chair thanks all members for their attention.

Notice of government private members' business

Hon. Mr. Cathers: Pursuant to Standing Order 14.2(7), I would like to identify the items standing in the name of government private members to be called for debate on Wednesday, May 1, 2013. They are Motion No. 430, standing in the name of the Member for Pelly-Nisutlin, and Motion No. 409, standing in the name of the Member for Watson Lake.

Speaker: We will now proceed with Orders of the Day.

ORDERS OF THE DAY

Hon. Mr. Cathers: Mr. Speaker, 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

COMMITTEE OF THE WHOLE

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

The matter before the Committee is Bill No. 57, *Oil-Fired Appliance Safety Statutory Amendment 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: Order. Committee of the Whole will now come to order.

Bill No. 57: Oil-Fired Appliance Safety Statutory Amendment Act — continued

Chair: The matter before the Committee is Bill No. 57, *Oil-Fired Appliance Safety Statutory Amendment Act*.

Hon. Ms. Taylor: Thank you, Madam Chair, and it is my honour to be able to speak to Bill No. 57, *Oil-Fired Appliance Safety Statutory Amendment Act*. Before we start, I would like to just say a few words to express my gratitude to the officials who have joined us here this afternoon for today's debate, to thank them and others within the Department of Community Services for all of their work in helping craft this bill and providing their expertise in reflecting upon the very tenets of the bill and that is, of course, to enhance the safety of home heating systems in the territory as they relate to oil-fired appliances.

Bill No. 57, as I stated yesterday, is very important and it's a significant legislative initiative. It will improve the safety of Yukoners who use oil-fired appliances for home heating and those in residences with fuel-burning devices or have a garage attached to their home. The bill will help those Yukoners be safer in their homes.

The proposed amendments to the *Building Standards Act* will result in a requirement that not only a person who is fully qualified in the trade of oil-burner mechanic may apply for a permit and install or modify oil-fired appliances. The permit required to install or modify oil-fired appliances will cover not only the installation or the modification of the oil-fired appliance itself, but also the oil tank, the fuel line and the venting for the appliance, including the chimney itself.

Copies of such permits will be filed in the property file maintained by Building Safety, and copies of inspection reports will be left on-site and filed in the property file as well. All property owners have complete access to their property files once they provide proof of ownership. That was a question raised earlier this week.

The key proposed amendments to the *Electrical Protection Act* match a proposed amendment to the *Building Standards Act*. The proposed changes to both acts will enable, through regulation, the addition of a condition to an electrical or a building permit when it comes to renovations.

The new condition on interior electrical building permits will require installation of a smoke detector. Of course, if the building has fuel-burning devices or an attached garage, a carbon monoxide detector will also be required. Enforcing the new requirement to install these life safety devices will indeed help to better protect Yukoners.

The proposed amendments to the *Fire Prevention Act* will also enable regulations that require carbon monoxide detectors to be installed in all places people reside, either temporarily or permanently; private- or government-operated, where fuel-burning devices inside a building or a garage is attached to a building.

As we know, fuel-burning devices and fuel-powered vehicles are sources of carbon monoxide. A carbon monoxide detector in this regard provides an early warning of the presence of that gas in that building. The early warning alarm of a carbon monoxide detector protects people from this gas, which can make them ill, or, in extreme cases, cause death. With the passage of this bill, followed by appropriate regulations, Yukon will indeed become the first jurisdiction in the country to make these detectors mandatory in all residences with a fuel-burning device or an attached garage.

Smoke alarms will also be required to be installed in all buildings through the changes to the *Fire Prevention Act* and the regulations. As I mentioned yesterday, the offences and the penalties in the *Fire Prevention Act* are also being modernized, with a new maximum fine for a violation of the act being \$10,000, instead of the existing maximum of \$200 — indeed, a significant difference.

The new maximum proposed fine is consistent with the fire bylaw of the City of Whitehorse, which has been in place since 2000.

Other provisions of the bill clarify the timing of adoption of the National Building Code of Canada, the Canadian Electrical Code and National Fire Code of Canada. Specifically, the legislation creates a transition period of at least six months for the adoption of the National Building Code of Canada and the Canadian Electrical Code to enable industry to prepare for those new building requirements, helping industry to plan in advance for new materials that may be required and methods of construction. The timing changes for the implementation of changes to the National Fire Code of Canada will be made in regulation.

As I mentioned yesterday, the suite of changes under this bill will indeed raise the level of building and fire safety in the territory by strengthening the permitting requirements for installation, modifications of oil-fired appliances, specifying appropriate qualifications for oil burner mechanics, requiring the installation of early warning devices in residences and providing clarity around adoption of the National Building Code of Canada, the Canadian Electrical Code and the National Fire Code of Canada.

I know there were a number of questions and concerns raised yesterday by members of the Official Opposition as they relate to adhering to a key provision of enabling certified mechanics to complete servicing on home heating appliances, as it refers to oil-fired appliances in the territory. As I mentioned yesterday, during our community consultations, our visits to each of the communities, we had the opportunity to meet with community governments and also had open houses in each of the communities last fall. We heard the concern that there are not enough certified mechanics; in fact, in the lion's share of communities with perhaps the exception of Dawson and

Whitehorse, there are no certified mechanics. As I mentioned before, that is the ultimate goal. The reality is that we're not there yet, but that is why the government has been working, and continues to work, to increase the number of certified mechanics to build that much-needed capacity in the territory.

A lot of work is being done within the Department of Education to encourage those who have been in the industry for many, many years — 20, 30 plus years — in the communities to either take the steps to challenge the exams to become fully certified, or to provide that education to provide that gap and be able to bring those individuals to become fully certified mechanics. Also, with these changes in this legislation, there will be even an added incentive to get involved in the trade because of the need, the heightened demand for certified mechanics for the purposes of installation and modification of those appliances throughout the territory. We are certainly undertaking a lot of work in this regard. Likewise, we are continuing with public education and public awareness campaigns. I know that the minister responsible for the Yukon Housing Corporation and I, accompanied by the City of Whitehorse Fire Department and the Fire Marshal's Office, first kicked off a public education campaign during Fire Safety Week last October, distributing carbon monoxide detectors and delivering that added message of the importance of having a home safety plan as to how to exit in times of fire, but also doing what we can, which is receiving that annual routine service on our furnace and doing what we as individual homeowners can to undertake steps to ensure our homes are safe.

It is a shared responsibility among government, industry and individual homeowners when it comes to the safety of our homes. With these changes, we're moving toward enhanced safety for those homeowners when it comes to installation and maintenance of those specific appliances in the territory and by making mandatory those early-warning devices, such as carbon monoxide detectors and smoke alarms and making them available within each of our homes.

The specifics, as I mentioned earlier, will be spelled out in regulations that will soon come thereafter.

As I mentioned at the onset in my earlier remarks, we look forward to drafting those regulations, sharing those regulations with industry and others in the months to come and working so that these changes can take effect in time for the cooler temperatures of the home heating season.

I would just like to again thank the individuals throughout the many departments. I would also like to thank the City of Whitehorse for working very closely with the Department of Community Services to ensure that the City of Whitehorse is also supportive of these changes going forward — that they are comfortable with these changes being made. They are a key stakeholder in all of this, as I mentioned yesterday, for the simple fact that they actually deliver. They're one of the only communities in the territory to have drawn down that jurisdiction of permitting and also inspecting those installations and, of course, the modification of oil-fired appliances in the territory. So again, I would like to thank the City of Whitehorse.

I would also like to thank all the individuals who have contributed their time over the past several months to where we are today.

Again, I know that the members opposite have triggered their intent of bringing forth an amendment or amendments to the following bill. We look forward to debating the provisions of the bill, but certainly commend this bill to all members of the Assembly and certainly look forward to their support of this bill going forward. Thank you.

Ms. Moorcroft: The government spent a lot of time in yesterday's second reading debate and, in fact, in Question Period today as well, lambasting the Official Opposition and fearmongering, saying that we did not support the bill —

Unparliamentary language

Chair: The use of the term "fearmongering" is not in order.

Withdrawal of remark

Ms. Moorcroft: Madam Chair, I withdraw the remark.

Chair: Pardon me?

Ms. Moorcroft: Madam Chair, I said I withdraw the word.

Chair: Thank you, you may continue.

Ms. Moorcroft: Thank you. The government said, in error, that we did not support the bill. The government suggested that our position on the bill was out of step with rural Yukon and could lead to death. The government is plain wrong on that.

The NDP Official Opposition has been clear that we don't think the bill is comprehensive, and there are major gaps the government hasn't filled. We've also been clear that, despite this general critique, there are some good measures. I spoke to that yesterday in second reading, and I will speak to that again.

However, before I do, I must draw attention to an error the minister made yesterday in speaking to this bill and repeated today in Question Period. The minister said, "I would just refer to one of the key coroner recommendations, which was to ensure that all applicable regulations have provisions to provide persons or companies presently working in the affected industry sufficient time to become qualified."

Now, that is not a coroner's recommendation. There are nine recommendations from the coroner. They were referenced in speaking yesterday, so I'm not going to read all of them into the record again today, although I will be referring to some of them, as they are quite relevant to our debate.

In fact, the recommendation "... to ensure that applicable regulations have provisions to provide persons or companies presently working in the affected industry with sufficient time to become qualified ..." is from page 9 of the *Oil-Fired Appliances Working Group Action Plan and Recommendations*. So it's not a coroner's recommendation; it is a recommendation of the Oil-Fired Appliance Working Group. Having said that, we agree that there is a need for some time to allow for acquiring the training that is needed in order to meet the standards for licence and certification.

I would also like to draw attention to the fact that the recommendation from the Oil-Fired Appliances Working Group that precedes the one about allowing for sufficient time to become qualified starts out with recommendation 1 to begin work on an act specific to oil-fired appliances. We do not have the government working on an act specific to oil-fired appliances. We have the government bringing forward amendments to the *Building Standards Act*, the *Electrical Protection Act*, and the *Fire Prevention Act*.

Now, I want to review our position in supporting some good measures in this bill. Those are that building standards will adopt changes in the National Building Code in a timely measure. The requirements for CO detectors: although carbon monoxide detectors, it must be said, are not fail-safe and the testing of units in previous experiments have shown that many do not live up to CSA standards, we agree with the certification and licensing for oil burner mechanics who install oil-fired appliances. I point out, though, that that level of certification is not known and subject to regulations. We agree with the modernization of penalties for violations in the *Fire Prevention Act*.

We will support the bill. It is not perfect, but it is some progress, and we hope to make more progress because we have been clear and we have proposed a reasonable change. It's a modest step that will increase safety; namely, requiring those who service oil-fired appliances to be licensed and certified. This is not only the idea of the NDP. The government's own working group recommended that and the coroner's jury also recommended this when it directed the chief coroner to "adopt the recommendations of the Oil-Fired Appliances Working Group, referred to in exhibit 33."

The government suggested that our proposal to include the servicing and maintenance of oil-fired appliances in these amendments was out of step with rural Yukon and could lead to death. Today, though, the government seems to have had a change of heart, to have actually listened to our words and, right in Question Period, the minister committed to including those who service appliances to be under the licensing and certification regime — at least I believe what I heard the minister say is that she would work toward that.

I want to hear more from the minister. Is it the government's intention to include those who service and maintain appliances to be licensed and certified? How will that be achieved? Will the government allow for an amendment to include servicing or is it the government's intention to include servicing in the regulations that are yet to be crafted, outlining the prescribed activities in section 4(j) of the bill?

Perhaps the minister could respond to that before I move on.

Hon. Ms. Taylor: I thank the member opposite for her observations and her questions, which I will endeavour to answer.

Just going back to my comments yesterday and again today: when it comes to servicing, it is very accurate that it was one of the recommendations of the working group that was assembled to really come up with an action plan for Yukon. I believe it was back in the summer, in August or September, that we had received the report from the working group rec-

ommending a public awareness campaign, training for industry, legislation and so forth. At that time, when we received the report, we endeavoured to go into the communities to be sure to share that copy of the report with the communities, which we did.

We travelled all across the territory. The minister responsible for the Housing Corporation and I, accompanied by yourself, Madam Chair, MLA for Watson Lake, and the MLA for Pelly-Nisutlin and the MLA for Kluane were able to touch upon each and every community. When we presented that report, we heard significant feedback about that report. The intention was to share the report in its entirety and receive feedback about what they thought, specifically when it comes to education, training and public awareness, and when it comes to specifically legislating — making it mandatory for certified mechanics to provide installations, modifications and servicing as well. Of course, that is what we did and I thank those individuals. I should also add that during every trip that I was on I had a community advisor from the Department of Community Services with me as well. I thank those respected community advisors as well for their work and support at each and every meeting. It was a very interesting consultation. There was very interesting feedback that we had received at every meeting.

I won't go over again some of the comments that we heard, but the overwhelming feedback was that there were significant concerns about not having readily available certified mechanics living within those communities and the dangers of legislating that today or even tomorrow — making that requirement of having service provided by certified mechanics mandatory. We heard specifically from industry and we heard from residents. We heard from different candidates of all stripes on either side of the Legislative Assembly. It certainly altered the way I had thought. As I had mentioned yesterday, in going out — before I even embarked upon a tour of the communities, I had thought it would be no problem. We could just go ahead and make these changes tomorrow. That's not what we received from the communities though. I appreciate the feedback provided.

I also recognize the importance of having professionals doing the work on our home heating appliances; I get that. But when you don't have that capacity on a day-by-day basis, 365 days a year in those communities, what would that change mean to a community? As one individual in Mayo pointed out, those individuals who have been servicing those appliances, whether it was an emergency repair or servicing, have been doing it for the past 25, 35 years, and there are many individuals in just about every community, whether they work for First Nation governments or are part of the community at large, who have been doing that for many years.

I'm not questioning their expertise, because they have been in the business for many years, but what would that mean for them? Their fear — and they said point blank that if you were to go and legislate tomorrow, we would not be able to service those appliances on an ongoing basis, we would not be able to tend to that furnace when it goes out in the middle of the night and in the middle of the winter because of the liability associated with making that provision today. We recognize that and

we also recognize, at the same time, that there was also a lot of feedback about how we do need to do a better job in making training available, providing education and filling that gap that is identified, very much so, as a much needed capacity in our communities.

This bill is all about taking important measures. Again, I would just like to point out that when we look across the country, what are other jurisdictions in the country doing to regulate oil-burner mechanics? It's treated in a number of ways across the country, but the majority of provinces and territories do not regulate this profession.

In fact, there are only three provinces that regulate this trade in some manner because it does vary even among those three jurisdictions. I refer to Nova Scotia, Ontario and Quebec.

Like the Yukon, most jurisdictions, however, recognize the oil burner mechanic trade through their advanced education departments and participate in the interprovincial red seal certification program.

I'd like to say that we in the north are the first in the country and, to be sure, we have garnered the attention of territories, such as the Northwest Territories, who are now inquiring as to what it is we are doing in the Yukon to advance safety in this particular regard.

Getting back to whether or not this bill provides for the ability to add servicing at a later date — yes, the bill does provide a provision by way of regulation within the bill itself to provide servicing when it is deemed appropriate. If that's going to happen today or tomorrow — it's not, because what we have seen and know to be the case in our communities is not in fact what we heard.

So I just wanted to provide clarity, and I'll say again that the ultimate goal is to have those certified individuals in every community. It would be great, but we're not there yet. That's the sheer reality of it, and is certainly something we heard in all of our community visits.

Again, based on what we heard, based on those community visits, based on the specific feedback, the overwhelming majority of individuals who shared their time and, rest assured, those meetings, whether it was in Faro, in Mayo — long meetings, two and a half hours plus, and some very good reflections on what we have today. I should also say that there was a recognition that more needs to be done. There is no question there, and that's why we are here today. We recognize that more needs to be done, and that's why we are very much proceeding with improvements to the way we regulate industry, and it will make a big difference. It will make a significant difference. Adding on those early warning devices — making those mandatory is another step in enhancing the safety of our homes.

Within the bill, as I mentioned yesterday, we have the provision of a public register of those qualified with a red seal in the trade to be added to a list that will be made available to the public. If individuals do want to subscribe to services of certified individuals who happen to be in their community, if they're not able to bring those individuals to their community, for the time being until we can fully enhance capacity in our communities, that will also be made available for individual homeowners to draw from.

As I mentioned yesterday, there were a lot of great ideas in terms of how we can help build capacity in the interim, in the short term as well as in the longer term. We remain committed to working with each of our municipal governments and First Nation governments in enhancing the training and the certification. The number one goal: How can we increase the number of certified mechanics in our community to do that work so that one day, yes, we will be able to make certification of servicing also a requirement, but we're not there yet.

So again, I'm not entirely sure how much more clear — perhaps it's an issue that we will always disagree on. I commend the officials for putting this bill together — in a relatively short period of time, I might add. We will be the fourth jurisdiction in the country to regulate this particular industry to the degree to which we are proceeding. Again, I would just like to thank my colleagues for also sharing their sentiments on what they heard during the discussion that took place in the communities.

I think it is a meaningful bill. I think there are significant improvements that will make a big difference in the lives of Yukoners. We will continue to enhance this particular area as we move forward, as we continue to build capacity in our communities and continue to build upon those requirements and what we have to be doing.

So I look forward to discussing the merits of the bill and going through the provisions line by line, when we come to that time, and I thank the members — I believe I heard that they will be supporting the bill, so I do want to thank the Official Opposition. I haven't heard from all members on the opposite side, but I would like to thank them for their support.

Ms. Moorcroft: The minister just referred to Ontario, Quebec and Nova Scotia as having oil burner legislation. We did a review and our research shows that Manitoba also has a *Gas and Oil Burner Act* and that other jurisdictions in Canada, namely New Brunswick and Saskatchewan, also have regulations or legislation relating to the certification of oil burner mechanics and technicians, so there may be more in the way of legislation and regulations out there than the minister has indicated in her remarks.

Be that as it may, I am glad that the minister agrees with me that more needs to be done. As I've said, we are in support of these measures and we are simply advocating for additional measures to ensure that people are safe.

We in the Yukon have to heat our homes for many months of the year, and so keeping warm is quite important to us. The minister has been speaking about training and the measures the government is taking to offer more training for oil burner mechanics to become certified. We support that. I think the timing is an issue too. The minister said that she hopes one day to be able to move toward requiring tradespeople who service home heating appliances and oil-fired appliances to be certified in order to do service work. I'm wondering if the minister knows when that one day might be. Do they have an idea of the time frame that they think would be appropriate? Does the government believe that if they were to continue with offering training on a fairly regular schedule over the next couple of years it might be able to move forward within two years?

Hon. Ms. Taylor: It's a great question and it all hinges on the number of individuals who are attracted to the industry, of course, and how many actually subscribe to the training. I don't have the actual statistics in front of me; those are really for the Minister of Education to outline. As I mentioned yesterday, I know an example of an individual who is working in the electronics sector of our economy and who has chosen to now apprentice under a certified mechanic to get into this business. Knowing about some of these changes that are taking effect and obviously knowing that with more heightened public education, there will be more of a demand from individuals, territory-wide, to subscribe to the use of certified mechanics.

One thing I do know is that it is certainly training for mechanics; it has and it continues to be offered through Yukon College. I have some information in front of me, thanks to our officials.

We have 16 registered apprentices: 14 in their first year and two in their third year. Where in fact they choose to operate or to actually set up their practice is another matter, of course. Again, that is something that we heard specific to the individual rural communities or smaller communities, which was the need to be able to deliver training for individuals who have been servicing over the years and also reaching out to new individuals who would like to also get into the trade, whether they are in the communities or whether they are from outside of the territory and so forth.

We do know that right now, with the exception of Dawson and Whitehorse, there are just not enough certified mechanics. I know that even with these changes of moving to requiring certification of mechanics to install and modify, there is a concern whether or not there is capacity as well, moving forward. We believe that there is because it's not as in demand perhaps as servicing could and should be, but with public awareness, with education, we are helping fuel the demand for individuals wanting to get into the trade — perfect business opportunities to subscribe to those available in the communities.

I remember sitting down with an individual who is a member of the Selkirk First Nation. He works for the Selkirk First Nation in the public works department and is trying to find creative ways as to how we could actually expand those opportunities — make it a viable business for individuals to be a certified mechanic in those communities.

In Carmacks, we also talked with the mayor and council about different ideas as to how we can build capacity. There are ways, to be sure. We're very much committed to moving forward on some of these training initiatives. I do know that it is a red seal trade. It does take time to go through the necessary education — I understand anywhere from four to five years. That could be expedited, as I seem to recall, depending on how many hours someone has worked in the industry and being able to bank those hours and putting that up against their apprenticeship.

There are ways, but it does spell out how important the training and the education is in making this all very successful and in making it attractive for every household as well. Likewise, the other issue that was raised in the communities — not

only the capacity, but also the cost associated if in fact one wasn't looking at just an emergency repair, but was looking for an annual servicing. Being able to facilitate companies to come to their respective communities — the cost associated with travel and the compensation for accessing that individual's expertise can be very costly. Again, I think there are opportunities, and I'm not saying that cost is the only factor in this, but it comes down to building the capacity in our communities.

Ms. Moorcroft: The minister has spoken at some length about what she heard and what other members of their caucus heard when they travelled to communities with a consultation on recommendation 3 of the Oil-Fired Appliance Working Group, which was the recommendation dealing with legislation, and that recommendation was to create an act specific to oil-fired appliances. The working group recommended that permits be required to install or modify oil-fired appliances and indeed to service them. The focus questions and the consultation, according to what I read on the website, were these three questions: (1) In your opinion, how can this legislation best address oil-fired appliance safety? (2) Are the proposed rules sufficient? Too much? Not enough? (3) When should the act be put in place?

I would like to ask the minister whether the government is prepared to release all of the comments and reports from their consultation on oil-fired appliances. She indicated they had officials there with them. Did someone take minutes and record the proceedings? Will the government release the comments or reports that they had developed during their consultation on oil-fired appliances?

Hon. Ms. Taylor: I can't speak for the minister responsible for Yukon Housing Corporation. I don't believe there were officials from my department, at least, who travelled with him. In addition to MLAs, there were officials with us. Certainly we can endeavour to assemble those comments and the specific feedback that we heard at each of the meetings.

I can say that when I sat down with each of the mayors and councils, First Nation government representatives and open houses, we went through the actual working group recommendations — the report itself — handed out copies, which were also made available on-line on the link. They were also made available and distributed at government offices throughout the communities, so it was readily accessible. We went through each of the provisions of the working group report and had a very good, thorough discussion — again throughout all of the discussion items on what the members opposite have been raising. That was the way to generate the debate and the discussion and to get right into the meat of the report.

I would be happy to do that. I would be happy to ask the minister responsible for the Yukon Housing Corporation to do the same.

Ms. Moorcroft: I would like to thank the minister for that commitment. I appreciate that. I want to ask the minister a question related to page 4 of the bill in section 5(a): "A regulation under subsection (4) may (a) apply to part or all of the Yukon or to some or all kinds or classes of buildings or of components, fixtures or systems of buildings;"

Can the minister explain the government's intention with that section, which refers to a regulation, in part or in whole, applying to various components, fixtures or systems of buildings?

Hon. Ms. Taylor: I believe the member was referring to section 5(a).

I just wanted to point out that the actual specific wording when it states "apply to part or all of the Yukon or to some or all kinds of classes of buildings" — that actual wording already exists in the act — it's actually a regulation-making power; I believe it's perhaps not in the act, but in the regulation itself. The new provision in this section is the reference to adding the components, fixtures or systems of buildings. So that is the substantive change in this particular section.

It has been added to clearly show the full extent to which the act and the code applies to make sure there is no uncertainty as to what this bill refers to. Again, it's adding that added clarity, as I understand.

Ms. Moorcroft: Well, I'd like to refer to the definition of oil-fired appliance, then, as it's set out in the act. The definition of an oil-fired appliance includes: (a) any device other than a device that a regulation deems not to be an oil-fired appliance that: (i) is or is designed to be permanently installed in a building; and (ii) burns or is designed to burn a fuel that is liquid at normal atmospheric pressure and normal room temperature; and (b) any device that a regulation deems to be an oil-fired appliance.

Now we spoke yesterday about other jurisdictions and some have suggested a model standard is the one used in Ontario and it's not that we need to get there, but I think it's useful that we look at their rules. The Ontario fuel regulation defines appliance as a device that consumes or is intended to consume a fuel oil and includes all valves, fittings, controls and components attached or to be attached to it. That's a more complete definition. The chimney is part of the appliance and so is the storage tank.

Here in Whitehorse the coroner's inquest into the deaths of the Rusk family and Mr. McNamee revealed that there were problems with inspections and maintenance of the chimney. I'd like to ask why the Yukon's definition does not include something that refers to all parts attached to the appliance and specifically references the tank and the chimneys.

Hon. Ms. Taylor: As I mentioned in my opening comments earlier today, it talks about the proposed amendments to the *Building Standards Act*, making it a requirement that a permit be pulled by a certified mechanic when it comes to installation and modification of these appliances. Of course it covers not only the installation and the modification of the actual appliance itself, but to the member's point, also the oil tank, the fuel line, and the venting for the appliance, which also includes the chimney, so the whole package, as well. The actual specifics of course will be made by way of regulation-making power under section 4(d)(ii) and again, this will legislate the current practice as we know it today.

Ms. Moorcroft: Could the minister clarify what she meant by regulating the current practice as we know it today?

Hon. Ms. Taylor: As I just referenced, without the bill going through today, under the current practice, when a permit is pulled for installation modification that individual does not have to be certified. It's not changing up the definition of the system, but going forward, including the oil tank, the oil line, the appliance itself and any associated ventilation such as the chimney would be included. That would of course be spelled out by way of the regulation under section 4(d)(ii).

Ms. Moorcroft: I want to be sure that I understand what the minister said. She indicated that having the fuel tank and the lines and the chimneys serviced or replaced or worked on would be covered in a regulation. It would be spelled out in regulation 4(d). My suggestion to the minister is that they consider including in the definition of an oil-fired appliance language that refers to the oil tank, the supply lines and the chimneys as being part of the oil-fired appliance.

If the permits are going to require that someone be licensed or that a company have someone who is licensed in order to pull the permit and to do the work, I think it would be more clear if the definition itself also included the references to all of the components of the oil-fired appliance, particularly when that's going to be addressed in regulation.

I also want to ask about inspections, because we know that there were several points at which a successful intervention could have prevented the deaths that occurred at 1606 Centennial Street. There has been a lot of media attention and interviews about this. I am looking at an interview that was done on the radio with an inspector from the City of Whitehorse who indicated that all city inspectors have taken courses with Rod Corea, who was a certified expert in the recent coroner's inquest, and he gives an oil equipment inspection course and a fuel oil inspection course that all inspectors have taken.

I'd like to ask the minister: How regularly do the inspectors working for Community Services take refresher courses and take the courses on oil equipment inspections and fuel oil inspections?

Hon. Ms. Taylor: Just back to the member opposite's earlier comments about the complete system, as she was referring to, when one pulls a permit for the oil-fired appliance when it comes to installation or modification by homeowner or an individual, just to reinforce what I said earlier, that currently includes — it is the case — the tank, the line, the appliance, the ventilation — all the components are included. That is the current practice. What we're saying here is reinforcing that practice.

That being said, as I referenced, regulation-making power will be provided in the proposed bill before us to reinforce what we have just stated here as being the current practice. So, again, I thank the member opposite for her comments, and we will take those under advisement in developing those regulations.

Of course, I also just wanted to add that it does provide, by way of regulation-making power, the added flexibility to make changes to reflect changes within the industry as they evolve. So there is that other component. When it comes to inspections, of course, when a permit is obtained to install or modify a system, that inspection again covers the entire system and, as the

member opposite alluded to, inspections are a shared jurisdiction currently and that continues to be the case. As I mentioned earlier, the City of Whitehorse shares part of that responsibility for those residences within the City of Whitehorse, and they're the only municipality, as I understand, that has drawn down that jurisdiction.

So, again, when it comes down to the City of Whitehorse, they do provide those inspections for the city residents. For the rest of the Yukon, it is under the Department of Community Services, as I have mentioned. We do have a number of inspectors within Building Safety who work hard and work to keep current. Inspectors keep current with changes to standards and they participate in training on a periodic basis. It is something, as I mentioned, I believe, yesterday or perhaps earlier, that we have also identified, particularly with these changes going forward over the course of the next few months, to review our current complement of inspections and also specific training specific to oil-fired appliances. That's something that we know the City of Whitehorse has also shared — a very obviously sincere interest in working with the Yukon government when it comes to their inspections. We are committed to doing that and, again, just thank our respective inspectors for all of their hard work that they do on Yukoners behalf.

Ms. Moorcroft: The minister in the first part of her remarks referred to the fact that a permit would be required for the installation or modification of an oil-fired appliance and that would include the tank, the line, the appliance and the ventilation. I would like the minister to clarify — to be absolutely certain that when she says "ventilation," does that include all chimneys?

Hon. Ms. Taylor: Yes, it does.

Ms. Moorcroft: The other area that the minister just responded to me about was on the question of inspectors and training for inspectors. I understand that the City of Whitehorse is responsible for permitting and inspections within the city and Community Services is responsible in rural areas. The question that I have is if someone is a tenant or a homeowner — in the City of Whitehorse, they can call the fire department and say, "I have a concern. I would like you to take a look at this," and if they are able to, they could come and inspect even if there had not been a recent permit pulled.

My question relates to circumstances for people living outside of the limits of the City of Whitehorse. Are there sufficient inspectors and officials employed at the Department of Community Services or is there any kind of a regime in place where a tenant or a homeowner could phone and say, "We'd really like to have this oil-fired appliance system inspected because we have safety concerns"? What capacity does the government have to do that beyond inspecting of a permit that has been issued? What can the officials and inspectors in the Department of Community Services do to help ensure that homes are safe?

Hon. Ms. Taylor: I thank the member opposite for her question. As the member opposite knows full well, with the recent introduction and passage of the *Residential Landlord and Tenant Act* last December, I believe, we are working on some draft regulations to go out to the public, which will certainly oversee this particular area. As the members opposite

will recall, there are provisions that pertain to condition inspection reports. Working on the regulations on a go-forward basis, this particular area will certainly be considered on a go-forward basis.

As well, I should also add, in addition to our inspectors, for the rest of the Yukon — so the Whitehorse Fire Department — great work in the City of Whitehorse — and outside of the city parameters we have our Fire Marshal's Office. They have, to some degree, the ability to enter a home without the owner's permission. Again, that's under very specific conditions. They have the ability to call in Building Safety to assist on a necessary basis as well. Again, the Fire Marshal's Office has the ability to do that, but that is with the permission of the respective homeowner.

Ms. Moorcroft: I thank the minister for that.

I would like to go back and ask the minister again: What is the government's time frame for ensuring that by a certain date all the work that will be done to oil-fired appliances will be done by those who are certified and licensed? How will that be achieved? Has the minister considered a sunset clause, for instance, or does the government have something in mind to ensure that by a certain date all the work that is done is done by certified oil-burner mechanics?

Hon. Ms. Taylor: I believe the member opposite was referring to servicing. No, we don't have a specific date in mind. As I mentioned yesterday, during our community visits in consultations with many different stakeholders in every different community, something that we heard was not to proceed with legislation in this particular area for the simple sheer fact that we don't have certified mechanics in our communities, with the exception of — there are a couple.

But in the lion's share of communities we do not have that provision right now. We do not have that capacity to actually proceed with servicing, so we're not going to proceed with making a change in regulation that proceeds with servicing tomorrow, but there is provision within the regulation that is enabled by this particular bill to add servicing at a later date when in fact it's deemed to be — but we're not there yet.

Chair: Is there any further — Ms. White.

Ms. White: Thank you, Madam Chair. I was waiting for the signal.

Part of some of the recommendations for the Oil-Fired Appliance Working Group is the education campaign, so I went on-line and I found a sheet on the government website and it's called *What to Look for When Inspecting a Masonry Chimney*. It gives steps provided to assist the homeowner with the basics of what to look for to determine if the masonry chimney has faults that require attention from a professional.

So I clicked on the link and I've printed out the sheet and it's in front of me now. So, in the first paragraph, it says — and it's underlined to show the importance, and I quote: "If there is any doubt regarding the integrity of the chimney on your home, do not use it until a certified chimney professional has approved it for safe use." So a certified chimney professional.

So then I wanted to better understand the standards for a certified chimney professional. The same sheet says, "We suggest that you hire a WETT-certified chimney professional who

can examine the chimney in the complete and correct manner. Most also offer repair services, and can suggest what repairs are needed, and provide alternatives for the particular chimney on your house.”

So then on the next paragraph, it gives the definition of WETT. WETT is the Wood Energy Technology Transfer. It “is a non-profit training and education association. WETT promotes the safe and effective use of wood-burning systems in Canada. A WETT chimney professional is trained on chimneys for all forms of home heating including wood, oil and gas.” So the really important part about this is the definition on the government’s own information sheet says that a WETT-certified professional is qualified on wood and on oil and gas.

Then I was curious, because I had never heard what WETT was before. So then I Googled it, and I got the organization’s home website. These are just taken out of their definitions. “Wood Energy Technology Transfer is a non-profit training and education association managed by a volunteer board of directors elected by holders of valid WETT certificates ... Through professional training and public education, WETT Inc. promotes the safe and effective use of wood-burning systems in Canada.” — so, wood-burning systems. “In carrying out its mandate to promote increased safety and effectiveness, WETT maintains the wood energy technical training program. The program is designed to provide training to those who offer wood energy products and installation and maintenance services to the public and those who conduct inspections of wood-burning systems.” That was the main website, and then I checked out WETBC, and that’s the Wood Energy Technicians of British Columbia, and is “the provincial governing body of the Wood Energy Technical Training Program in British Columbia.”

The website says, “WETT is Canada’s only system for training and recognizing professional competence in the field of residential wood burning.” So wood burning is my theme here. The mission statement: “To develop, maintain, promote and deliver professional training courses within the framework of the Wood Energy Technical Training Program (WETT) for practitioners of trades related to the sale, installation, maintenance and inspection of systems using wood and other biomass fuels.”

I was not able to find anywhere on-line that WETT makes you qualified to do oil and gas chimneys at all — and I spent quite a bit of time.

It’s incredibly valid — I think it’s a valid certification, but the longest certification is a five-day program. So that’s two days on wood-burning systems, one day of site basic training, and two days of chimney sweeping. That’s to become a qualified WETT technician. When we talk about the information — and it’s coming directly from the government — that someone with the wood energy technology transfer certification is qualified for oil and gas — which they’re not, according to the website. So I have concerns about the definition of the chimney professional under the guidelines from the government. The website indicates that WETT chimney professionals are trained on chimneys for all forms of home heating, including oil and gas. I stand corrected, and I appreciate if I could get corrected

about that. But, as far as I can tell, it’s only wood-burning appliances.

So this brings me to a couple of questions. In the Yukon, what trade group would be considered “certified chimney professionals”? Is there training in the Yukon to become a certified chimney professional?

Hon. Mr. Kent: I appreciate the opportunity just to engage in this part of the debate as the public awareness piece is the responsibility of the Yukon Housing Corporation. Of course, the question the member opposite asked really pertains to education and apprenticeship.

I don’t have the same information that she has in front of her with me here today, so I will endeavour to get back to her on the specific questions with respect to that training. As I mentioned during the second reading speech yesterday, we will be developing a website checklist for all aspects of home heating safety, as well as other aspects of how to ensure that your home is safe.

So, again, with respect to the specific training question asked by the member opposite and the question about the certification, I will get back to her. I’ll take it up with the Housing Corporation and the Department of Education and get an answer back to her as soon as possible.

Ms. White: I thank the minister for that. Under the guise of Community Services where the legislation will be, what trade group is considered chimney professionals? Who right now could I call as a chimney professional?

Hon. Mr. Kent: Again, Mr. Chair, that particular type of trade would be regulated by the Department of Education through Advanced Education. I will get an answer back, as I committed to in my previous response.

Ms. White: I apologize. I was just trying to figure out where this would go.

We were just discussing how the definition of “appliance” in Ontario includes all valves, fittings, controls, components attached or to be attached to the appliance, and the minister said that the Yukon’s definition is the same without all of those words. In turn, a chimney is part of that appliance and that’s kind of the crux of where I’m trying to go with this. I’m trying to find out about the chimney and there is really good reason for it.

Man, every time I talk about the coroner’s inquest, I can’t get it out. Those of us who went to the coroner’s inquest remember very clearly the testimony about the chimney. It was multiple people and it was quite a long time. Ultimately, the total obstruction of the chimney caused the death by poisoning the five people in the house. The chimney backed up; the chimney no longer worked; it was plugged with ice and that caused all the toxic gas to go back into the house. It was the chimney.

Part of my asking these questions about the current draft regulations in front of us is because I really want to be clear that we know who is responsible for the chimney. That’s where I’m ultimately trying to go. The ministers talked about the installer modification of appliances and oil tanks, and he included chimneys. In that inclusion of the chimneys, would the modification of a chimney be a repair? Would that be the insertion of

a liner? Would that be the addition of a cap? Would that be considered a modification and would it fall underneath the guise of what we're discussing currently?

Hon. Ms. Taylor: I thank the member opposite for her questions and they are good questions indeed.

What I can say though for this bill is that, as the member opposite referenced, chimneys are indeed part of the complete appliance that is being considered under this bill, going forward. When it does come to modification and installation, it triggers a permit to be pulled, which also triggers an inspection to be completed by our inspectors. Within the City of Whitehorse, that would be the City of Whitehorse; outside of the City of Whitehorse, it would be Yukon government through Community Services.

In terms of the actual definition of modification, within the bill we're talking to, without getting into line-by-line, I don't have that specifically in front of me, but there is provision for regulation-making power that makes reference to the specific modification and what that looks like.

When we're talking about modification and installation, it would refer to having a certified oil-burner mechanic required to do that particular work, to be defined in regulation, but it would also trigger an inspection, and so forth.

Ms. White: I'm going to go back to the chimney on Centennial Street. Things became very obvious during the length of the coroner's inquest, because we talked a lot — or because I listened a lot.

There was a lot of talk about the chimney. Even the original construction of the house when they tried to figure it out — the original construction was not in compliance with the 1972 Building Code, which indicated mortar should not protrude into the chimney. So we already know that one was wrong in 1972.

I've since learned — and I've become a bit obsessed about chimneys because of my time at the coroner's inquest — that there needs to be a minimum height of a chimney to go above the crest of the roof of the house. I used to drive by this house all the time on my way to my mom and dad's. I understand now that it's supposed to be higher than the peak of the house if it's closer than 10 feet to the top. This one was not 10 feet away from the top and it was two feet below the roofline of the house. So that was a visible infraction that you could see from the road. So that was another one.

In relation to the idea of pulling a permit and having it inspected — and I wish I could depend on that — but in 1991 a permit was pulled to do work on a chimney to insert a steel liner. The work was never done and there was no inspection to follow to say that it had not been done based on the permit that was pulled. So that never happened.

The chimney would never have passed an inspection; that was clear.

Everyone said that if someone had taken a good look at the chimney, the chimney never would have passed inspection. Then it comes to who was responsible to look at that chimney and make sure it passed. I realize I might be going around in circles and it might not make any sense, but I'm trying to get at who is ultimately responsible for the chimney. When we talk about it, it is attached to the appliance and the appliance is now

under the guise of qualified people, does that then mean that the chimney is also their responsibility?

We know that the chimney would not have passed an inspection and, when it sold between owners, had a home inspection been done it would have been identified, but because there was no financing required to purchase the home, a home inspection wasn't done because it was not required. That's another one where the chimney could have been inspected.

Tragically, never in the whole sequence of events did anyone ever open up the trapdoor on the outside of the chimney, accessible without a ladder. Why this is relevant is because, as soon as that door was opened, it was completely obstructed with debris that had fallen down the chimney because the chimney had no liner — it all circulates. So my questions are just trying to figure out how this new guise of safety is going to protect people from chimneys.

Understanding that the chimney was a big part of this tragedy also means that the chimneys can be a big part of the solution in the future. So my questions about chimney professionals, understanding that it's the Minister of Education — and I'll speak to him about that at some point, I'm sure — and understanding that, if I look in the phone book right now under "chimneys" there's one listing. If I call in the furnace repair people and they tell me that my chimney is safe, but I can follow the checklist and I'm still unsure, who is ultimately responsible for chimneys?

We have increased fines and things, and it talks about the bigger installation and it talks about permits being pulled and all these things. If you had the best furnace in the entire world and you have a bad chimney, you still have an unsafe furnace. I guess it brings us back to the proper certification for people installing and maintaining chimneys, as they are exhaust systems for the oil-fired appliances. I don't expect an answer from this, because I realize you can't answer that, but I just want to know who is going to be responsible for the chimneys and what kind of certification they're going to require.

Cleaning is one thing, but when you call to get your furnace inspected in September, before the heating season — and we're putting a lot of onus on homeowners to understand that they have qualified people — where is the checklist? Where is something to help me say, have you looked up my chimney? Does it have the proper diameter? Is it unblocked? Is it safe? All these things, because the chimney is at the crux of this incident. I just want to bring light to the fact that I have questions about chimneys and I hope they can be addressed in the legislation.

Hon. Ms. Taylor: I just want to go back in terms of this legislation going forward and the provisions in the legislation before us for debate. It is really talking about the installation and the modification of these oil-fired appliances, which is inclusive of the chimney. I just wanted to go back — under this provision, it would trigger a permit to be pulled not just by any homeowner, which is currently the case, but with these changes it would be by a certified oil burner mechanic. That would be a certified individual. I should also clarify, however, thanks to our officials, that sheet metal mechanics typically install the lion's share of chimneys.

When it comes to the oil burner mechanics, it would be those specific individuals who would be pulling the permit of course and would be ultimately held responsible for the permit to be inspected and approved by our respective professionals within the unit itself.

When it comes to changes over the years, as I referenced earlier, up until 2010 there was no provision in the regulations or in the act to provide for a permit to be pulled. That did take effect in 2010. It was one of the improvements that were made. Of course these changes that we're talking about in the proposed bill go a step beyond that by ensuring that those who actually take the permit out from Building Inspections are actually certified mechanics. That is not the case today.

When it comes to training, as I mentioned earlier, we have identified that and of course we're working very closely with the Yukon Housing Corporation, Department of Education and many others throughout the government to really look at this entire area in terms of public awareness, checklists for individual homeowners, placing responsibility upon individual homeowners, but also doing our part to educate and to inform individuals, as well, as to what those checklists look like.

Of course, we've endeavoured to do some of that work. There is more work to be done going forward. Training is a very important initiative and component in terms of building capacity, but also providing specific added training to our current complement of inspectors. We have also agreed to go to work with the City of Whitehorse on this, which also provides inspections, to help ensure they are definitely fully aware of the requirements of this new bill and regulations coming forward.

Again, just to recap, the actual changes to the act include working on enhancing that training and public awareness campaigns being delivered through Yukon Housing Corporation. Yukon Housing Corporation is the designated lead on this. Of course, we have a big part to play in terms of helping to inform those campaigns and moving forward with regulation.

That also includes draft regulations that will also be coming to fruition for the public to comment on, as it refers to the *Residential Landlord and Tenant Act*, as we talked about last December. At the end of the day, it is a shared responsibility among government and industry and homeowners. I keep pointing to how these changes will definitely make a significant difference, recognizing we all have a part to play when it comes to enhancing safety of these particular home heating systems.

Ms. White: I'm just going to look for a little bit of clarification. I apologize because I'm trying to take notes. When the minister just said sheet metal mechanics now do the work, does that mean that when work needs to be done on a chimney, a qualified oil burner mechanic will pull the permit, someone else will be able to do the work and then they'll have to oversee the work, and then it will get inspected by an inspector after that? I'm just trying to clarify what that process will be of who will be able to do the work.

Hon. Ms. Taylor: To be even clearer, it's not always a sheet metal mechanic, of course. Just to be very clear because I know how we're held accountable to every single word in this Legislative Assembly and I appreciate that, but as I understand

it, typically but not always it would be a sheet metal mechanic, but the actual permit would indeed be issued to the oil burner mechanic, if in fact it was a sheet metal mechanic who would provide that work, but it is the responsibility of the permit holder to ensure the entire safety or the entire system is adhered to as per the provisions of the regulations in the act itself.

Ms. White: Just to open up questions about permits — so, if we had a qualified person who was pulling the permit, but there was no requirement that they'd be the ones to do the work, would that be applicable to other things like the modification of the appliance or the oil tank? Then is that person personally responsible for having pulled the permit? Sorry, I'm just trying to figure out how that works.

Hon. Ms. Taylor: In terms of what I tried to reference earlier, when you go to take out a permit to install or modify, that's the complete appliance itself and everything that connects to it, inclusive of the chimney, of course. So it would be the oil burner mechanic who would actually take out that particular permit who would be held responsible for maintaining — so actually ensuring that the delivery of the work is actually subscribed to, because it is part of the entire package or the delivery of the system, as we talked about — from ventilation to chimney to the appliance itself and so forth. So again, hopefully that provides a little bit of clarity.

Ms. Stick: I believe the minister recognizes that this proposed legislation is very important to the Official Opposition and we are here to help ensure that it works for all Yukoners. With regard to this Bill No. 57, as my colleagues have said before, this is about the health and safety of all our constituents whether they live in their own homes, in rental accommodations or in Yukon Housing Corporation units. It also includes our workplaces, not just where we live, and that's important to remember. We want all people to be safe in their homes and at their work in Whitehorse and in the communities and in all points in between.

Yesterday the Premier stated that we had offered no solutions and I believe that's why our debate comes in. This is the spot where we can make solutions, offer options and yes, even amendments, to improve or to find better ways to implement this legislation. I've done some work on this. I don't pretend to know anything about oil furnaces and their installation and maintenance. I don't have one in my house; I have a wood stove that I know a lot about and I take good care of, but in just thinking about that I realize that is probably the biggest investment inside our home that most of us make. It's not our furniture; it's not our appliances. Besides the structure of our home, it's the biggest, most expensive piece and it's probably the one piece that we know the least about, and we absolutely depend on other people to help us with our safety. I think that's just a given. The majority of people call the furnace guy to come in and fix it or service it or tell us if we need a new one. We depend and have somehow come to just trust that those individuals will do right by us. Anyway, I digress.

I thought about solutions; I thought about things that we could do, including passing this legislation that will help to make people safer. Yes, public education is a part of it; yes, having certified technicians are a part. But in the meantime,

between legislation and regulations, what are we going to do? I suggest we look at the legislation and the proposed amendment that we'll come to in line-by-line, pass that and let's pass the strongest legislation we can, and then when we go to our regulations, let's build in a bridge to put in timelines.

This is our standard; it'll take us this long. How do we bridge that to make it the strongest piece of legislation, rather than leave it good in some spots, not so great in others, recognizing our limitations because of lack of individuals with that certified training, but let's put it in the law now. Let's bridge; let's find ways to bridge that with timelines in our regulations that will move us forward so that we don't have to come back and amend this legislation to make it even stronger. That's one thought.

We talk about communities not having certified technicians. Well, what about the government contracting with a company or with individuals who have that certification to go to communities and in collaboration with the municipality, LAC, or the First Nations, inspect — do an inspection; offer those inspections. There could be a fee that is paid to have that done. Yes, it's going to cost money. It will cost money, but I feel that every life saved is worth that money that would be spent.

If we look at the reports by Rod Corea — with whom this government contracted and paid with taxpayers' money — he identified many, many privately owned and other — even businesses — that had systems that were not up to code — many. Of those ones he identified, it wasn't just one thing wrong — it was more. I'm not going to go into the stats. We've read the reports. We know — a lot of deficiencies per unit.

Has this government gone back? It was in appendices, addresses, deficiencies, this is what's happened — homeowners got that also — that letter. Have we followed up? Has this government gone back and said, "There were all these things wrong. Did you get them fixed? Do you need assistance with that? How can we follow up with that?" I agree that homeowners can change. But, to me, when deficiencies like that were identified, let's ensure they were fixed.

Mr. Corea is probably the most knowledgeable about oil-fired appliance legislation across Canada, and a qualified professional. Has this government contacted him or contracted with him to help with drawing up these safety regulations, so that they're the best? Let's put ourselves back on top in Canada. Let's have the best regulations.

The Minister of Highways and Public Works spoke yesterday of a member of the department who's certified and responsible for appliances in different communities, but until all communities can have access to that type of certified appliance technician, why can't we contract with some of these individuals to be responsible — to be on-call? If they're already working for the government, can we change their job description? Can we make an amendment to have them on-call? Change it up; let's use what we have. If we're worried about them — you know, if there's someone else who is certified, perhaps with their own business — well, let's share that. Let's work collaboratively and find ways to make sure the communities have the emergency coverage they need.

Last but not least, let's be creative about those individuals in the communities who have 10, 20 or 30 years' experience. Everybody talked about — "Well, so-and-so can fix an appliance as well as a certified person," and I don't doubt that. I don't doubt that those people out there have those skills. So how can we better utilize their skills if they're already there in the community? I don't know the answer to this, but I have some suggestions. How can we offer them the opportunity to take the exam without having to go through the course? They can write the exam at the college; they can do it orally at the college. Have we looked at those options? Have we got a way of certifying them? They might have to do some hours with a certified technician. Again, these are not solutions to everything, but they are suggestions. I think there are ways that we accommodate some of this and use some of these persons in our communities now. Give them the opportunity to be certified. If they can pass the exam, I would think that would be a good indicator of their skill level.

Anyway, that was the end of my comments. It's just I think there are a lot of solutions out there, and here were a few. We can be creative, but ultimately we want to be safe and that's what we're looking for, which is safety for all our constituents, communities, Whitehorse, businesses, all points in between. Thank you, Madam Chair.

Hon. Ms. Taylor: The closing comment about we want to be safe — of course, that's why in fact this bill is before the Assembly. It is to enhance the safety of these appliances to a different standard. It raises the bar and I can say that this is a very significant change for all Yukoners and it comes on the heels of community discussions and consultations in every single community. I recognize the member opposite didn't go to any of those meetings, but I do want to say that there was a lot of invaluable feedback and a lot of great ideas came forward as well.

I agree, in terms of trying to find creative solutions, that's something that we do well in the Yukon, but the sheer matter of it all is that, as we stand here today, we do not have those mechanics. Furthermore, we cannot force individuals to get into the trade, to get certified tomorrow. It is an individual responsibility, but we have agreed to go to work through Yukon College and through the Department of Education and through other institutions across the country. This is very specialized training. I might add, to really enhance capacity in our communities that is much needed, and we heard that in our communities.

So, it is all about enhancing safety, and if we were to go ahead and legislate and put a finite number on it — "There shall be 20 mechanics in southeast Yukon or north Yukon" — that would not be responsible, but we have committed to continuing our efforts to go to work — and I agree with working with existing tradespeople who are in the business and aren't certified but have been servicing and providing that emergency repair, which is very important.

Some were very clear with me during meetings that they weren't interested. They may have reached an age of retirement, but to be very clear, there may very well be individuals who are interested. I know the Department of Education and

Yukon College are working on that and are reaching out to people who have been in the industry over the last number of years and are trying to see if there is an interest in challenging the exam — that is one option available — what gap needs to be filled in order to raise that individual to be a certified mechanic.

I understand that because I heard that in every community. At the end of the day, not everyone wants to become certified. We want to make it an attractive industry and we are seeing to that.

I'm not going to just deliberate on a change in the act or in the regulation tomorrow that we're not able to actually enforce. We could enforce it, but it would be a failure because we just wouldn't see any servicing going on in our communities. We wouldn't see those emergency repairs going on in the communities.

I keep going back to what it is that I heard in all those communities of Mayo, Pelly Crossing — the Minister of Yukon Housing Corporation — the communities of Old Crow, Dawson, Watson Lake — for me — Teslin. There was the community of Faro. There were so many communities. In every community, we had open houses. We had meetings with First Nation representatives, and we had meetings with the mayors and councils.

Again, we appreciate the feedback and the invaluable information that came our way from people in the know, people in the industry — very thoughtful deliberations — very respectful, but also putting it out there that we appreciate the intention and recognizing that, yes, absolutely more needs to be done to improve the delivery of enhancing the safety of how we regulate appliances. As I mentioned, there are provisions within the act and the regulations that will be coming soon thereafter to certainly strengthen those provisions down the road. But we're not there yet, and I'm not going to commit to a specific timeline until such time as we have heard from communities that, in fact, there is the much-needed capacity to be able to deliver on these very elements.

The provisions in the bill are very important, and they are significant improvements to the bill. They will go a long way in enhancing the safety of our homes. I go back to those early warning devices that are very important as a safety measure that adds to the safety of our homes.

It is all about safety and that's why we are here today, talking to the very essence of the bill. It is about safety, and it's also about working on many other fronts — awareness campaigns, promoting the importance of how important it is to have that annual routine maintenance done on your appliance. I've got to say that if I didn't have a father of how many years — ever since my husband and I became individual homeowners some 16 or 17 years ago here in the City of Whitehorse. It was he who educated me and educated our family about the very importance — a building contractor, to be sure, and did things very well. But he was the one who encouraged us and made us to be sure to receive that routine annual servicing of our home heating appliance, and I thank him for that. But that is what it is about — it's about education; it's about information and doing what we can as individual homeowners, but it's

also about taking these additional steps, in terms of regulating the installation and modification and also making mandatory these early warning devices in our households.

Ms. Moorcroft: I've heard the minister speak a number of times about shared responsibility, and I want to speak about government responsibility and legislators' responsibility. All of us have the responsibility to show leadership. We as elected members have the responsibility to be informed on critical issues and to protect the public interest. All MLAs and the government have a responsibility to ensure that there are appropriate health and safety standards in place, and we have the responsibility to learn from mistakes.

I want to go back to some of the discussion we've been having in relation to the inquest into the deaths of five people from carbon monoxide poisoning. My colleague spoke about the qualifications for Mr. Corea, who was accepted as an expert witness at the coroner's inquest, in part because of his work over the last dozen years doing inspections for the Government of Ontario, but he has a close to 30-year career in working in industrial and residential areas and also in developing and delivering training programs.

Mr. Corea was contracted by the Government of Yukon — by Yukon Housing Corporation and Energy Solutions, beginning in 2007 — to do inspections at buildings that were owned by Yukon Housing Corporation, as well as some privately owned homes, to assess the state of oil-fired appliances. He inspected for compliance to the code that was in place at the time, and he found a number of infractions and then individual reports were provided to homeowners. However, there are no powers given to an inspector to require a homeowner to act. During the course of the inquest, in response to a question, Mr. Corea said that he was shocked even in 2007 at the number of infractions. He said that if he had the powers that he has in Ontario, he would have shut down a number of installations he inspected. Now, this suggests to me that we may need to take further action. We want to prevent any further deaths.

I have two lines of questioning here. The first one is to ask whether the inspections that were done on 305 sites — 305 homes, apartments, townhouses or mobile homes in the Yukon — 37 of them had imminent hazards. There were 1,706 code infractions identified. I'd like to know where we stand now. How many of those locations' deficiencies that were found have been corrected? Are there places with unsafe installations where the problems have not been fixed? Can we get a report on that?

Hon. Ms. Taylor: Well, you know, that's what this bill is all about. I go back to this bill, because it is all about providing the legal obligation to take out a permit by a certified individual — a certified oil burner mechanic — when it comes to installation and modification of those respective appliances.

So that does trigger the opportunity to inspect those appliances. I believe that there is a provision in the bill where, should deficiencies be found, there is the ability to not issue any further permits until those deficiencies have been corrected. This bill is a significant improvement to what is currently the case.

In terms of other provisions we referenced, I don't want to go over all of the other provisions that we've committed to on public education, but individual homeowners — providing that expertise, hiring the necessary professionals to do the work and to ensure their appliances are installed and modified — I go back to the bill. That's what the bill is all about; it is ensuring that permits are pulled, which is the trigger for our Inspections branch outside of the City of Whitehorse to do just that, to provide that inspection and to follow up to ensure that, if there are any deficiencies found, there are provisions that no further permits would be pulled.

There are provisions in the bill that speak to this and that's why it's so important to pass this bill and proceed with the regulations associated with the bill to ensure the entire package can be proclaimed in a timely manner so that we can get ready for the next home heating season.

Chair: Order. Would members like to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Ms. Moorcroft: I didn't hear the minister answer my question, so I'm going to come back to that. A number of residences have been inspected by an oil burner mechanic, a certified inspector and instructor. The last time that was done was in 2010. It is now 2013. Some of those units may have been sold. Some of them were under private ownership — not all of them were Yukon Housing Corporation. I had asked the minister whether the government could provide us with an answer on how many of those infractions, some of which were very serious and potentially life-threatening, have been resolved. How many places are there that Yukon Housing Corporation is aware of, where the inspections have been done, the deficiencies have been identified, and there has been no follow-up work to correct the deficiencies?

Hon. Ms. Taylor: I would just like to remind the member opposite that, as I understand, those residences that were inspected by Mr. Rod Corea — that was prior to 2010, prior to the actual regulation that had come into play, as I understand, which enabled a permit to be pulled. Prior to that time, if there were no permits pulled, I know that Building Inspections probably would not have that on file because there would not have been the requirement to take out a permit to go and inspect. Again, I'm not able to report on that. You know, as I understand, those residences — unless I'm wrong — that were inspected by Mr. Rod Corea prior to 2010, which in fact — I can't recall when in 2010 the change came about in the regulation, but that enabled those permits to be taken out by individuals, whether they were certified or not.

That requirement was made, but the bill that we are talking about today is really on a go-forward basis and is all about getting at those issues. As I said, in 2010 there was a change that

was made, but now we're going a step beyond that, and that is ensuring that only certified mechanics are able to take out a permit when it comes to installation and modification which triggers the permit; then copies of those permits would be filed in the property file that would be maintained by Building Safety. The copies of the inspection reports would be left on-site and filed in the property file as well. All owners would have complete access to those property files once they were able to provide proof of ownership.

These changes help facilitate those enhanced measures, which will lend to the added safety of these particular individual homeowners on a go-forward basis. I am very pleased to be able to speak to the bill at hand that is all about enhancing the safety of all of our homes throughout every different community.

Ms. Moorcroft: Well, I have to say that I don't find that very satisfactory if there have been serious problems identified with an oil-fired appliance. Those should be dealt with. I will move on to the last area of questioning that I have in relation to the bill before us.

I want to point out that at the inquest we heard a lot of really important views expressed on ways of avoiding tragedy in the future. At the inquest, Mr. Corea said that self-regulation doesn't work. It has failed everywhere that it has tried and can result in deaths. There has to be direction given. There's always going to be someone putting short-term personal gain over safety and financial expense, so there has to be, and I quote, a "legal framework". So there's a need to make everybody responsible — not just the homeowners, but the distributors who make money on delivering oil. The government could give powers to the technician or oil burner mechanic to take action to shut down an appliance if it's not safe.

What is provided for in the Ontario regulation is that certificate holders are empowered to take immediate action when an unacceptable condition is found. It makes the oil distributor responsible to ensure that they only supply oil to safe installations. The thought behind that is that only if we make everyone involved in an oil installation responsible for improving safety can the industry respond to ever-changing hazards. So I have a problem with an answer from the government that says, well, we have a new system whereby you have a permit when that's not necessarily going to address every problem. In other regulations, anyone touching the heating fuel or the appliances is covered by the regulation, and that would include those that distribute fuel. So there is a chain of communication and a chain of authority.

What was discovered during the inquest was that there was not a proper chain of accountability. In fact, there were several critical junctures along the way where action could have been taken that would have prevented those deaths.

I'm speaking about a model where when one person in the chain of communication or chain of authority sees a problem, they are empowered to act and then must communicate to others and to the regulatory authority. I'm wondering if the minister in the regulations to follow the bill — because I don't see it anywhere in the bill — will address the issue of fuel distribution. Shouldn't those who supply the fuel have training and

certification and be empowered to act, because a faulty system won't work without fuel?

Bill No. 57 amends three acts and I'm wondering about the decision to not create a dedicated oil-fired appliance act with a dedicated oil-fired appliance inspector. I'm wondering whether the government gave consideration to having a specific designated inspector for oil-fired appliances in the same way that we have here in the Yukon designated inspectors for gas-burning appliances.

Hon. Ms. Taylor: Again, I'll go back to what I have stated on the floor a number of times. When it comes down to servicing of an appliance, until such time as we have enough capacity in our communities, it is a shared responsibility. Perhaps there is a difference of opinion and perhaps the members opposite don't feel that it is important to have individual homeowner responsibility, but homeowners are always encouraged to seek the appropriate expertise when it comes to making our homes safe.

I refer to the public register that will be enabled through the provisions of the act which will provide access to a list of those qualified mechanics available here in the territory. That will be accessible to individual homeowners. They can subscribe to those services provided by those individuals under the public register.

If an oil burner mechanic feels that an installation is dangerous, that individual certainly has that ability and opportunity to communicate that to the Fire Marshal's Office, which has the power to shut down that system and has the power to actually deal with that specific scenario. There are provisions and that continues to be the case here. When it comes to inspections it's something that we've already spoken to here in this afternoon's debate. Within the Government of Yukon we do have a

chief boiler inspector who is a certified oil burner mechanic and, as I mentioned, going forward in the next number of months as we draft regulations and work with the City of Whitehorse, we have agreed to look at our complement of inspectors. We recognize that as very important to be able to help facilitate the requirements within the act that we're currently debating and certainly work with the City of Whitehorse as well on making training available to individual inspectors specific to these particular provisions in the act.

We have offered and we will certainly go forward and review the current complement of inspectors, who work very hard and very diligently on behalf of Yukon citizens.

Ms. Moorcroft: I have to say that it is an unfortunate pattern that when I stand up and speak to the minister, advocating for the government to take responsibility, her response is that I'm saying that I don't believe homeowners have any responsibility. I believe homeowners have responsibility, Madam Chair. The minister needs to listen to what I ask her, and I would appreciate getting an answer to the questions. I did ask whether the minister was prepared to consider addressing the issue of fuel distribution. So she didn't answer that and that's fine. I'm prepared to move on. I've made my point about what we see as a better approach.

I must also point out that when the minister speaks about homeowner responsibility, that ignores those who are not

homeowners, but are tenants. Government has responsibility to establish a legal framework for the protection of the public and for improving the health and safety of everyone who lives in a dwelling in the Yukon, whether they own it or whether they rent it.

I'll leave it at that, Madam Chair. If the minister has an answer on addressing the issue of fuel distribution, that would be great; if not, I'm prepared to move into clause-by-clause examination of the bill.

Chair: Is there any further general debate?

We can then proceed to clause-by-clause examination of Bill No. 57.

On Clause 1

Chair: Did anyone wish to debate clause 1?

Clause 1 agreed to

On Clause 2

Amendment proposed

Ms. Moorcroft: I move

THAT Bill No. 57, entitled *Oil-Fired Appliance Safety Statutory Amendment Act*, be amended in clause 2 at page 1 by inserting the phrase "servicing it" immediately after the phrase "replacing it" in section 1(b).

Madam Chair, this amendment would change the section to read "install" in relation to anything, which includes modifying it, replacing it, servicing it and carrying out any prescribed activity in respect of it.

Chair: The amendment is in order; however, Ms. Moorcroft has provided for some additional clarification within the amendment so that the amendment now reads:

THAT Bill No. 57, entitled *Oil-Fired Appliance Safety Statutory Amendment Act*, be amended in clause 2, at page 1, by inserting the phrase "servicing it" immediately after the phrase "replacing it" in the definition of "install" in section 1(b).

Ms. Moorcroft: This amendment expands the definition of "install", so that install, in relation to an oil-fired appliance, would include modifying it, replacing it and servicing it, as well as carrying out any prescribed activity. This amendment raises the safety bar to establish that servicing an oil-fired appliance will be done in accordance with regulations.

Now I anticipate the government may be somewhat leery of this amendment, but I would point out that this act provides for regulation-making authority. The government has already indicated it would take six months to a year to develop the regulations, and with its regulation-making authority the government has the ability to phase in, on a schedule, different activities.

So the government could require that installing and modifying and replacing a unit would have to be done by a certified technician immediately. But the servicing could be phased in within a year, within two years, allowing some time for further training to take place. We recognize that some time may be needed for that, but we believe it's very important to the safety

of members of our community to take this step. I would urge all members to support the amendment before us.

Hon. Ms. Taylor: As it currently stands, when we refer to carrying out any prescribed activity in respect of it, that does enable future making of regulations for the installation of oil-fired appliances when that time is appropriate.

As I have stated, we are not there yet, and given the current lack of much needed capacity in the communities, we have already debated this, but in terms of going forward, that's why the Yukon government has indeed committed to working on the level of education and training provided to current mechanics, as well as attracting new individuals to get into the actual trade itself. Until such time, it would be next to impossible to enforce the provisions of the legislation before us without having those mechanics in place in those communities.

We have debated this at great length and I do appreciate the member opposite's amendment, but as it stands right now, that is why we have the words "carrying out any prescribed activity in respect of it", to be able to add or refer to the provision of servicing at a later date.

Section 4(j) of the bill, as I referenced in my opening remarks, provides an ability to modify the definition of "install" and that could include adding servicing to that definition at that time.

We are not confident that we have the actual capacity in our respective communities. It's something that we heard very loud and clear as we engaged with communities last fall in a whole host of meetings, whether it was open houses, meetings with First Nation governments or municipal governments. We spoke about this at great length among many of the members of the Assembly yesterday.

Again, we will not be supporting this particular amendment, as there is already a provision for the ability down the road to modify that definition of "install".

Ms. Hanson: I rise to speak in support of the amendment. I appreciate that there has been a significant amount of conversation about all the reasons why we cannot or the government will not include these two words, "servicing it". When my colleague was asking with respect to the ability or the willingness of the government to consider a sunset clause, that might have addressed it. We also know, as my colleague has pointed out, that the government has the ability to phase these aspects of this in over time and through regulation to say when servicing will be included.

When I call a serviceman, I'm not asking for a prescribed activity to be done in my house. What I need to know when I call that company and they send somebody there is that they're qualified to do the servicing. As a homeowner who had that experience, I can tell you how many thousands of dollars I spent having unqualified servicemen servicing my oil-fired furnace. I would like to have the confidence, if not now, then in the near future. A sunset clause is a common provision. If it's not two years, maybe five years is a reasonable time frame.

I believe that there are incentives that can be provided. I believe we have smart Yukoners. I don't think it serves us well to say that we don't have the capacity in this territory. If you set the bar and you say that this is what's required to do the job,

you get the qualifications. You want to teach in rural Yukon, you have to be a teacher. That has changed over time. We can set a sunset clause here.

The Official Opposition has tried in all of our comments to be constructive in this. We come at it from the point of view of all of us as citizens representing all of us who have a need to be assured that whoever does the servicing on this the most important and potentially dangerous appliance in our home — if we don't have some assurance that at some point in the future in the legislation it says that we're actually understanding that servicing is a key element of all of this, it will fall off the radar. I'm sorry, there is nothing that I believe gives me any confidence that any prescribed activity related to "install" is going to tell me that that's got anything to do with servicing when it may or may not come back for somebody to consider it. So, you tell the homeowner who's going to rely upon that prescribed activity someday in the future. Wouldn't it give more confidence that the government has actually heard the concern, read its own reports, heard what the coroner's jury said and is prepared to say in a reasonable time we will make sure that servicing is covered off under this legislation?

Madam Chair, the Official Opposition would hope that there can be some openness and an ability to realize that government does have that flexibility through its regulatory powers, and we encourage them to use it. Be creative — that's where we started off in this discussion the other day. We said that we would offer creative and constructive ideas because we owe it to everybody who is living, renting, or visiting a dwelling that uses an oil-fired appliance to heat it.

The Official Opposition looks forward to the support of this Legislative Assembly on this small but important amendment.

Chair: Does any other member wish to speak to the amendment?

Some Hon. Members: Division.

Count

Chair: Count has been called.

Bells

Chair: Order please. We're going to proceed with the count. Would all those members in favour of the amendment please rise.

Members rise

Chair: Thank you. Would those members against the amendment please rise.

Members rise

Chair: The count is five yea, 10 nay.

Amendment to Bill No. 57 negatived

Chair: Is there any further debate on clause 2?

Clause 2 agreed to

On Clause 3

Ms. Moorcroft: Clause 3 provides for making changes if the National Building Code is amended and the period of time set out is either on a day specified, or on a date six months after the amendment, or on April 1 next following the

amendment. My question for the minister is in relation to the time frame for implementing the amendment: Is this a standard phase-in period of time that is used across the country?

Hon. Ms. Taylor: Yes.

Ms. Moorcroft: There's also a section here relating to the conduct of inspections. I'd like to ask the minister — we did discuss this briefly in general debate — whether she is prepared to direct her department to have a designated specialized inspector for oil-fired appliances, similar to the provisions of the *Gas Burning Devices Act* in the Yukon, where there is a designated inspector.

Chair: The section that Ms. Moorcroft is referring to is — I'm sorry, were you discussing clause 4?

Some Hon. Member: (Inaudible)

Chair: We'll stay with clause 3. Would the member like to ask any additional questions on clause 3?

Clause 3 agreed to

On Clause 4

Ms. Moorcroft: Could the minister respond to my question relating to inspectors for oil-fired appliances?

Chair: Ms. Taylor, that would be subclause 4(f).

Hon. Ms. Taylor: As I had mentioned, I believe, on a number of occasions here today and perhaps even yesterday, we do have a chief boiler inspector currently within the complement of inspectors of Building Safety housed within the Department of Community Services. That individual is a certified oil burner mechanic. I mentioned earlier that we have committed to reviewing the complement of our inspectors with the view to having that added expertise.

We have also committed to working in very close collaboration with the City of Whitehorse to work on additional training that is specific to these requirements to ensure that all inspectors are fully up to speed on each of these provisions and understand each of the respective sections.

Ms. Moorcroft: I did hear the minister say that there is a qualified, certified inspector with the Yukon government and I'm pleased by that. I'm also pleased to hear the minister say that they are going to look into whether they have adequate resources. It would seem to me, when the minister is unable to respond to a question about whether deficiencies that have been identified related to oil-fired appliances in a large number of homes in the Yukon have been fixed, there might very well be a need for additional resources and I would urge the minister to look at that very seriously.

Also, in clause 3(4)(j): “prescribe activities for the purposes of the definition of ‘install’ in section 1”. I unsuccessfully attempted to have the definition of “install” expanded by an amendment. I would like to again say to the minister that the Ontario regulation uses install, alter, purge, activate, repair, service, remove or other thing, and it includes the handling of fuel oil — the minister didn't respond to my questions relating to the use of fuel oil. I'd like to ask the minister whether she would be prepared to go back and look at the Yukon government expanding the provisions in section (j) to include some of the activities I just read into the record that are used in the regulations for another jurisdiction?

Chair: Before the member speaks, the Chair would like to clarify, for the record, that we have been confused by the section numbers. The sections that the member is currently speaking to are still within clause 3. Clause 4 does not actually begin until page 5.

As we have already cleared clause 3, I would like unanimous consent to return to clause 3.

Unanimous consent re revisiting clause 3

Some Hon. Members: Disagree.

Chair: Unanimous consent has not been granted.

Some Hon. Member: (Inaudible)

Point of order

Chair: Ms. Moorcroft, on a point of order.

Ms. Moorcroft: Madam Chair, when I spoke to clause 3, it is subclause (4) within clause 3 and you as the Chair ruled that this was subclause (4) and that we had to clear subclause (3) first. I would like to make the case that, Madam Chair, since the ruling was in order, then moving forward a clause was in error and that we should still be allowed to debate clause 3.

We would not have agreed to clear the clause if I had known that would end the debate and that the ruling was in error.

Chair: Committee of the Whole will recess for two minutes.

Recess

Chair's ruling

Chair: Order. The Chair accepts that we do not have unanimous consent on returning to clause 3. However, there was confusion on the member's part and the Chair's part as to the layout of this bill and exactly where clause 3 stopped or did not stop. In this case, the Chair is going to make a ruling that we will continue debate on clause 3 and clear it again as necessary.

On Clause 3 — revisited

Ms. Moorcroft: I'd like to ask the minister if she would respond to my question in relation to the definition of “install”.

Hon. Ms. Taylor: I think, as we go forward, I made reference to a section of the bill that already provides the ability to modify the definition of “install” through regulation. Those regulations have yet to be drafted. We will come through with a draft regulation and we will be working with industry on a go-forward basis. In terms of whether or not this is going to add the term of “servicing”, it does provide for that ability to add servicing, but for all intents and purposes it is for this bill before us. As per our remarks and as per news releases over the previous several months, it does refer to installation and modification of those oil-fired appliances.

Ms. Moorcroft: Subsection (4)(g)(iii): “provide for a public register of qualified installers ...” and we've had some discussion about that in general debate. I recognize that —

Chair: Can we be clear about which section we're referring to now.

Ms. Moorcroft: It's on page 4 of the act, and it is section 4(g)(iii): "provide for a public register —

Chair: Thank you, carry on.

Ms. Moorcroft: I recognize that this will be in the regulations and that the government will take some time to prepare the regulations. Never the less, the minister has spoken about the work they have already been undertaking in identifying qualified installers, and my question is whether the minister anticipates that they might be able to provide for a public register to be available prior to the regulations being completed — whether in fact they will have sufficient information to put together a public register and to make that available sooner, rather than later?

Hon. Ms. Taylor: Of course, the provision of making available by way of regulation the ability to create a public list of qualified oil burner mechanics is very important. It provides that transparency to Yukoners for individuals to subscribe to for the purposes of installation and modification and even when it comes to accessing for servicing purposes, if that is what the individual homeowner would like.

So this particular provision within the bill provides that regulation-making power to enable that public register to come into being. Of course, if we do have it readily available prior to regulation — that's something we will endeavour to have.

The intent is that with the bill and with the regulation — to be able to proclaim the act in its entirety. Again, we continue to aim for next year's heating season.

Ms. White: I have a question in the second paragraph below that — so, 4(g)(v): "prohibit any person other than the qualified installer to whom the applicable permit was issued from installing any oil-fired appliance".

Can I please get clarification on that?

Chair: For clarification, that is clause (4)(g)(v).

Hon. Ms. Taylor: That section allows for the making of a regulation that authorizes oil burner mechanics to be able to install or modify — so in order to hold the permit — how do I put this? — it effectively prohibits any of those persons from holding the permit to proceed in that manner.

Chair: Is there any further debate on clause 3?

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Ms. Moorcroft: This subsection states that an inspector may, by written order, require that the construction, occupancy, installation or use be stopped until any contravention of a building code is rectified.

I wonder whether the minister gave consideration to using the word "shall" rather than the word "may" to provide for a stop-work order if there is a serious contravention of a building code. We have seen where serious contraventions can lead to injury and death.

I also want to ask whether the government has not considered giving the power to a licensed certified mechanic to issue a stop-work order or to disable an installation and tell the appropriate authority if they observe serious contraventions of a building code.

Hon. Ms. Taylor: The use of the word "may" is really in recognition of a case-by-case basis as utilized by the inspector.

It reads very clearly, "An inspector who is satisfied on reasonable grounds that a building is being constructed, occupied, or used, or that a component, fixture or system of a building" — again, that was just recently added within the bill — "is being installed or used, in contravention of the building code or this Act may, by written order, require that the construction, occupancy, installation or use be stopped until the contravention is rectified."

It is in recognition primarily of individual cases and to provide that added flexibility garnered by each of our respective inspectors to do that or not. So the use of the word "may" is intentional in this regard.

Clause 5 agreed to

On Clause 6

Ms. Moorcroft: In this provision, where there may be a violation there could be restraint through an injunction by the Supreme Court. So my question for the minister is whether there are any penalties in the *Building Standards Act* for violation of a permit?

Hon. Ms. Taylor: In respect to the member opposite's question regarding this particular clause, it is section 10. It removes the word "moving" because the defined word "construction" already includes or refers to the word "moving". It replaces the word "occupation" in the current section with the word "occupancy" as "occupancy" is also now used in the bill.

In terms of specific penalties, I am now aware of *Building Standards Act*.

Ms. Moorcroft: Could the minister make an undertaking to provide a written answer to the question or a legislative return if one of the officials who is with her does not have an answer to that question at the moment?

Hon. Ms. Taylor: I understand there are no penalties under the *Building Standards Act* but keep in mind that the biggest penalty would be not approving the permit altogether.

Clause 6 agreed to

On Clause 7

Ms. Moorcroft: These amendments to the *Electrical Protection Act* speak to carbon monoxide detectors, and I'm just wondering if the minister can speak to what other problems these amendments to the *Electrical Protection Act* are intended to address.

Hon. Ms. Taylor: Madam Chair, primarily this provision refers to a couple of things. One is providing clarity. It's nothing substantive in terms of changing the intent of the *Electrical Protection Act*, but provides added clarity that is consistent with this act. Second is that when one is taking out an electrical permit, it provides the ability for an inspection to be undertaken, which will ensure a carbon monoxide detector and smoke alarm are also included within the household. It is an added provision in ensuring compliance.

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to
On Clause 10
Clause 10 agreed to
On Clause 11
Clause 11 agreed to
On Clause 12
Clause 12 agreed to
On Clause 13
Clause 13 agreed to
On Clause 14
Clause 14 agreed to
On Clause 15
Clause 15 agreed to
On Clause 16
Clause 16 agreed to
On Clause 17
Clause 17 agreed to
On Clause 18
Clause 18 agreed to
On Clause 19

Ms. Moorcroft: I believe it is this section that speaks to code violation, and the next section repeals specific offences. Can the minister speak about the penalties that are set for violations when it comes to fire prevention and building standards?

Hon. Ms. Taylor: I'm assuming that we're referring to section 21 — is that correct — clause 21?

Chair: We're currently on clause 19.

Clause 19 agreed to
On Clause 20
Clause 20 agreed to
On Clause 21

Ms. Moorcroft: It's nice to be recognized by the Chair, although I hear some members opposite attempting to clear the line before I can ask yet another question.

I understand there was previously a penalty that provided for a small fine — a \$200 fine — for having doors locked in a large capacity building. These sections — both sections 21 and 22 — change the penalties and replace those sections with new penalties. For example, the first one is obstruction. I'd like the minister to speak about how they set those penalties for fire prevention and for building standards and the work they did to determine this needed to be amended and what their standards are.

Hon. Ms. Taylor: The previous penalty was quite outdated. I didn't actually recognize how outdated it was until the fire marshal brought it to our attention. So the new provisions within the act as proposed are significantly higher and they do reflect the City of Whitehorse's fire bylaw, which came into force and effect in 2000 or around there, as I understand.

Again the provision also goes on to say that if the offence was a continuing offence instead of a single incident, there is that provision to add \$1,000 per day. That's also taken specifically from the *Occupational Health and Safety Act* penalties.

Ms. Moorcroft: I think it is certainly timely that a penalty of \$25 for a violation of the act is now increased where there is a summary conviction to a fine of not more than

\$10,000 and a continuing offence of not more than \$1,000 a day.

Clause 21 agreed to
On Clause 22
Clause 22 agreed to
On Clause 23
Clause 23 agreed to
On Title
Title agreed to

Hon. Ms. Taylor: Madam Chair, I move that Bill No. 57, entitled *Oil-Fired Appliance Safety Statutory Amendment Act*, be reported without amendment at this time.

Chair: It has been moved by Ms. Taylor that the Chair report Bill No. 57 without amendment.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I 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. 57, entitled *Oil-Fired Appliance Safety Statutory Amendment Act*, and directed me to report the bill without amendment.

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

Some Hon. Members: Agreed.

Speaker: The yeas have it. 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 5:26 p.m.