



Yukon Legislative Assembly

Number 209

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HANSARD

Thursday, May 7, 2015 — 1:00 p.m.

Speaker: The Honourable David Laxton

YUKON LEGISLATIVE ASSEMBLY

SPEAKER — Hon. David Laxton, MLA, Porter Creek Centre

DEPUTY SPEAKER — Patti McLeod, MLA, Watson Lake

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Hon. Elaine Taylor	Whitehorse West	Deputy Premier Minister responsible for Tourism and Culture; Women's Directorate; French Language Services Directorate
Hon. Brad Cathers	Lake Laberge	Minister responsible for Justice; Yukon Development Corporation/ Yukon Energy Corporation
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Hon. Currie Dixon	Copperbelt North	Minister responsible for Community Services; Public Service Commission
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Hon. Mike Nixon	Porter Creek South	Minister responsible for Health and Social Services; Workers' Compensation Health and Safety Board
Hon. Stacey Hassard	Pelly-Nisutlin	Minister responsible for Economic Development; Yukon Housing Corporation; Yukon Liquor Corporation

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Kate White	Takhini-Kopper King

Liberal Party

Sandy Silver	Leader of the Third Party Klondike
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**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, May 7, 2015 — 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 remembrance of Victory in Europe Day

Hon. Mr. Pasloski: I rise today to celebrate the 70th anniversary of the day Germany surrendered in World War II, known as Victory in Europe Day or VE Day. On May 6, 1945, Grand Admiral Karl Doenitz, the new general president replacing Adolf Hitler, sent his chief of staff, General Alfred Jodl to General Dwight Eisenhower's Supreme Allied Headquarters in Reims, France to seek terms for the end of the war.

The English version of the act of military surrender, after repeated wording changes, took 20 hours to prepare. Finally, at 2:41 a.m. on May 7, 1945, General Jodl signed the unconditional surrender of German forces in the presence of General Eisenhower's chief of staff, General Walter Bedell Smith. However, in accordance with an earlier agreement by the Allies, the news of the end of hostilities in Europe was withheld for 24 hours and announced simultaneously on May 8, 1945. The Soviet Leader, Joseph Stalin, refused to accept a German surrender on French soil and declared the Reims document simply a preliminary surrender. Accordingly, while much of the world commemorates VE Day on May 8, Russia and its republics celebrate Victory Day on May 9.

While the Second World War officially ended on May 7, 1945, with the unconditional surrender of all German forces, for the First Canadian Army it ended two days earlier.

On May 5, 1945, German General Johannes Blaskowitz surrendered the 120,000-strong Twenty-Fifth Army to the First Canadian Corps Commander Lieutenant-General Charles Foulkes at Wageningen in the Netherlands. Almost simultaneously, at the German resort town of Bad Zwischenahn, 2nd Canadian Corp's Lieutenant General Guy Simmonds accepted General Erich Von Straube's surrender of about 93,000 troops in northwest Germany.

The German surrender in the Netherlands sparked an eruption of public rejoicing that neither the Dutch nor the Canadian soldiers would ever forget. Spontaneous celebrations broke out in Amsterdam, Rotterdam, Utecht and in The Hague. Roy Durnford, the padre for the Seaforth Highlanders of Canada, scribbled in his diary when the Highlanders entered Amsterdam: "Flowers — roses, tulips and every sort. Crowds load every vehicle... Terrific welcome. They tell in broken English with tears and unbridled

joy how thankful they are to us. Children are lovely. Terrible shortage of food. No fats, no tea, sugar, cocoa, firewood. Thousands of old people die. We camp in park... I rejoice today with the free."

May 5, 1945 is recognized as Dutch Liberation Day. In all, more than 7,600 Canadian airmen, sailors and soldiers gave their lives for Dutch freedom. We, like the Dutch, will never forget their sacrifice. The strong memory of the events of the Second World War in Europe forever binds Canada and the Netherlands together.

On May 8, 1945, VE Day, CBC war correspondent Matthew Halton reported: "It's over! The guns in Europe are silent and the troops are coming home. As the news marking the Allied victory spreads from east to west, so does the party. At the front, men pinched themselves and feel that they are still alive. In Halifax, a symphony of ships' horns and whistles begin celebrations that travel like a wave to the west coast where the air raid sirens summon still-sleeping Vancouverites to join in the jubilation. Forgotten for the moment are the black armbands and the grim task ahead with Japan. Today, May 8, 1945, our part of the world is free."

On VE Day, churches across the Canada rang their bells and remained open for anyone wishing to offer a prayer. Canadians filled the streets in cities across the country. In Toronto, an aircraft dropped confetti made with telegraph paper on revellers dancing in the streets.

More than one million Canadians performed full-time duty during the war. They fought in the raid on Dieppe, at Juno Beach and on the shores of Normandy. More than 40,000 died in service, while about 8,000 were captured as prisoners as war. On the 70th anniversary of VE Day, we remember their sacrifice while celebrating their victory.

In recognition of Yukon Mining and Geology Week

Hon. Mr. Pasloski: I am very pleased to rise again in the House to recognize Yukon Mining and Geology Week. This week is an opportunity for all of us to take the time to remember the rich heritage of mining in Yukon while appreciating the men and women who have contributed to it. My hope is that Yukoners spend some time this week to reflect on the contributions that mining and mineral exploration have had on our quality of life in the territory and celebrate how much it has helped our territory grow.

A thriving mining industry matters to Yukoners. The mining industry matters to this government. Mining is the cornerstone of Yukon's economy and our largest industry. Without mining and the millions of dollars it has contributed to our economy, some of our communities and some important infrastructure would not exist, such as the highway to Skagway.

The economic effects of a successful mining industry are obvious. The industry creates jobs, supports local businesses and fosters growth throughout Yukon. Its benefits are felt by those in supporting industries, including those companies that provide equipment, transportation, logistics, groceries, health services, engineering expertise and environmental monitoring

— not to mention the positive impacts on local hotels, restaurants and retailers.

Indirectly, a successful mining industry's benefits are felt even more. With mining operations come employment, wages and important tax revenue. Because of this, the Government of Yukon can invest in infrastructure such as roads, hospitals and schools, as well as programs ranging from artistic grants to assisting those people who are in need.

The education sector has also benefited through the creation of the Yukon Research Centre as well as the Centre for Northern Innovation in Mining, which is training Yukoners for good-paying jobs in the resource sector.

Mr. Speaker, I want to take a moment to also acknowledge Yukon's placer industry. Placer mining has commanded a large role in Yukon's economic well-being for 119 years. It's not just placer mining — placer exploration is also important to our economy. Through the Yukon mineral exploration program, or YMEP, the Yukon Geological Survey will be providing more than \$415,000 to 15 placer projects in 2015. In total YMEP will provide \$1.4 million in grants in 2015 to 62 exploration projects, both placer and hardrock. This program leverages exploration investment, creating jobs, supporting our economy and identifying mineral potential.

The well-being and success of Yukon's mining sector is very important. The discussion that we should be having is not about if we should develop our resources, but instead, how to develop them responsibly. Going forward, the Government of Yukon is committed to improving regulatory regimes to be consistent with other jurisdictions, allowing us to be competitive in attracting more investment dollars. This government's voting record speaks for itself.

Working with First Nations, we are clarifying roles and responsibilities of the main regulatory regimes in the Yukon: Yukon Environmental and Socio-economic Assessment Board, Yukon Water Board and the Department of Energy, Mines and Resources. This work will help ensure that Yukon's mineral resources continue to be developed for the benefit of all citizens while protecting the environment.

We use these resources in our lives every day. Extracting these resources here ensures that workers and the environment are protected — something that can't be said for many countries in this world. Extracting these resources here will keep Yukoners in Yukon by creating great-paying jobs for our citizens — creating jobs, opportunities and security for families.

This government believes Yukoners can have it all — a strong resource industry and a pristine environment that we can enjoy for generations to come.

Speaking of future generations on a personal note, I am very proud that my son has chosen a career as a geological or mine engineer, and I am proud of the many young Yukoners who are choosing similar careers.

I would also like to thank the Yukon Chamber of Mines and everyone else who has done a fantastic job of organizing events this week that help provide a better understanding of what this vibrant industry contributes to the entire territory.

The gallery is practically full, and I would like to personally introduce everyone, but at the risk of missing someone, I would like to acknowledge and thank everyone who has shown up today. I would ask all members of this Assembly to also welcome and thank them for attending today.

Applause

Mr. Tredger: I am pleased to rise on behalf of the Yukon NDP caucus to pay tribute to Yukon Mining and Geology Week. I would like to begin by saying thank you to the mining industry and to all those who work in the industry for their many contributions. You have made Yukon a better place.

Yesterday I listened to a presenter, Stewart Muir, talk about negative perceptions held toward the mining industry, and I have to say that may be true in southern B.C., but that certainly has not been my experience in the Yukon. Yukon citizens support mining in the Yukon. Yukon First Nations support mining in the Yukon. The Yukon NDP supports mining in the Yukon. Whether it is around our caucus table, in communities that I represent or in discussions with First Nation governments, Yukon people recognize the important contributions that the mining industry has and continues to make to our economy and, perhaps most importantly, to our quality of life. This is a clear recognition of that value.

Mining has long been one of the mainstays of Yukon's economy, and it will continue to fulfill that role. The discussions are not about whether we should have mining or not; the discussions are around how Yukon can work with the industry to build a sustainable and thriving mining industry. It is too simplistic to be pro-mining or anti-mining — what matters is the evolution of mining.

I must commend the various companies and individuals who I have met and worked with — those who have worked in our communities and those who have brought their companies to the Yukon and have become part of the Yukon. They have become Yukon community members.

I would like to relate a few stories. This is certainly not comprehensive and doesn't include them all, but is a smattering of what I have noticed in my communities. Victoria Gold is a contributing member to the Silver Trail Chamber of Commerce and Tourism Association. They are pitching in and helping wherever and however — helping to build a booth, sharing ideas, working with community members to build community. Kaminak Gold Corporation is working with Tr'ondëk Hwëch'in citizens in training, researching and learning together, developing a mine in traditional territory and becoming part of the community.

These stories are not uncommon. They are part of our fabric, part of our communities. Whether it is Alexco working on Signpost and Duncan Creek roads near Keno, Capstone funding a daycare or providing scholarships to Eliza Van Bibber School students, Casino putting on a barbeque in support of local events, companies are coming to Yukon to work with Yukon and have become an integral part of our Yukon community.

To those of you in the industry, if you are listening: thank you. You are wonderful ambassadors for your industry in the Yukon. I would also like to salute the placer miners — community members. I've shared time with them. They live, work and grow in our communities. They are our hockey coaches; they work on our school councils; they are leaders in our towns and our communities. I would also like to acknowledge those geologists and prospectors who risk much and spend long, hard summers exploring new areas for development.

The Yukon NDP and Yukon citizens welcome mining and are working toward solutions that are economically viable for industry and for Yukon, ensuring that Yukoners derive the best economic benefit possible from the mines. We welcome the jobs, the training, the development of First Nations, and the opportunities for local suppliers. These are what mining brings to our communities.

We work with the industry and with citizens to reflect upon and respect the social values of Yukon people and our communities, and work toward regulation with concern that any economic activity by the current generation must meet high environmental standards and must not compromise the ability of future generations to meet their needs and goals.

We have no reason for thinking that the present and future mines will not live up to their environmental responsibilities. We expect that they will and that the government will make sure that they do. It's our solemn obligation to future generations.

Mining companies have stepped up. They have formed respectful relationships with Yukon citizens, Yukon government and First Nation governments. They have formed relationships and have become neighbours. Now is a time for leadership. It is important that we, as legislators, take this opportunity to work closely, guided by respect and co-management obligations with First Nation governments and the federal government, to ensure that the promise of our natural resources, the certainty and promise of the *Umbrella Final Agreement*, and the potential for Yukon people are realized. Now is the time.

It is my hope, and the hope of my NDP colleagues, that mining in Yukon will continue as a productive, safe and environmentally responsible industry for a good many years to come. The NDP commits to working with First Nation governments, Yukon citizens — especially those in our communities — and industry to build a viable and lasting industry.

In closing, I would like to recognize those public servants involved in mining for supporting the mining industry and for highlighting and celebrating the importance of mining in Yukon.

I would especially like to note the contributions of the Yukon Geological Survey for their leadership and acknowledge the respect they have gained throughout the world for their innovations, discoveries and the sharing of information.

I would also like to recognize and acknowledge the staff of Compliance Monitoring and Inspections at Energy, Mines

and Resources. They play a challenging and critical role for both industry and the people of Yukon.

To the industry and all those involved: thank you.

To all Yukoners — there are a number of activities focused on mining and geology this week. Get out and enjoy. To any students listening — there are a great many careers in mining. Check them out.

Mr. Silver: I also rise on behalf of the Liberal caucus to pay tribute to Yukon Mining and Geology Week. I would like to start by welcoming, obviously, all the members of the mining community who are in the gallery here today.

Mr. Speaker, when people think of the Yukon, they often have two distinct images that they think about. One, of course, is our open, vast wilderness, of our mountains and our rivers. More often, the image turns to the century miners heading over the Chilkoot to find their riches in the Klondike.

Mining plays an integral role in how the world views the Yukon, and it continues to be one of our economic staples. Yukon's mining sector is not just an industry; it's an icon — look at our licence plate. Mining and exploration connects us to our heritage as Yukoners. Yukon has developed a successful and profitable sector, which the Yukon Liberal Party believes can be balanced — creating jobs and protecting the environment.

We, as legislators, have a role to play. We have to ensure that we do our part to make the policies that encourage investment and also make the policies that create market certainty. Yukoners cannot control world mineral prices, but we certainly can control the climate for investment and opportunity.

I had the opportunity as well to listen to Stewart Muir the other day. I also found his comments very interesting, especially comments about image. I know that a lot of his statistics and studies were from the mainland of British Columbia and also the inland, but I have to tell you, from a Dawsonite's perspective, that doesn't ring true in the Klondike and I don't think it rings true in the Yukon. It is one of the many things that make my community so special. We have worked very, very hard to achieve a balance, and our thriving arts community works side-by-side by the placer miners and they get it. Our tourism sector is heavily devoted to mining relics — historical relics — and the great stories that come along with it. They get it.

It is not lost upon me — a high school teacher in Dawson. I wouldn't have a job — there wouldn't be a high school in Dawson if there wasn't such a vibrant mining community.

In my first year in the Yukon, I had the unique opportunity, after completing the first year, of going into a placer mine with David McBurney. He gave somebody with absolutely no experience a chance to go in. The reason I even put this in the tribute — as important as teaching me about lay-flat hoses or piggybacking tromeels with excavators is — is because of the attention to detail to the environmental pursuits — the settling ponds and the tailings — is very, very important to these family gentlemen miners.

Mr. Speaker, with modern technology, sound regulations and public education, the mining sector can continue to thrive and survive in the Yukon, contributing to the world's economy and creating a prosperous Yukon community.

As we pay tribute to Yukon Mining and Geology Week, I would like to express my appreciation for the many prospectors, geologists, construction workers, operators and miners who have expertise, who have profiled Yukon's successful mining sector and continue to build our economy. Many organizations, both private and public, have provided the much-needed education and support for these workers, including but not limited to: the Chamber of Mines, Yukon Women in Mining, Yukon Mine Training Association, Yukon Geological Survey, prospectors' associations and, of course, the Klondike Placer Miners' Association.

I want to thank the organizations that make Mining Week happen every year and the men and women who work in the industry and continue to provide prosperity to the territory. The Yukon Liberal Party looks forward to a productive and healthy relationship with the mining industry for years to come, especially when their leader comes from the Klondike.

Thank you, Mr. Speaker.

In remembrance of Kim Klippert

Hon. Mr. Kent: As part of Yukon Mining and Geology Week, I rise today to pay tribute to the late Kim Klippert.

Kim was a long-time placer miner in the Mayo area and passed away in September of 2013. He was well-known as a person who would welcome you with a smile when you visited him. His curiosity and enthusiasm for gold mining was shared with other miners, geologists from our department, and with his friends and family.

Kim explored and mined in several creeks in the Mayo area — Hight Creek, Goodman Creek and McNeil Gulch, just to name a few. Many of these creeks were difficult to operate in, but Kim's knowledge and optimism saw him succeed in places that others may not have even tried.

Kim not only saw the valleys and creeks as mining opportunities; he enjoyed family time and recreation there as well. His family spent many summers in the Goodman Creek area and he escaped for snowshoe adventures with his wife, Cheryl, in the Gustavus Range.

When geologists from Energy, Mines and Resources visited Kim, they remembered how, after long days working to identify opportunities on his claims, they would relax in front of a commanding view. Kim would always talk about his family, which he was immensely proud of. His children, Stephanie and Byron, have found their own paths, but Kim took comfort in knowing that the skills they had learned from mining would always benefit them.

Kim's diversity of knowledge was inspiring to those who knew and worked with him. Successfully operating a placer mine on your own requires one to don many hats: heavy-duty mechanic, sluice engineer, equipment operator and placer geologist, just to name a few.

Kim had these skills and more — combined with his warm personality and enthusiasm for what he did, his legacy will endure in the valleys and creeks where he spent his life.

Mr. Speaker, I was very proud to have known Kim personally and to have called him a friend. I know I join many others in the placer community in saying that he truly has been missed and will continue to be missed going forward.

In the gallery today are some individuals: Byron Klippert, Kim's son; Charmaine Klippert, Kim's sister; and Josh Klippert, Kim's nephew. I would ask members just to join me in welcoming them to the gallery.

Applause

In remembrance of Bruno Poulin

Hon. Mr. Hassard: It is my tremendous pleasure and honour to rise today to pay tribute to Bruno Poulin. Bruno passed away in June of 2013 after half a century of working hard to improve the territory that he called home.

Bruno and his wife, Antoinette, moved to Watson Lake in the early 1960s. He worked numerous jobs during his early years in the Yukon, starting out as a firewood cutter in the Watson Lake and Liard River areas. Eventually Bruno went to work for White Pass, driving truck and operating heavy equipment. There was even a time when he worked for the Yukon government, but mostly he worked for himself in numerous remote locations along the South Canol as well as in the Rancheria area of the Alaska Highway.

Living on the land had its challenges, but that did not deter Bruno. He was a Jack of all trades and a master at taking care of himself. If something needed fixing, Bruno simply got on with it, making replacement parts for his heavy equipment or building his family home on a mining claim on the South Canol on Evelyn Creek. Unfortunately an injury to his back stalled Bruno's ability to continue with the hard physical labour at which he excelled. After his rehabilitation, Bruno spent more and more time here in Whitehorse, but while in town, he often spent time with those who needed assistance, lending his skills to help them better their lives.

Bruno was passionate about Yukon and he spent many hours at the coffee shop talking to people about the well-being of the territory. Most of my colleagues sitting here today met Bruno soon after we were elected as he was one of the first to show up and sit upstairs around the table and tell us how to make the Yukon a better place.

Bruno cared about his community and his country and he felt that Yukon's abundant resources were a sure way to create more jobs and economic certainty for the future of Yukon. Bruno Poulin was a man who cared deeply and who dedicated his life to building a better Yukon, and we do truly miss Bruno.

I would just like to ask all members to join me in welcoming some of Bruno's family here today: his wife, Antoinette; his son, Mario; daughter-in-law, Jean; granddaughter, Kendra — and I don't believe Carmen is here today, but I'm quite sure she is listening in Beaver Creek. Thank you all for being here.

Applause

In remembrance of Dr. Lewis Green

Hon. Mr. Kent: It gives me pleasure today to pay tribute to Dr. Lewis Green. I would like to thank Mr. Mike Burke and staff at the Yukon Geological Survey for recommending that he be tributed today during Yukon Mining and Geology Week. Dr. Green was a geologist and writer of mining and surveying history who was 97 years old when he died on November 11, 2014.

Dr. Green grew up in Vancouver and attended McGill University before World War II. At the age of 18, he joined the Black Watch Regiment and was deployed to Europe where he proudly participated in the liberation of Holland.

Upon returning to Vancouver, Lew, as his friends knew him, completed undergrad studies in geology at the University of British Columbia. He also met his wife at UBC and, in 1950, he married Kathy and they moved to Wisconsin, where he completed his Ph.D. in geology.

Dr. Green then had a long and distinguished career with the Geological Survey of Canada. From 1954 through 1957, he mapped north and west of Keno Hill using pack horses to travel across the land. By 1957, the Geological Survey of Canada had begun using helicopters to deploy geologists on mountain traverses and Dr. Green expanded his work to the Nahanni, Pelly and Glenlyon Range.

During the summer of 1961, Dr. Green undertook GSC Operation Ogilvie. With helicopter support, he mapped 14,800 square miles of central Yukon, comprising the Nash Creek, Larsen Creek and Dawson map area. This area from Keno westward to the Alaska border includes parts of the Wernecke Mountains, southern Ogilvie Range, Tintina Trench and Yukon Plateau.

Dr. Green was then appointed resident geologist in Whitehorse from 1962 to 1966. Here he advised prospectors and companies and produced reports on Yukon's mineral industry. There's no doubt that Dr. Green knew the geology of Yukon better than anyone during this period, and the mining sector has benefitted greatly from his work.

In 1966, he returned to Vancouver, where he eventually left geology and became a writer, publishing three books on mining history. One of the books, *The Gold Hustlers*, details the history of placer mining and gold dredging in Yukon from 1896 to 1966, when the last operating gold dredge in the Klondike shut down. I'm told he treasured his memories of the Yukon, and there's no doubt that many Yukoners also treasure the contribution that Dr. Green made to our territory.

In recognition of the Brothers in Spirit campaign

Mr. Silver: It gives me great pleasure to rise today on behalf of all my colleagues here in the Legislative Assembly to speak to the Brothers in Spirit campaign. The Brothers in Spirit campaign has grown out from a recent movement to encourage and involve men in the prevention of violence against aboriginal women in Yukon and across Canada.

Yukon Aboriginal Women's Council started to include men in their workshops last year. The 2014 Brothers in Spirit project was a two-and-one-half-day workshop coordinated with the aim to reach out to Yukon aboriginal men and

women alike. For this two-day symposium, YAWC invited two delegates from the 14 Yukon First Nations to attend, and partnerships were formed with existing male-centred campaigns.

This proved to be an effective way to obtain and to share information. The project's approach was strongly based in organizing an event where participants reflected on issues of violence against women in a healthy and productive manner, using a strength-based, inclusive approach to ensure participants were not targeted or blamed, but able to reflect and to discuss the important, yet taboo, issues constructively.

The keynote speaker was the president of the Native Women's Association of Canada, Michèle Audette. Facilitators included the Ontario Federation of Indian Friendship Centres, I am a Kind Man, as well as local and federal White Ribbon campaigns.

The symposium successfully increased the engagement of Yukon First Nation men in the prevention of violence against Yukon First Nation women and girls. Based on the success of the first Brothers in Spirit symposium in 2014, Yukon Aboriginal Women's Council decided to continue this approach of including men in 2015.

This year's Brothers in Spirit role model poster project continued the involvement of men as role models. The Brothers in Spirit supports the Sisters in Spirit's project, which documented cases of missing and murdered aboriginal women in Canada. Yukon Aboriginal Women's Council is a satellite division of Native Women's Association of Canada, headquartered in Ottawa.

I'm very pleased today to see that the president of the Yukon Aboriginal Women's Council and also the vice-president are in the gallery with us today. I will do some introductions after the tribute, Mr. Speaker.

The Brothers and Sisters poster campaign works toward doing many things, including increasing awareness and community dialogue about the issues of violence against women and girls, creating positive role models for youth, promoting healthy relationships, reclaiming traditional gender roles and responsibilities for men, facilitating networking, mentoring and sharing of personal experiences, building on personal strengths, raising the overall discussion of why aboriginal women and children are the most vulnerable, and inspiring men to get involved and to encourage others.

The role models of the campaign were chosen from different locales in the Yukon and represent all age groups representing different roles in Yukon communities. They are highly respected individuals. These individuals behave in a non-violent, respectful manner toward women and others they encounter in their daily lives.

These role models will help articulate the spirit and emotional and family and community supports that those women and girls and women require in order to help address the issue of violence and violent behaviour in their lives.

The role models took a stand to say that this is how you should behave to be respected. This role model approach captures valuable insight into non-violent choices. Community members recognize these individuals as being

role models whom they would like to emulate and know that they respect women, and they will be seen positively and be seen as men. These role models are Eric Morris of Teslin, Percy Henry of Dawson City, James Miller and Isaiah Gilson of Whitehorse, James Allen of Champagne and Aishihik First Nations, and Jeremy Harper of Pelly Crossing. I would like to thank these men who have stood up and chosen to both lend their voices and their faces to the 12 Days to End Violence Against Women campaign.

In my conclusion, violence affects not only the victimized individuals, but also the people of the communities who are close to them. By helping women move out of violence and poverty, it creates a ripple effect. The benefit flows to their children, to their neighbourhood, to the Canadian economy and, ultimately, to all Canadians. Women represent half of Canada's population. When you improve a women's economic and social equality, we all benefit. A sense of safety, well-being and empowerment is the foundation and the key to preparing aboriginal women and their families to actively participate in the Canadian economy, and to be able to achieve the goals they set out for themselves and for their children.

In order to succeed, there needs to be buy-in from all levels of government. The Yukon Aboriginal Women's Council asked me to recognize Mayor Curtis and the Whitehorse City Council as having been the strongest supporters, going above and beyond in their support and publicly speaking against violence. More is required from the federal and territorial governments and greater participation from the general public in order to take part in making more effective changes, breaking down silos and working together to address the issue of unison.

It is only fitting that First Nation men be active allies in the efforts to end the extremely high rates of violence against First Nation women and girls in the Yukon. We have to reach all levels of our society. Violence against women is seen as the norm, and we have to change mindsets to not accept this as the norm. It is your business. Stand up and speak out against violence in any form that you see.

The Yukon Aboriginal Women's Council says that it is imperative that both men and women work together in unison and in harmony, since violence against First Nation women is not solely based on actions of men. Both men and women have the right to be safe and free from violence. It is a known fact that, in relationships, violence can be inflicted on either partner, although the norm is prevalently toward women. The numbers show that First Nation women are more apt to be murdered by a stranger than a non-First Nation woman.

I would like to thank the members of the Yukon Aboriginal Women's Council for the incredible work that they did — and do — with the Brothers in Spirit campaign. I would like it if everybody can help me in welcoming here in the gallery today from the Yukon Aboriginal Women's Council, President Marian Horne, Vice-President Lorraine Netro and also Linda Bonnefoy from the Whitehorse Aboriginal Women's Council and Krista Reid, the president.

Applause

In recognition of Association of Yukon Communities 40th anniversary

Hon. Mr. Dixon: I rise today to honour the Association of Yukon Communities on the occasion of its 40th anniversary. Local governments play a critical role in providing valuable programs and services to Yukoners. For a number of years now, the Government of Yukon and the AYC have enjoyed a remarkable and effective partnership that has made a difference to all of our communities. The association was founded in March 1974, under the name “the Association of Yukon Municipalities”, the AYM, by Mayors Colin Mayes of Dawson City, Rene Mitchell of the Town of Faro and Paul Lucier of the City of Whitehorse.

On May 28, 1975, the association was incorporated under the name of the Association of Yukon Communities. Over the years, the AYC has done very important work on behalf of Yukoners and our communities and has also brought a voice for our local issues at the national level as a member of the Federation of Canadian municipalities. I want to acknowledge the AYC's current and past executives, its current staff, and past staff; and the municipality government representatives, who have done so much to make this organization and its relationship with Yukon government work over the past 40 years.

The Yukon government believes in vibrant, healthy and sustainable Yukon communities and is committed to the long-term success of municipal governments. We have shared some important collective successes with the AYC that have helped us in bringing this vision to life. The leadership and values brought to the table by the AYC's elected representatives have created positive change and a respectful relationship between the AYC and our government. I would like to express my appreciation to the Association of Yukon Communities' current president, Wayne Potoroka — the Mayor of Dawson — as well as to the entire membership of the AYC for their continued service and dedication to their communities.

I also want to take the opportunity to recognize and thank Paul Gudaitis for his contributions to both the AYC and to our collective work and partnership. Paul has served as the executive director of the AYC over the past few years and I understand that he is relocating south to Victoria with his wife in June.

I want to again remember the critical role that the late Elaine Wyatt played in the Association of Yukon Communities and how her legacy continues to shape the initiatives we are working on today.

The AYC brings together the finest in civic representatives — those men and women who serve their communities as elected mayors and councillors. This is a relationship our government is building on. Communities rely on our Community Services Community Affairs branch staff for their integrity and professionalism, which is evident in the successful partnership with the AYC and work that has been accomplished with municipal governments and local advisory councils.

The success of the “Our Towns, Our Future” project is a perfect example of these continued collaborative relationships.

This initiative has led to a new, comprehensive municipal grant, a solid-waste findings report, community development teams and the *Municipal Act* review, as well as an on-line municipal resource library and a municipal sustainability toolkit.

Most recently, new legislation has been passed that will allow property owners inside municipal boundaries to access the domestic water well program.

Regulations are now complete and the program is ready to provide more options for Yukoners to access potable water. We look forward to signing agreements on this program with participating municipalities while at the AYC AGM this coming weekend. The relationships we have built with AYC representatives have helped us deliver programs that better meet the needs of those municipalities.

Mr. Speaker, there are a number of things we could say about the AYC and the successes we have had, but I will conclude there. Before I close, I did want to note one additional interesting piece of information. Obviously this weekend — I know members of all the political parties in this Legislature will be represented in Haines Junction, but the Yukon Legislature will be even further represented as one of our Sergeants-at-Arms, Rudy Couture, will be attending. He is participating on a panel on local governance. Something that I learned recently was that Rudy, interestingly, was the first executive director of the AYC back when it was created and was the first chief administrator for the Town of Faro when it was created as well. Rudy obviously has a long history with local governance and we all, I'm sure, look forward to seeing his experience and comments on the panel that will be hosted by the AYC this weekend.

I look forward to the AGM this weekend in Haines Junction where we'll have another opportunity to both celebrate 40 years of the AYC and to learn, share, collaborate and continue to build on our partnerships that benefit Yukoners and Yukon communities.

Speaker: Introduction of visitors.

INTRODUCTION OF VISITORS

Mr. Silver: It gives me great pleasure to rise and to ask everybody to join me in welcoming to the gallery one of my constituents and the director and CEO from the Chief Isaac Group of Companies, Ms. Lynn Hutton.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Nixon: I have for tabling today the Yukon mental wellness marketing campaign brochure, Flourishing.

Speaker: Are there any reports of committees?
Are there any petitions to be presented?
Are there any bills to be introduced?
Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to ensure that Yukon residents who cannot meet residency requirements for the purpose of a resident hunting and fishing licence due to their service in Canada's military be granted a residency exemption.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to increase the number of Yukon residents employed in the mining industry by working with First Nation governments, municipal governments and industry to address and mitigate the barriers that prevent Yukon residents from fully participating in the mining industry.

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

THAT this House urges the Government of Yukon to introduce an IPP policy to allow independent power producers to sell renewable energy into our power grid.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to inform residents of the outcome of the public tender for pharmaceutical services in the community of Watson Lake.

Speaker: Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Economic growth

Ms. Hanson: By now it is no secret that the Yukon has experienced two consecutive years of negative economic growth. The Yukon is in a recession and this government is largely to blame. The Yukon economy extends beyond Whitehorse. We need strategic, strengths-based complementary plans for all Yukon communities.

One of the goals for the 2012 to 2017 economic development strategic plan is to support the development of regional First Nation and community economic development plans. Can the Minister of Economic Development inform this House of how many regional, First Nation and community economic development plans have been completed since the last election?

Hon. Mr. Hassard: I'm not sure of an exact number off the top of my head, but it's important to note that this government continues to work with all interested parties in moving forward and helping to create a better economy for the Yukon.

Ms. Hanson: What we've seen is that the Yukon Party government's rosy economic projections have been proven wrong time and again. During the good times, the Yukon Party was eager to take credit for economic growth, but now that bad times are here, it's crystal clear that they are not able to responsibly manage the economy. A case in point is their

lack of real economic planning — the planning necessary for building a strong, diversified economy.

In 2011 the people of Watson Lake developed a plan to revitalize their local economy. They identified many ways to grow their local economy, taking advantage of providing mining supplies and to taking advantage of their highway location to supply services to the trucking industry. Watson Lake also has a number of tourism proposals that they would like action on.

Where is the community economic development plan for Watson Lake, and why is the Yukon government not an active partner in economic development in Watson Lake?

Hon. Mr. Hassard: Yukon government is committed to working with Yukon First Nations on collaborative initiatives to ensure that they remain full partners in the economic development of Yukon for the benefit of all Yukoners.

The Department of Economic Development provides economic-development-related advisory information and funding services to First Nations, and the government also supports First Nation economic development spans, or range of activities, from business planning to project evaluation, and that includes building governance institutions through capacity development, supporting strategic and economic planning efforts, developing policies that support economic development, identifying and supporting projects that will provide lasting benefits to Yukoners, developing feasibility studies and business plans, as well as establishing business ventures.

Ms. Hanson: What we hear is a litany of ad hoc and siloed approaches. You know Watson Lake is not alone in wanting to see community economic development but finding economic leadership lacking at the territorial level. Every Yukon community wants to see opportunities and good jobs in their community and they're looking for leadership from the Yukon government.

The regional economic development fund may provide \$50,000 for plans, but that's not enough. The Yukon government must work actively with communities to develop economic plans and then must back these plans with training, infrastructure and strategic investments. That's how we create good jobs, draw more tourists, and create niche industries in every community.

Will the Economic Development minister admit that the lack of integrated, cross-sector economic planning by this government has been one of the reasons for the recession?

Hon. Mr. Pasloski: What I will admit is — I will remind Yukoners and the 6,000 or 7,000 people who have moved here since the Yukon Party came to power that, during the consecutive NDP and Liberal governments, thousands of people left — double-digit unemployment. The government was in debt. In fact, the Liberal Party had to borrow money just to pay government employee wages.

What we do know is that Yukoners are thankful that, during this time, they have the financial leadership of the Yukon Party, because they wonder how bad things would be if we were under another NDP or Liberal government.

Unlike the Liberal leader and the NDP, who are long on criticism and short on ideas, this government will deliver on jobs and opportunities for Yukoners. We continue to focus on a private sector and ensure that mining is a cornerstone of the Yukon Party that will continue to deliver prosperity for this territory.

Question re: Mining sector employment

Ms. Hanson: It is Yukon Mining and Geology Week, and it was great to see a full gallery of people who care about the future of the industry. NDP governments successively in the Yukon have a long history of supporting the mining industry, and it was the NDP that created the mining incentive program and the small business investment tax credit, negotiated the transfer of NCPC energy assets, which have, for decades, been the cornerstone of a cheap, reliable source of electricity that the mining sector needs, and opened the Skagway highway to year-round travel.

The gallery was full of a lot of Yukoners employed here in the territory, and government has a role to play to encourage the hiring of Yukon workers, instead of fly-in, fly-out operations. What we've heard from companies is that they feel they have no choice but to use fly-in, fly-out workers because the government has little to redress housing availability and other deterrents.

Does this government have a plan to get more Yukon-based workers hired in the Yukon mining jobs?

Hon. Mr. Kent: There are a number of initiatives underway by this government with respect to ensuring Yukoners can have the opportunities associated with the mining industry. One only has to look at the Centre for Northern Innovation in Mining and our investments in training Yukoners for these types of opportunities.

I do find it curious, though, that the Leader of the Official Opposition — who, in a week, really showed her lack of understanding of what's important to the mining industry, and what the mining industry needs to succeed with her now-infamous lettuce and toilet paper quote that she rolled out during debate with the Minister of Economic Development; where she suggested that the Minto mine contributed zero locally for goods and services.

Yesterday during debate, I certainly rolled out some numbers to prove that wrong. Over \$47 million in 2013 was spent by Minto procuring local goods and services. In 2014, over \$39 million was spent.

The Leader of the Official Opposition also likes to brag about their investment in the Yukon mining incentive program. Budget appropriations show that, from 1996 to 1999, the most recent time when the NDP government was in power, they spent \$1.6 million during that entire time frame. Mr. Speaker, we spend that in one year to leverage that program.

Again, I would encourage the Leader of the Official Opposition to do her homework and get things straight and learn about the mining industry before criticizing us about it.

Ms. Hanson: Not bad, given the fact that this government has four times the federal transfer of the

government of the day. For well over 100 years, people have come to the Yukon to mine our amazing geology.

Mining companies want to hire locals, but they spend millions to fly in workers. A couple of years ago when there were three mines operating in the Yukon, almost 70 percent of the workforce was flown in from Outside to work. The 2013 Ecofor report identified that the number one deterrent to mining workers moving to and living in the Yukon was the lack of affordable housing. The Yukon can't control the weather, but it can affect the availability of housing. Housing prices are still high and not enough lots are available throughout rural Yukon.

Does the government plan to correct its housing policies and other policies that will continue to prevent mining workers from taking up residence and paying taxes in the Yukon?

Hon. Mr. Kent: There are a number of initiatives underway with respect to improving the climate for individuals to not only be trained here in the Yukon — as I mentioned the Centre for Northern Innovation in Mining in my first response — but also attracting families to move here.

As the Premier mentioned, the population has increased significantly since the Yukon Party came to power in 2002 here in the territory. We continue to work with communities. We now have in place land development protocols with most communities here in the territory. We are very proud of the work that we are doing. There are lots for sale over the counter now in many Yukon communities when you are looking for opportunities to move and relocate.

I would say, pound for pound, many of our rural communities — and even Whitehorse — have some of the most fantastic facilities in this country as far as recreational infrastructure, opportunities, hospitals in Dawson City, Watson Lake and here in Whitehorse. There are many different types of things that we have invested in that will help attract families to the territory.

I think that there are tremendous opportunities for Yukoners and other Canadians who want to move to the Yukon to live, work, play and raise their families. Those are the types of things we are investing in. Yesterday we saw an amendment by the Leader of the Official Opposition removing the mineral development strategy from a motion by the Member for Vuntut Gwitchin, which —

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

Ms. Hanson: It is unfortunate that the minister will not respect the devolution transfer agreement which was simply what that motion referred to.

We are talking about the issues around training. Training is critical to creating more Yukon jobs in the mining sector. There are programs offered through the Yukon Mine Training Association and Yukon College that do respond to industry needs. Yukon Women in Mining is on the leading edge of promoting mining work to girls and women and in changing the industry to reflect our modern world and our values of gender equity. However, training workers in rural Yukon for mine employment means we need to make investments in

literacy, in substance abuse prevention and in pre-employment opportunities in the communities.

What is the government's plan to fund and increase training opportunities, particularly pre-employment opportunities in rural Yukon, so that the residents of Watson Lake, Mayo, Pelly, Carmacks and Ross River have a better chance of getting hired when the mining sector rebounds?

Hon. Mr. Pasloski: We are very proud of the seven new graduates who are graduating out of the community of Ross River, having gone through the mobile trades training trailer. It has been in Dawson City, Pelly Crossing and now in Ross River, creating an opportunity for local youth to begin their training on trades locally.

As we stand here today, they're beginning the work on the new expansion for the Centre for Northern Innovation in Mining at Yukon College. The member opposite was talking — we have a literacy strategy — and of course as I articulated during the budget speech, we have a new vision for education; a vision that is focused on the success of all Yukon students. We look forward to working with all of the stakeholders as we forge the path toward that vision. But we know what the solution to the housing issues are when it comes to the Liberals or the NDP, because what they do is they kill the economy, causing a mass exodus of people and therefore it alleviates the concern for any housing. This government continues to focus on opportunities to invest in housing and invest to ensure that we grow an economy that will continue to grow forward and create prosperity for all Yukoners.

Question re: Shakwak reconstruction project

Mr. Silver: Mr. Speaker, the budget before us contains just under \$10 million of funding as part of the Shakwak highway project. It is a far cry from the \$40 million spent in 2006 and even the \$25 million spent in 2012.

In recent years, the funding from the United States government for this project has dropped substantially. It gets worse, Mr. Speaker. The funding for that project for future years was cut off by the United States government in 2012. Since then, the government has been lobbying unsuccessfully to get this funding reinstated and it has also spent down what monies were banked over the years. This reserve is now almost empty.

Now the Premier confirmed in his budget speech that the future of this money remains in limbo — his words. Can the Premier confirm that over \$180,000 has been spent lobbying United States politicians on this issue with no success?

Hon. Mr. Kent: Again, just for those who are unaware of the Shakwak agreement, it's a Canada-U.S. cost-sharing agreement first proposed by the United States. It has been in place for 36 years. It recognizes the fact that the citizens, business community and the Government of Alaska rely heavily on this land link through Yukon to the rest of North America and Yukoners have also come to rely on this link for travel and recreational activities.

In 2012, the U.S. government removed funding for the Shakwak project from their federal transportation bill. That means the U.S. funding needed to complete the requirements

of the agreement is no longer in place. Again, we have been working with the Government of Alaska. I have been engaged with the Yukon Chamber of Commerce and other organizations to try to help in lobbying with respect to having the United States place this back into their transportation budget. The Government of Alaska has been very supportive of our efforts and we look forward to continued lobbying of the U.S. federal government, both through the end of President Obama's term and into the term of the new president when that happens as well.

We're working hard to try to get this funding back because this is an extremely important link and most of the traffic on that link of course is U.S. traffic. Of course the Government of Yukon and Government of Canada have been upgrading the area east and south of Haines Junction, so we're also doing our part and we do the maintenance as well on the Shakwak. We're playing our part and we want the U.S. government to play their part as well.

Mr. Silver: So we're waiting for President Obama to leave office. When the last minister was responsible, we were told that we were waiting for the Senate to turn Conservative; that already happened.

Mr. Speaker, for the minister's own information, his own website states that a South Carolina law firm named Nelson Mullins Riley & Scarborough has been paid \$181,000 to lobby the United States Congress on behalf of this government.

Now we would not be in this situation of course if the Government of Yukon had been paying attention to those changes previous to 2012. The Premier himself travelled to Washington to make his case for the funding last spring and he said — and I quote: "... we will know in two to three months whether this work has been successful ..." A year later, and there has been no news at all.

To date, Mr. Speaker, the Premier's lobbying efforts, and those of the Member of Parliament and Senator, have produced nothing but some expensive hotel bills in Washington. The Premier was forced to admit in his budget speech that the funding remains in limbo.

What follow-up has been done since the Premier's unsuccessful trip to Washington last spring?

Hon. Mr. Kent: For the member opposite to suggest that we're waiting for a change in president to continue lobbying, no — he says that that's what I said. I said that we'll continue lobbying throughout the balance of President Obama's term, as well as into the term of the next President of the United States.

Of course, a permanent loss of funding will have significant impacts on Yukon's ability to continue highway improvements and will have a direct impact on the condition of the road for all future road users.

This summer, we'll be welcoming former federal Cabinet minister, David Emerson. He is currently conducting the *Canada Transportation Act* review. We'll be welcoming him to the territory, and we anticipate taking him to the northern part of the Shakwak, near Beaver Creek, to show him some of the challenges we have with the road there. I think it's

important for us to continue to lobby not only U.S. politicians, but to continue lobbying with our federal counterparts to ensure that they understand how important this road is and the condition of this road.

I guess, taking from what the member opposite has said, he would not spend any time or effort lobbying on behalf of Yukoners to improve this road. There have been hundreds of millions of dollars invested in the Shakwak, providing many jobs and opportunities and creating a transportation link that is both safe and well-used by Yukoners and U.S. citizens alike.

Again, this is important to us and we believe that continued lobbying efforts on behalf of —

Speaker: Order please. Final supplementary.

Mr. Silver: Of course we need to lobby, but we also need a plan B. It was this Premier himself who said that we would know within two or three months whether or not this lobbying would be successful. It's another item under the unfinished business column, when we look at this government's track record. It has been over a year since the Premier travelled to Washington and took a bunch of pictures and posted them to his Twitter account about the important senators who he met.

The trouble is that we still don't know if the Shakwak agreement will ever be funded again by the United States government. The Premier himself admitted in his budget speech that that funding remains in limbo — his words. The Yukon Party's failure to keep an eye on the ball means that this valuable source of revenue has all but dried up. Its lobbying efforts since 2012 have produced no results.

So let's talk plan B, Mr. Speaker. What's the government's plan to upgrade this road, given the loss of millions of dollars from the United States government?

Hon. Mr. Pasloski: As this House is aware, not only have we talked to the officials in the U.S. government and also officials in Alaska, we also have brought this up with the Prime Minister of Canada and the Minister of Foreign Affairs. This is an agreement between two sovereign nations, between the Government of Canada and the United States of America.

Yes, at the time when I was there, there were indications there could be a movement on that bill at that time. I know that this is a very important job, but within the United States government, we don't have that much influence. We continue to have support from both houses. We continue to have support from labour and from business on this.

The member opposite, the Leader of the Liberal Party, wants to know what plan B is. What we do know — and I have already said it in this House today — is that they are high on criticism and very short on solutions. Plan B — the Liberals have no plan.

Question re: Early childhood care

Ms. Stick: Raising healthy and happy children is the most effective and least expensive way to promote a healthy society but, as the chief medical officer of Yukon says, not all Yukon children and youth are doing well. A key step to supporting healthy and happy children is to ensure that affordable, high-quality early childhood supports are available

and accessible to all Yukoners. This is the purpose of the Yukon healthy families program which provides free supports to families prenatally, at birth and until the child is school age. This essential service helps families who want the best for their children and just need extra support.

Can the minister explain why the number of families and children supported through healthy families is now just three-quarters of what it was five years ago?

Hon. Mr. Nixon: I certainly thank the member opposite for her question. I have personal experience in this area with my son who has autism. Certainly working with the Child Development Centre and a number of other professionals throughout the territory and individuals coming in from Vancouver, we've certainly seen great progress in not only my son's development but many other Yukon children over the past number of years. In fact, it was this Yukon government that stepped up to the plate to make those investments for those families and for those children, and this government will stand behind those investments and continue down that path supporting those families.

Ms. Stick: It doesn't answer the question as to why those numbers are doing down.

High quality, affordable child care is also an early childhood support that helps families, boosts the economy and plays a pivotal role in reducing income and gender inequalities for future generations, but, as Canadian families pay some of the highest daycare fees in the world, not all Yukon families can afford it. That's why the Yukon's direct operating grant is so important. It helps reduce cost pressures on licensed childcare programs that would otherwise have to raise parents' fees, but this grant hasn't been adjusted to reflect inflation since 2007.

Will the minister commit to increasing the direct operating grant to, at the very least, match inflation?

Hon. Mr. Nixon: I certainly recognize the importance of quality childcare and early childhood development. This government has committed an additional \$4 million to address things like wages, training, subsidies and operational expenses of childcare programs over the last six years.

The department has conducted a review of recent investments that have been made in childcare by this government. The report is available. Based on that review, our government will be increasing funding to the childcare subsidy program to assist families with the cost of childcare.

As I said in my first answer, this government stands behind those families, it stands behind early childhood development and there is a lot of good work being done by professionals around the territory.

Ms. Stick: It doesn't answer the question about direct operating grants. Let's move on.

High-quality, early childhood care requires highly qualified early childhood educators. The Yukon College early childhood development program provides Yukon students with the knowledge, skills and abilities necessary to provide early learning opportunities in childcare to young children and their families. Until this year, rural Yukon College students wanting to participate in the early childhood development

program could enroll in night classes as the satellite campuses, but now it appears there is no longer funding to keep these campuses open at night.

Mr. Speaker, the demand for rural daycare options is increasing. Will the minister take immediate action to ensure that these students in the communities have the option to complete the early childhood development program?

Speaker: Order please.

Hon. Mr. Graham: I am not sure if the member opposite realizes that the board of governors of Yukon College is in charge of determining programming throughout the college, including communities. I was not aware that they have eliminated — if what the member opposite says is correct — evening classes, especially for early childhood development and I will undertake to look at that.

But, all you have to do is take a look at some of the things that this government has done. Cooperation between the Health department, Justice department, and my own department, the Education department, have resulted in huge changes for children below the age of kindergarten. Just the work that we have done with the whole child program, which is a free school-based program, again in cooperation between Health and Social Services and the Justice department to provide that preschool and after-school care that is so essential for children. Also, we are intending to expand that program this year to do a pilot project in another school in the territory. We are working toward better childcare facilities. What the member opposite also didn't mention is the fact that this government has also increased the number of dollars that a person can earn before their child care expenses are reduced.

Speaker: The member's time has elapsed.

Question re: Mental health services

Ms. Stick: Earlier this week, the minister announced his government's new mental wellness campaign called "Flourishing". This campaign is based on the book *Flourish* by a University of Pennsylvania professor of positive psychology. It upholds positive thinking as a way to change how people feel, but even those involved in the field recognize this approach is not one-size-fits-all and that many people with complex mental health needs and challenges need more support and therapies.

Yet yesterday the minister said — and I quote: "I think if we all took time out of our day every day to work on our mental wellness, we would perhaps see a decrease in mental illnesses and the requirement of services through government."

Mr. Speaker, is the minister telling Yukoners living with mental illness that if they want to be well, they just need to take more time for it?

Hon. Mr. Nixon: I think this is a clear example of the NDP not understanding the difference between mental illness and mental wellness. We saw the Leader of the Official Opposition yesterday criticizing the work of the officials in the department who put together this campaign — that very campaign that I tabled the brochure from today. The Leader of

the Official Opposition indicated that — and I quote: “...their work was not very actionable.”

Another quote that the Leader of the Official Opposition indicated and directed toward department officials was that they were failing on mental health. This government will certainly stand behind the work of the officials — and I can hear the heckling from the Leader of the Official Opposition.

There are a number of other quotes: “...this government seems to think that telling Yukoners to think of three good things before they go to sleep at night is strategy enough.” This is another example that members opposite certainly have missed the boat on — this campaign that department officials have put together. Flourishing is one piece of a large puzzle. We stand behind the work of the officials on that campaign.

Ms. Stick: Mr. Speaker, the puzzle is: Where is the strategy? Yukon is one of only two Canadian jurisdictions without a mental health strategy; yet the minister continues to drag his feet, saying: “When we have a product that is ready to be released, we will release it.” This strategy was promised long ago. It was supposed to be public by now. How much longer do Yukoners have to wait? We have heard stories about young children who have been waiting for a diagnosis and mental health supports for nearly two years with no end in sight.

Enough is enough. When will this minister deliver a made-in-the-Yukon mental health strategy that works for Yukoners?

Hon. Mr. Nixon: It’s really unfortunate that the NDP has criticized the work of the officials from the Department of Health and Social Services. I want to give you another quote here, and this is a comment from another individual speaking about the campaign that we started earlier this week called “Flourishing”. This individual said: “It’s great. We applaud the fact that government has brought this program forward. It fits well, obviously, with the week — the mental health week. It’s a program that’s there to help encourage people to take a look at their own mental health as part of their well-being — overall well-being.” Those are comments from the chair of the Mental Health Association of Yukon. At least he stands behind this program that the department has put forward, unlike the members opposite.

We will continue to stand behind those officials when they come forward with campaigns like this, looking at mental illness and mental wellness. Certainly all Yukoners should take the time out of their day, regardless of the fact that the NDP disagree with it, to take a look at their mental wellness — their families’ and their colleagues’ — to stay healthy.

Ms. Stick: It’s this government’s minister who has promised that there would be a mental health strategy, and there isn’t one. It’s time for the minister to stop missing the point. Yukon’s youth workers and community members point to a lack of access to mental health facilities, services and diagnoses as one of the biggest risks to youth growing up healthy in Yukon.

In 2015, the department found that Yukon youth, and especially our rural youth and young women, report very high levels of mental health concerns, including depression,

helplessness, feeling sad and hopeless. If mental health problems are not addressed during school-aged years, they can have lifelong impacts.

What is the minister doing to ensure our youth are receiving the mental health supports they need —

Speaker: The member’s time has elapsed.

Hon. Mr. Nixon: Again, a clear indication from the members opposite that they truly don’t understand the difference between mental wellness and mental illness.

This government stands behind the department officials when they come forward with campaigns, like Flourishing, that encourage Yukoners to take a look at their mental wellness and to, on a daily basis, do things that will help with that mental wellness as we do to stay physically fit. It takes a little bit every day. I encourage all Yukoners to take the time out of their day — young and old — to address their mental wellness.

Certainly the mental health strategy — the document that we are working on internally — will be available when the document is ready. There is certainly a lot of work. There are stakeholders who we need to speak to and we will work diligently at producing a document that is attainable and functional.

I know the members opposite are laughing at this strategy, but this government takes it very seriously and we’re going to take our time regardless of the fact that the members opposite would just throw together something for the public’s interest.

Speaker: The time for Question Period has elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 85: *Condominium Act, 2015* — Second Reading

Clerk: Second reading, Bill No. 85, standing in the name of the Hon. Mr. Cathers.

Hon. Mr. Cathers: I move that Bill No. 85, entitled *Condominium Act, 2015*, be now read a second time.

Speaker: It has been moved by the Minister of Justice that Bill No. 85, entitled *Condominium Act, 2015*, be now read a second time.

Hon. Mr. Cathers: It’s a pleasure to rise today to introduce this legislation.

This new bill before this House is to modernize legislation that is almost 45 years old, and it would establish condominium development and management best practices that are more in keeping with the standard established in other jurisdictions across the country. A modernized condominium act will bring clarity to how condominiums will be developed and regulated, facilitating a stable housing market in Yukon.

The new condominium act introduces an orderly process for transferring condominium authorities from the developer to an elected board. Also new are disclosure requirements that

will provide purchasers and owners with better financial and corporate information.

The new act will require condominium corporations to file a schedule at the Land Titles Office that shows each unit's fair portion of the corporation's expenses, liabilities and assets as well as a schedule that sets out each unit's voting rights. There is also a new requirement for each condominium corporation to keep a reserve fund to ensure there is contingency money for major building repairs and replacements.

As well, I would like to take a few moments to review some of what the characteristics of a condominium are. A condominium is a type of legal ownership of real property. Although people commonly refer to certain types of buildings as condominiums, that is not technically an accurate use of the word, because a condominium is not a building. A building may be a condominium but so might bare land, and a condominium might have several buildings making up its units on that land.

Condominiums are special corporations created under the *Condominium Act*, and unit owners are its members. The condominium corporation has property that is subdivided into private units and common property. In conventional condominiums, a unit is a three-dimensional space, defined by floors, walls and ceiling, while on bare land condos, the unit is a parcel of land that may have a building on it.

A condominium is created when a developer registers the required paperwork in the Land Titles Office, which creates a new condominium corporation. As part of the application to create a condo, the developer must register a condominium plan in the Land Titles Office.

The condominium plan is a plan or survey that shows the parcel of land being developed and how it is divided into private units and common property. The condominium plan is also a subdivision plan for the purposes of the *Subdivision Act*. What that means, in a little more layman's language, is that the creation of a condo corporation is considered a subdivision under the *Subdivision Act*.

In addition to the following relevant statutes and regulations, each condominium corporation must follow rules set out in the paperwork that creates it. These include the bylaws of the corporation and the declaration, which declares the developers' intention to create a condominium that's subject to the *Condominium Act*. I should note as well that a condominium corporation is governed by a board of directors elected by its members.

The directors are responsible for ensuring that the corporation complies with its legal obligations and they manage the day-to-day affairs of the corporation, such as establishing and following its budget and performing regular maintenance. The corporation is also responsible for enforcing bylaws and rules that create private law obligations and, when a person purchases a unit in a condominium, they own their unit in the same way as a person who owns regular land.

Unit owners are registered on the condominium certificate of title in the Land Titles Office. Like other land, condominium units may be mortgaged, sold and resold, which

is one of the primary reasons why condominium corporations are often created as a type of tenure rather than using more familiar structures to some people, such as lease arrangements.

The increase in condominium development in the Yukon over the last several years has been a source of great public interest. I should also note that this has become more common across the country than it had been in previous eras. As more condominium developments are completed and occupied, the inadequacies of the current legislation and the outdated nature of it were more and more apparent to developers and owners alike. Both have told government that the current *Condominium Act* is out-of-date and want to see government moving forward to bring in modernized legislation that reflects up-to-date practices in condominium development and legislation across the country.

Modern and effective legislation for property ownership, including that for condominiums, is one of the foundations for a healthy economy and helps play a role in economic activity and creating opportunity for Yukoners. This area of government responsibility must be maintained at peak efficiency and not encumbered by an outdated legislative structure.

In 2014, the department began drafting a new condominium act following extensive research into the modernized condominium legislation that had been introduced in other jurisdictions. Drafting was supported by Department of Justice staff, the stakeholder advisory committee, which supports the development in its overall land titles modernization project, and a drafting advisory group.

The drafting group includes representatives from the Association of Canada Lands Surveyors, the Canadian Bar Association Yukon, real property subsection, the Surveyor General's branch of Natural Resources Canada, the City of Whitehorse and land services branch of the Department of Energy, Mines and Resources.

Proposals for new condominium legislation provisions were posted to the department's land titles modernization website for public review and comment. On two occasions, the department held advertised public meetings downtown to discuss condominium issues and received feedback from members of the public who are involved in condominiums.

With the benefit of these consultations, the new condominium act has been drafted with the intention to create a modern development of management practices and legislation that is comparable to and similar to other jurisdictions across the country.

With that, I will wrap up my second reading comments and will look forward to providing further information when we get into Committee of the Whole.

Ms. White: I am pleased to rise to speak to the new condominium act before us today. I thank the officials for their briefing, and I'm incredibly grateful for the guidance I received from industry professionals in better understanding this act.

To be sure, this document is a monster. At 161 pages with 240 clauses, it is one of the biggest pieces of legislation — or possibly the biggest — that this 33rd Legislative Assembly has dealt with. I wish to offer my congratulations to the Department of Justice and the stakeholder and drafting advisory committees that worked together to get us to this point.

I think it's important to say that this is an excellent starting point, but it's just that — a beginning. This is the first piece of a puzzle. In recent years, we have seen a boom of condominium construction in the territory. We've had a front-row seat to both innovation and, in some cases, less than perfectly executed projects. We've seen the growing pains within condominium corporations as they've worked hard to learn and execute their responsibilities, and we've witnessed the growing pains of the industry as they raced to keep pace with our housing demands.

The act before us goes a long way in addressing issues that have arisen with the boom that we've seen within this continuum of housing. The new act addresses what could be considered the three main aspects of a condominium complex: the development, the purchase of a unit, and the operation of a completed complex.

This act strives to bring protection to the consumer by clearly defining the rights of prospective buyers and lays out the responsibilities of the developer when transferring ownership. It lays out the responsibilities of unit owners, of condominium corporations, and the expectations of how these two parts fit together.

The act strives to bring protection to the developers with clear guidelines for phased developments, including rights and responsibilities. It also brings assurances for the lenders of these projects, both from the development standpoint of investors into the institutions that finance the homeowners themselves.

This act offers clarity and direction, but it will rely heavily on strong, clear regulations. What we have heard from the department officials and stakeholders is that many of most important components of this legislation will be contained in the regulations. Without regulations this act will be unable to offer the clarity and certainty that it was designed to bring to all parties.

The department officials were hopeful that these regulations could be completed before the end of this calendar year, and I share that hope.

I think it's important to note that the condominium act before us is just one piece of a much larger puzzle. Those within industry have voiced the need to update and review both the *Land Titles Act* and the *Builders Lien Act*. These two pieces of legislation are critical pieces to complete the puzzle to complete the puzzle.

The 2012 audit of the *Land Titles Act* highlighted different areas of concern that very much affect the condominium act and opens the door to the modernization of the Land Titles Office.

Without delving too deeply into that review, I will mention a few key points: the relationship between the Land

Titles Offices, surveyors and lawyers; the lack of clearly defined processes and procedures; there exists no procedures manual and there are no clear guidelines and processes within the office for the creation of condominiums.

Since this condominium act was tabled, I have learned that there are mountains of information to learn to truly understand the complicated processes that are required to develop these properties. I can only imagine that having a real estate lawyer within the Land Titles Office would benefit all parties.

The *Builders Lien Act* also needs to be addressed. It is critical that this legislation fits with both the condominium act and the *Land Titles Act*. One of the purposes of this act — the *Builders Lien Act* — is to protect a person buying a unit in a phased development from being pursued by a contractor for money owed. It also addresses the issue of substantial completion, which, in phased developments, is critically important from a financing point for developers and for the subtrades.

I raised both the *Land Titles Act* and the *Builders Lien Act* because of the important role they play alongside the condominium act. When all three acts and the modernization of the Land Titles Office have been completed, Yukoners will have comprehensive legislation that will both protect and guide them in their housing choices. By all accounts, and from my first-hand interactions with department officials, the process for developing the condominium act with respect to consultation and outreach to industry and stakeholders has been excellent, so I encourage the minister to ensure this process continues.

The development of this legislation should be used to create an ongoing dialogue between government and industry with respect to the land titles process. I look forward to asking questions of the minister, with the support of his departmental staff, during Committee of the Whole.

Ms. Moorcroft: I rise to support this bill and I am glad to see it before the House. I would like to thank the minister for scheduling an information session with a number of Department of Justice officials for the opposition parties on this bill. The *Condominium Act, 2015* does cover a lot of ground and all of it is important. I also want to express appreciation for the approach in developing the new condo act, which included consultation with developers, surveyors and condominium owners associations.

I would note that much of the legislation is a framework that will rely heavily on developing strong, clear regulations, and I hope that the process of developing regulations will continue to involve developers, surveyors, condominium owners and their associations and others, and also our real estate lawyers.

Owning a condominium is a private, contractual relationship, and we have seen in Whitehorse an explosion of condominium development over recent years. The *Condominium Act, 2015* is a form of consumer protection and it sets our rights and responsibilities of both developers and condominium owners. I know there are many people who

contemplate condominium ownership, and I would just like to review some of the elements of the act that we will be going over in detail later today in Committee of the Whole.

The first section in Part 1 — the interpretation section — sets out definitions.

As we became familiar with the *Condominium Act, 2015* during the information session that we had, it's clear that understanding all those definitions is important. The *Subdivision Act* comes into play here, and there are many different parties and agreements and expenses and plans and so forth that are developed.

Part 2 of the act covers creating a condominium and sets out plan requirements. In part 3 of the act, dealing with the condominium itself, it looks at units, at common property, at easements, at repair and maintenance obligations, and at work orders and builders' liens. Again, Mr. Speaker, that illustrates the importance of also modernizing the *Builders Lien Act*. Part 4 deals with the sale of units by the developer, and that covers fair dealing, disclosure, and cancellation rights for a purchaser, which is an important protection.

Part 5 is condominium governance. That includes the responsibilities of the condominium corporation. Part 6 sets out the bylaws, and there is going to be a sort of template of bylaws available, which is a good start for developers for new condos and for the owners of those various units.

In part 7, the act deals with the finances, and that includes common expenses, fees and expenses during the transition period from the developer to the owner and then before and between the first and the second annual general meetings. Part 8 covers insurance and deals with the property to be insured by corporations and liability insurance. In part 9, under condominium management, there are provisions for records and information certificates, for contracts and the methods for giving notice and providing information to both condominium resident owners and tenants.

Part 10 deals with fundamental changes and refers to amending a condominium plan. Part 11 covers legal proceedings and arbitration. I would note, Mr. Speaker, that in the absence of a comprehensive condominium act, people have been forced to use the courts in order to protect their interests, so this is an important part of the act.

Part 12 deals with terminating a condominium, and part 13 deals with general provisions.

Mr. Speaker, as I said, we in the Official Opposition support this bill. We're pleased to see it coming forward and we will have some questions for the minister and his officials in Committee of the Whole.

Hon. Mr. Nixon: I thought that it would be fitting for me to say a few words about Bill No. 85, entitled *Condominium Act, 2015*, seeing as I was previously the Minister of Justice, but I certainly would commend the current Minister of Justice for bringing this very important piece of legislation forward for debate today.

It was on April 26 when I, as Minister of Justice, announced the commitment of the Yukon government to modernize Yukon's land title system to facilitate more timely

and efficient land transactions. The land titles modernization project will examine all aspects of the land titles regime, including the *Land Titles Act* and the *Condominium Act* as it is here today, the land titles management information system, as well as the business processes used in the Land Titles Office.

In 2002, we engaged in a scoping phase for modernization of both the land titles system and the *Condominium Act*. In December of 2012, the scoping phase concluded with the recommendations to me, as then Minister of Justice, on options for land titles modernization and updating the condominium legislation. Those recommendations have been reviewed.

A stakeholder advisory committee or group was established to assist the Department of Justice in the design, development and implementation of land titles and the condominium modernization project. That group began meeting in May 2012. Participation of the stakeholder advisory committee includes the Whitehorse Chamber of Commerce, the Law Society of Yukon, the Association of Canada Lands Surveyors, the City of Whitehorse and the of Yukon Condominium Homeowners Association, and I have certainly met with the stakeholder group a number of times. I can say that, over the last couple of years, there has been some very good work done in correlation with the act that is now before us, as well as the bigger picture, with the modernization of the *Land Titles Act*.

There was a discussion paper addressing the review of the *Condominium Act* that has been made available to the public on the department's land titles modernization website. Certainly comments from that paper were invited from the public.

The *Condominium Act* is 35 years old and it doesn't reflect changes in condominium development that have taken place since then, and it does not measure up to the standards set by similar legislation in other jurisdictions across Canada. In particular, the requirements for condominium plans that show boundaries of the lot, the unit entitlements and the common areas certainly needed to be improved. The current act makes no provisions for phased condominiums, which developers would like to be able to bring to our territory.

Provisions regarding bare land condominiums are in the act, but are inadequate for current practices, so it's again more evidence that supports this act being brought forward to the floor today. There's also a concern in the act that provides insufficient protection to condominium buyers, as well as condominium owners, and I believe that we see that addressed in the act.

Yukon has no requirement for condominiums to build up a reserve fund to pay for major renovation and repair, such as replacement of the roof, heating system, windows, plumbing and electrical. In the past, having owned and operated a property management company, certainly condominiums were a large part of my business. I've seen a number of condominiums that literally had no reserve fund, so this is important that this is addressed in this act as we see it today.

The annex provisions that establish the structure and management of condo corporations are permissive rather than

prescriptive. The requirements as to the information to be provided to the prospective condominium buyers and to condominium owners are really very minimal in the current act, but I believe that is addressed in Bill No. 85 that's before us.

Justice has examined all aspects of condominiums in consulting with key stakeholders as well as condominium owners and potential owners for their input before any options or recommendations for new condominium act provisions were drafted and now we see the final bill before us here.

Certainly the review that was conducted by the Department of Justice touched on a number of different areas, one being the nature of condominiums and how they are created. A condominium corporation comes into existence when a developer registers a declaration and plan in the Land Titles Office. The boundaries of the building and each unit are specific in that particular plan. The declaration may specify voting rights, election of the board and directors, occupation and use of the premises, duties and responsibilities of the board and members, and other essential elements. The review will examine what minimum information must be filed to bring a condominium into existence.

Secondly, the governance structure of condominiums' decision-making and the rights of owners, again, are addressed in Bill No. 85. Condominiums are unique corporations. Owners of the units are members of the condominium corporation and elect a board of directors from among their membership. The board is responsible for the operation of the condominium building and the corporation itself. The owners of the units agree to share ownership and maintenance of common areas, which was somewhat unclear in the old act but is addressed in the new act, while keeping individual ownership of their own units.

Review will examine whether additional requirements and protections for the board of directors are needed and whether some major decisions should be required to be made by the entire membership.

Thirdly, the information available to the consumers through the changes that we see before us — a major issue that was to be examined is what information members are entitled to receive from the board. The review is also looking at whether certain information should be required to be provided to potential condominium purchasers from the developer, such as financial, structural and legal information.

Lastly, it's about how a condominium corporation can ensure that it will be able to meet the expenses of operation and maintenance of that condominium. As I indicated earlier in my remarks, certainly I've seen this first-hand when condominium corporations did not have a reserve fund for potential expenses — even projecting expenses 25 years down the road. Other jurisdictions require both reserve funds and reserve fund studies, which assesses the lifetime of major assets, the cost of replacing them, and the contributions needed to meet those costs. This fund can be established separately from a maintenance fund for regular ongoing expenses to ensure that the condominium will have funds to pay for replacement of major capital items. A reserve fund

takes into account the life expectancy of common elements and the cost to replace them over the lifetime of that particular building.

The review will examine whether reserve funds should be required for condominiums in Yukon and, if so, for all condominiums or only for large developments or new developments as well as other details of potential reserve fund requirements. The review will not examine issues generically related to new home ownership rather than condominiums, such as the potential for new home warranty programs.

I think the Department of Justice, the minister and the stakeholder advisory group have certainly done an incredible job at preparing a very functional, practical document that will certainly modernize the way we do business in the territory. I see from the act that they have gone over many of the definitions that were perhaps somewhat unclear in the old acts. Common expenses are very clearly defined now. Common property is defined — condo fees.

There is a section in the new act that talks about converted buildings. Certainly that was one issue that I had when I had my businesses. There was an old apartment building that had been converted into a condominium corporation, so there were many, many issues that came up at that time and needed to be addressed by the developer who was conducting that project. In the new act, the term "developer" is clearly defined.

Then it goes into voters and first directors. Those are the individuals who the corporation or the developer first appoints or assigns as directors to that condominium corporation. It goes on to define interim budgets, mixed-use developments — that means with both residential units and non-residential units, with both conventional building units and bare land units, and with non-residential units that may be used by their owners for significantly different purposes. It goes on to talk about more than one building comprised of conventional building units where the buildings are likely to have significantly different operating costs as well as with any combination of the characteristics described in the previous comments that I have made.

The new act goes on to talk about notice of bylaws; it goes on to talk about phased developments and, as I talked about earlier, the reserve fund expenses, which as you'll know, means the common expenses payable by a condominium corporation out of its reserve fund under paragraph 129(1)(b) in this new act. That is very important that those are addressed.

Through my experience of having a property management company, I know how important the bylaws are for any given condo corporation. Certainly, when an individual is purchasing a condo or intending to purchase a condo, often they will ask for the bylaws from that corporation so they can see what the expectations are as owners in that condominium corporation.

It is also good to see that the Department of Justice and minister and the stakeholder working group in part 5 of this discusses the condominium governance. Certainly, that's very important to owners and to corporations, so there is a sense of

understanding of what the expectations overall are. The new act also goes into bylaws, rules and enforcements of rights and duties. Again, those are very important components and will give the owners an understanding of their own expectations, as well as of the condo corporation.

Finally, in wrapping up — I talked a little bit about the reserve fund, which, in Bill No. 85, is an expectation of condo corporations. There is another component to the reserve fund, and that's the reserve fund study. This is a study that is conducted for specific condo corporations and will give them a greater idea of what their expenses are going to be over the course of the long term. Even with new condo corporations, they will look at things like paint in common areas, roof, heating and so on, and what those expenses could potentially be and the amount of money they'll need to incur those expenses in 25 years.

I commend the minister for bringing this piece of legislation forward. I commend the Department of Justice and the staff who have worked so diligently on this file, as well as the stakeholder advisory group. I really commend the staff of the Land Titles Office within the Department of Justice for their work on an ongoing basis. I know that office has been very busy. I've seen great changes in that office over the last three and a half years, and I commend everyone for their work.

Mr. Silver: I'm happy to rise today to speak on Bill No. 85, the *Condominium Act, 2015*. I also would like to throw my name in there for thanking the officials from the department. I know they have been working very hard on this piece of legislation for almost two years now.

As members from Whitehorse have seen rapid growth in the condominium market, it has been an increasingly popular thing with developers, and amendments to this act have been necessary. The inclusion of standard bylaws for new condo boards is an important step for creating consistency throughout the territory.

I also like the rules that surround the condo board's AGM and voting process that are going to be closely regulated to ensure that an even playing field is there for those who live in condos. I'm interested to hear more from the minister — what has prompted the need for these changes — and I look forward to that debate in Committee of the Whole.

One issue that remains is the inability for First Nations to lease their land to homeowners. The department officials have said that this will address some of those necessary changes, and I hope to hear more on this from the minister responsible.

As it stands, one of the biggest barriers to developing land in Whitehorse is the lack of clarity for the banks to be able to recognize houses build on settlement land with long-term leasing agreements. This would certainly help alleviate the stresses on our housing market when we experience economic booms, and hopefully stabilize housing prices as well, especially for young Yukoners as they enter into the market.

I look forward to further discussion of this in Committee of the Whole.

Speaker: Does any other member wish to be heard?
Motion for second reading of Bill No. 85 agreed to

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. McLeod): Committee of the Whole will now come to order. The matter before the Committee is general debate on Bill No. 85, entitled *Condominium Act, 2015*.

Do members wish to take brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 85: *Condominium Act, 2015*

Chair: The matter before the Committee is general debate on Bill No. 85, entitled *Condominium Act, 2015*.

Hon. Mr. Cathers: Continuing on with the remarks and introducing the *Condominium Act, 2015*, I would like to first of all thank the officials who are here with me today as well as all others who have been part of the work on the *Condominium Act, 2015*.

I would also like to acknowledge and thank the stakeholder advisory committee for all of the work on this that they did, which contributed to the development of this modernized piece of legislation. As members have no doubt noticed, it is a piece of legislation that is 161 pages in length. This current Sitting of the Legislative Assembly — while it does not have as many pieces of legislation before it as some have in total number of pages, it has a higher volume than normal, and a significant amount of legal drafting work, not to mention the policy discussion, went into developing this legislation.

As I and my predecessor as the Minister of Justice — whom I would like to thank for his work on this legislation as well — have noted, this is important legislation. It covers an area of law that has a significant economic impact and therefore is important to get right. Condominiums do provide another forum and opportunity for people to purchase an interest in property and be able to go to the bank and get a mortgage, which was one of the biggest reasons for the increasing popularity of condo titles across the country — the

opportunity it provides to people to get financing and the opportunity that it provides, from an investment perspective for those who enter into and purchase one or more condominium units.

I am just trying to remember where I left off in my remarks in introducing this. As I noted, this has been through the work of a stakeholder advisory committee that supported the department in its overall land titles modernization project and drafting advisory group. This is an important part of developing the legislation. As well, there were two public meetings that occurred, which were opportunities for public input on this important legislation.

With the benefit of the results of these consultations the new condominium act was drafted with the intention to create modern development and management practices similar to other jurisdictions in Canada with fundamental aspects of the current condominium requirements in the Yukon continuing to apply, but with some new important elements in the proposed legislation — or I should say the legislation that is before this House for, hopefully, passage this Sitting.

Under the new act, an application to create a condominium will include three new requirements: a scheduled unit entitlement that allocates to each unit a fair portion of the corporation's expenses, assets and liabilities; secondly, scheduled voting rights that establishes the number of votes allocated to each unit; and thirdly, a notice of bylaws the condominium corporation that states whether the condominium corporation is to be governed by standard bylaws, which will be provided through a regulatory package that will follow the passage of this legislation. I should note that the drafting of the regulatory package itself will also be significant in volume so this project does have more work on it that will be required and it will also take a bit of time to develop that regulatory package before it is brought in.

Returning to point three — the third of the three new requirements is that notice of the bylaws of the condominium corporation states whether the corporation is to be governed by standard bylaws that will be provided in new regulations — the standard bylaws as amended or new bylaws.

The application also must state who the first directors of the condominium corporation are, and those directors would be appointed by the developer of the condominium corporation. There are provisions, of course, for transition to the new board as units are sold and owned by individuals.

Each new condominium corporation is assigned a number in the Land Titles Office in consecutive order. The documents that form the application, common property certificate of title and individual certificates of title for each unit will be indexed and stored in a corporate records folder at the Land Titles Office. Bare land condominium developments are continued in the new act, but specific regulations governing them will be enacted.

For the first time, the ability to develop condominiums in phases is specifically addressed and regulations will detail phase development requirements, such as specifying a specific timeline for completing each phase. The bill also introduces a new duty of fairness and disclosure requirements that apply

when a developer sells condominium units. The developer will also be required to disclose specific legal and financial information to the initial unit purchasers within 30 days of the condominium registration or before an agreement of purchase and sale is made.

Someone who purchases a condo from the developer will have the right to cancel the purchase agreement within 10 days of entering into it on notice to the developer and without liability — and that is a new provision in this legislation. In addition, if the developer fails to disclose the legal and financial information within 30 days as required, the purchaser will then have the right to cancel the agreement of sale without liability within 10 days after the end of the 30-day period. The purchaser's right to cancel must be displayed on the agreement of the purchase and sale.

Condominium corporations function through a board of directors that manages the affairs of the condominium, but the new act will provide much more guidance and direction as to how that work must function and their obligations to those condo owners. The act addresses who is eligible to sit on the board of directors, and that may be unit owners or someone designated by a unit owner.

Up until the first unit is sold, the developer is 100-percent responsible for managing the finances and affairs of the condominium development. Once the first unit is sold, an orderly transfer of authority and responsibility from the developer to an elected board begins. All of the unit owners, including the developer, must then begin to pay condominium fees as established for each unit in the schedule of unit entitlements. Once 50 percent of the units are sold, the first regular annual meeting of the corporation must be scheduled. At the first annual meeting, a board of directors is elected from among members of the corporation, and it must prepare a budget, manage the corporation and report back to the members at the second annual meeting.

Voting rules are, as a default, one unit equals one vote, but a different voting entitlement may be established in bylaws if it is fair and reasonable. That is also restricted by the act and the subsequent regulations. Condominium members might potentially agree that something other than the one-unit, one-vote is appropriate if some units are significantly larger than others. Under the legislation, proxy votes must be in writing and be signed, and one person may only hold up to two proxies unless the regulations specify otherwise.

Boards may pass bylaws to regulate tenancies and create options to correct contraventions of rules, including evictions. Boards will have improved abilities to enforce bylaws and rules. As I previously mentioned, the corporation itself is responsible for enforcing bylaws and rules, which are private obligations governed by civil law. This means that neither the Land Titles Office nor any person or office in the Yukon government has the job of enforcing condominium requirements. Enforcement of these requirements is done in a number of ways: (1) the board of directors is required to hold annual meetings and report on legal and financial matters to the members; (2) members of the condominium are entitled to vote on whether to accept or reject resolutions of the board of

directors, such as the annual budget; (3) the new act introduces fines that the board of directors can levy when condominium rules or bylaws are broken, provided that the bylaws of the condominium corporation permit those fines; (4) the minimum and maximum amounts for these fines will be stated in regulations still to be drafted under the act; and (5) if unit owners are not paying their monthly fees, it is difficult for the board to keep its budget balanced as the fees are needed to pay for condominium operating expenses. To collect unpaid fees, the board will have the ability, on notice to the owner, to collect the tenant's rent directly from the tenant of that owner or to file a lien against the owner's title, thus ensuring the fees will be collected eventually.

Boards will also be permitted to charge interest on unpaid amounts owing. Members of the condominium, the board of directors, tenants and the developer have the option to apply to the court for an order when they cannot resolve disputes over any condominium issue. They may also opt to go to mediation or arbitration to resolve disputes, on consent.

The bill also introduces a new offence for making a material, substantial false statement in a certificate of the corporation filed with the Land Titles Office, and that offence may be punishable by a fine of up to \$2,000 or imprisonment for up to six months, or both.

Additionally, Madam Chair, insurance provisions will be improved in the new act. A condominium corporation must obtain property insurance on the full replacement cost of common property, common assets and condominium units. There are different insurance responsibilities set out for bare land condominiums and the insurance responsibilities of unit owners. The bill includes a new requirement that condominium corporations build up reserve funds, which can only be used to pay for major condominium repairs and replacements such as roofs, siding or the water, sewer and heating systems.

Additionally, I should note that the purpose of reserve funds is to avoid having to impose a special levy on unit owners when an unusual repair needs to be done. By "unusual", I mean unusual or unexpected or out of the ordinary. In a special levy, current owners are forced to pay the entire cost of a major repair, while a reserve fund enables spreading the costs of those repairs over many years or even decades in an amount affordable by owners and keeping cash in the bank in anticipation of a future date when they would need to spend on large repairs.

A condominium corporation will be required to have reserve funds studied to estimate the lifetime of some of the major elements that will eventually need to be repaired or replaced and the eventual cost of doing so. That allows the board to calculate how much money it will need to have in the reserve fund and how much time it has to build the fund. Regulations, once in place, will outline guidelines for establishing reserve funds, including who is qualified to complete reserve fund studies and any exceptions to the requirement such as for very small condominiums.

The new act generally modernizes language and processes to make the new act clearer and easier to follow,

and to operate comprehensively, to the benefit of condominium owners, boards and developers. The proposed new act will need regulations establishing up-to-date regulations for phased condominium developments, for bare land condominiums, commercial or mixed condominiums, and governance, among other things.

It will also create a requirement for new forms. Department of Justice staff has already started working on these elements and propose to do so with the assistance of the drafting advisory group. Once again I want to thank those who volunteered their time to assist the department work on this legislation and thank again all the department staff involved in the development of this legislation.

In concluding my opening remarks, I'll just note that this legislation is intended to be modern legislation that is in keeping with best practices and current standards in Canada and is intended to fairly balance and clearly state the rights of owners, condominium boards and developers alike and the respective rights and obligations of each party under this legislation.

I would, as a concluding note for anyone who is considering purchasing a condo, encourage them to recognize that while it is a very beneficial form of tenure for many people, it's also important to understand what you're getting into when purchasing it. If you're not yourself familiar with the legal structure, seek the advice of someone competent to advise you to ensure that you know what you are signing up for when you sign on the dotted line.

Ms. White: I would just like to thank the officials. I had the incredible good fortune to have probably one of the most exciting minds ever explain to me this legislation. It was overwhelming and super enlightening and it was fantastic — to be able to ask I think probably one of the big minds behind it was a real experience. I was also really incredibly lucky that I was able to speak to three people — just to get the terminology right — who sat with the stakeholder and the drafting advisory committee. To have them come in and go through the legislation with me in a less of a legalese way was also really incredibly valuable.

I'm just going to start with just one question just to ask the minister for clarification. Section 96 lays out the voting rights and it talks about one vote per unit. Did the minister just say that it was one vote per unit unless there was a larger property? I believe that's what I heard and can you tell me where that is in the document?

Hon. Mr. Cathers: I apologize to the member for the time lag in responding. As I'm sure the member will understand, I have read through the legislation a couple times and reviewed it with officials, but I haven't memorized it. The section that provides for the ability to vary the voting requirements is under section 235, which is the regulation-making powers, found on page 152 of the legislation. That particular section — actually then under subsection (c), which is page 154 — allows for the making of regulations that establish or provide for the calculation of the percentage of votes required for a special resolution, unit entitlements, monthly condo fees and the allocation of votes to units. It does

create and contemplate the ability that, if there were different sizes of units — and by that, it would be specified in the regulations — what is contemplated from a policy perspective, as I understand it, is that if there were a substantial difference in size — so if there were very large units and very small units — that there's a consideration that, potentially, the larger units — which also might potentially be paying a higher portion of the common costs of operating a unit — might have a different voting structure. Again, that would be specified in the regulations and would have to be in a manner consistent with the regulations.

I hope that has answered the member's question, but I should clarify that the act doesn't state that there will be a different vote structure for larger units; it simply provides for the ability to contemplate that in regulations, once those regulations are passed and of course amended from time to time.

Ms. White: I thank the minister for that. If I had memorized the legislation, I would have known it was in section 235, so I appreciate that. I also really appreciate that if we're dealing with specifics, I'll try to give him the section and, if he can try to give me the section in the answer, it'll be much easier for me to follow along, because, as we've both said, this is a massive piece of legislation.

I had questions about bare land developments and bare land units. Part of it goes back to an Alberta case — I'm going to totally slaughter the name but, for Hansard's purposes, it's *Maciejko v. Condominium Plan 9821495*. This was kind of around 2012 maybe — in and around that time — when this case happened. It was a concern that happened in Alberta. I'm just going to read from — also for Hansard's purposes — www.millertomson.com. It's just a question. I'm just reading this off. This was part of trying to learn what a bare land unit meant. Someone who is a condo owner in town just had concerns about it, so when he brought forward the concerns, I read a lot of it, trying to understand what that meant.

So this was the question in this article — it says, “Last month, your column referred to a recent Alberta Court of Queen's Bench decision that has serious implications for bare land condominiums. Can you please explain it?”

He says: “Here is a simplified version of this important case. This decision...deals with a dispute between owners and a bare land condominium corporation and the corporation itself. Generally, bare land condos are housing structures — typically duplexes — which share a common wall and roof.

“The bylaws provided that the condominium corporation, not unit owners, was required to repair and maintain the exterior of the individual units, making the condominium operate much like a traditional condominium. This condominium corporation was developed and marketed as a ‘care-free’ development. As the justice noted, the approach was a great marketing idea, but probably, in hindsight, not sustainable.

“A number of owners went to court to determine whether or not the bylaws were legal.

“The bylaws created a new class of property called ‘managed property,’ which treated the ‘managed property’ as if it were common property”.

I'm just trying to get to the part that's more — “The term ‘managed property’ is not defined in the Condominium Property Act” — but it has a little clause in ours.

“Unfortunately, the court determined that the approach the condominium corporation was taking with respect to the ‘managed property’ was not permitted by the Condominium Property Act. As a result, the court concluded that the condominium corporation did not have the authority to pre-collect money from owners and deposit it into the reserve fund for the repair and maintenance of property that is not owned by the condominium corporation. In other words, the condominium corporation will not have the benefit of a reserve fund-like structure to deal with the ‘managed property’ improvements, but rather the condominium corporation will have to fund these repairs and maintenance costs on a pay-as-you-go basis”.

We have the definition of “bare land unit”, and then on the top of page 6 is “management contract” and in subclause (b) there, it says: “the general administration and management of the common property and common assets.” I am looking for definitions of “bare land” and how that might relate, and how the management contract of the management of common property might relate to that.

Hon. Mr. Cathers: As I am sure the member will understand, I had to rely on officials in this case for their advice since I am not intimately familiar with laws around condo development, especially case law from other jurisdictions. My understanding is that they are not familiar with that specific case, so without having reviewed that case, we are not really in a position to talk about case law in other jurisdictions applicable to bare land condos without understanding the circumstances of that situation. The intention is to cover, specifically in regulations, provisions, restrictions and requirements related to bare land condominiums. The attempt will certainly be made by Department of Justice and Yukon government to ensure that there is a thorough review done of what is in place in other jurisdictions, and an understanding of where that has worked and where it hasn't worked, including taking a look at things like the case the member mentioned.

I can't really give the member a direct answer on that specific case because of those circumstances, but I should note a couple of things that hopefully will provide some additional clarity for the Member for Takhini-Kopper King. I am not sure if she was indicating that, from her understanding of that ruling, she thought that bare land condos were typically duplexes. If that was her understanding, that is not necessarily the case. They can be but, in many jurisdictions, duplex condominiums aren't as common as multi-unit condominium developments. Although, that being said, I should note that, in the Yukon, a fairly high percentage of the total condos registered are duplex condominiums. Some jurisdictions don't even provide for duplex condominiums. Some obviously do,

and the Yukon does have a number registered there. That is some of the context to the situation.

Trying to get more directly to the question that I think the Member for Takhini-Kopper King is asking — what is a bare land condo? Putting it simply, people, including myself, are used to thinking of condominiums as being the ones that have been common and visible for years, where you have a multi-unit apartment-building-type structure with the individual units in that divided up through a condominium corporation and the interest in them sold to an individual or a company, and they have then the ability to get financing for that facility, et cetera, and they would typically, as part of being in a condominium corporation, have more restrictions on some of their rights, opportunities, et cetera, than you would typically have with titled property. That being said, I should note that the titled property in the Yukon and across the country is also restricted through bylaws. Depending on which jurisdiction in which province or territory across the country, there is a varying range of how much your activities may be restricted by bylaws and zoning from place to place.

In the case of bare land condos, to try to describe it simply for the member and others listening — developments such as Falcon Ridge — Falcon Ridge development is an example of one in the Yukon that was sold, to my understanding, through a condominium structure. What that looks like is — effectively, if you think of having a large lot and the lot itself is not subdivided into smaller lots that individual houses are put on, the lot itself would continue to be titled in one block but, through strata title, condominiumization, of that piece of land, there would be individual areas that might be for the exclusive use of a condo owner, which would effectively mean that you might have your lot, your lawn, your driveway, your backyard and your house, and you would own the interest in that portion of the total area but you would not have fee simple title in the typical manner that we're familiar with.

Visibly, a bare land condominium can look identical to any ordinary neighbourhood, and that's why, as I mentioned — and again I want to note that I'm not in the least trying to discourage people from purchasing condos but, because it can be fairly complex, it is important that, if you don't have the full understanding of your legal rights, you seek the advice of someone who does have the expertise to understand the fine print on what you're signing and understand what the ability may be of the condo corporation to change their bylaws going forward and what your rights are as a unit holder to participate in that change — but to what extent you may not be able to control a change that could occur through a vote by individual shareholders in the condo corporation.

So I hope I have explained that clearly. I know it is a bit of a complex area. I may not be fully doing it justice in my explanation of it — explaining it clearly. A bare land condo effectively could appear to be ordinary streets. It would be a lot titled by one developer — developed by one developer typically — and then the individual units on top of it might look just like an ordinary neighbourhood, with individual owners owning a house and the exclusive interest in the

driveway, the lawn, et cetera, and a shared interest in common areas like streets or playgrounds developed by the developer on that area.

I hope I have explained that clearly. If the member has any questions or wants clarification, please let me know and I will attempt to explain any areas that were unclear, more clearly.

Ms. White: I appreciate the effort in that. It is not my understanding that a bare land unit is a duplex. It was just what was referenced in the article.

In the explanations that the ministers had, there were a couple — including the Falcon Ridge development, which is on a large portion of land and then sited as if it was a neighbourhood around the street. What are the benefits or the risks of creating a bare land unit? How would that play out for the developer, or how would that play out for someone who is purchasing? Are there risks or benefits to that?

Hon. Mr. Cathers: A couple of things I should note — first of all, the specific problem that the Member for Takhini-Kopper King was referencing in referring to the legal case from Outside. I think the member said the Province of Alberta — was that correct? She is nodding. That situation is the type of problem that is intended to be addressed by requiring a reserve fund to be created. It is important that, in the regulatory package, it hopefully hits — and certainly will attempt to hit — the right balance of providing for the ability and clarity that requires sufficient establishment of reserve funds without placing an undue burden, on an annual basis, on owners, but providing the ability so that there is that reserve fund available for unexpected repairs, emergencies and so on.

Where this also gets complicated, depending on what occurs — a repair, for example, whether playground equipment or a house or some other commonly owned property, let's say for example sports equipment or a gymnasium — so it might be covered from a reserve fund, or there might be insurance on that which, depending upon the provisions of an individual insurance policy, could depend on whether the insurance would cover it or whether it would have to be paid for out of the reserve fund.

It is important to note that this is an area that can be relatively complicated. Again, just to emphasize — without in any way, shape or form attempting to discourage people from purchasing a condo — it can be a fairly complicated area of law, compared to what people may expect. It's always important to understand when you're making major financial decisions what you're getting into and, if you're not qualified to understand the fine print on a condo corporation agreement and how that might change, or if you're not qualified to understand a lease agreement, for that matter, or a mortgage agreement, that you not be too quick to sign on the dotted line before seeking assistance from somebody who has a better understanding of what protections you have under there and what the limitations of those protections are.

As far as the member's question about the risks of various condo models, a bare land condominium is not itself a riskier or a safer model than a standard condo corporation model. It's a different model, and it really depends upon the individual

circumstances of the specific situation, the structure of the agreement or the structure of the condo development. Simply put, it's neither safer nor less safe because of being a bare land or a traditional strata title model. It really depends upon the specific situation.

Ms. White: I thank the minister for that. It will be good for the person who asked the questions about the bare land developments.

What is the expected timeline for the completion of the regulations for the condo act?

Hon. Mr. Cathers: The expectation at this point is that, if all goes smoothly, the regulations might be completed as early as spring of 2016, but I think, at this point, safely, we're hoping for some time in 2016. It wouldn't be earlier than spring, but spring, summer or fall would be the likely timelines for this — although of course, in the case of the fall, if it was being developed in the fall, it might go past the end of this current mandate, simply because of the timing and reaching the end of our mandate in fall 2016.

Ms. White: During the briefing, I was led to believe it could be done possibly by the end of this year. I'm trying to think of where I wrote that down. I know there are also the stakeholder and the drafting advisory committees that are participating, and condominium owners, and I'm sure there's a big search on the base bylaws and all the rest of it. Is that part of the reason why it has been pushed back further than that expected end-of-the-year date?

Hon. Mr. Cathers: What I am hearing from the officials with me is that the timeline the member had heard earlier is probably overly optimistic, and they estimate that hopefully it would be done in the spring of 2016. As I noted, spring is probably the earliest I would anticipate because my experience with this type of project when it involves stakeholders, and especially if it's a complicated area of law, is that those projects, when you are trying to do internal work, trying to research other jurisdictions and hearing input from stakeholders that can cause the legal drafters to have to review case law from other jurisdictions — it's very easy for timelines to suddenly get significantly longer than originally anticipated. When you are considering policy changes based on input from stakeholders and have to do that work to find out what works and what doesn't, it can get pretty time intensive.

The current expectation is that hopefully it will be done in the spring of 2016, but I would think because of the many moving parts of the stakeholder involvement, it's probably fair to say that it wouldn't be done earlier than the spring of 2016 unless things go faster than anticipated. In a complicated project like this, with multiple stakeholders that are involved — I don't recall very many examples of it going faster than anticipated. It usually runs into a situation where there is new input that has to be considered and which requires additional work to be done by policy staff and by legal drafters and the timelines do just get longer naturally and beyond anyone's control, because of wanting to hear additional input from stakeholders. So sometime in 2016 would be the expectation — hopefully spring — but quite possibly later in the year

depending on what areas we hear from the stakeholder advisory group about what areas there is agreement on and what areas there are differing opinions on and what areas require additional legal review.

Ms. White: It wasn't meant as a criticism at all. It was just that I had mentioned that in my response in second reading, and I thought I should clarify that for my own understanding and also because I had put on record as that being what I heard.

When I was talking to a real estate lawyer, a surveyor and a condo owner, one of the things they talked about that was going to be critically important with this legislation was the regulations and how they were going to be really important.

I went to a couple of the public meetings and I possibly had heard some of the most bizarre experiences in probably some of those really bizarre condominium corporations that don't run as smoothly, and this is the act that is really going to help them out. I am really excited about that. One thing that I have heard from multiple owners is the trials and tribulations of trying to get strong bylaws for the corporation.

I know that one of the things that we talked about in the briefing was that there would be base bylaws that could be adopted or amended in the creation of new corporations.

Just two questions about the bylaws — are we looking toward certain jurisdictions and do they have stronger bylaws than others? Are we looking toward them? Some of the people who are already in condominium corporations — and who talk about the challenges of amending their current bylaws because they don't have the legal background — don't necessarily have the — not the will and certainly not the financial background — but to change bylaws within condo corporations to make sure they reflect what people want is quite challenging. Will existing condo corporations prior to the enactment of this legislation be able to adopt those bylaws?

Hon. Mr. Cathers: My understanding is that existing condominiums would operate under their current bylaws unless they choose to transition to other bylaws or the standard form ones.

I'm trying to remember what the member's other question was. Maybe I will just let her repeat that.

Ms. White: I thank the Minister for that credit that I remembered the question I asked before.

You did answer that. There was an affirmative answer — yes — that an existing condo corporation could adopt the base bylaws. I'm pretty confident — and Hansard might be chuckling in the background — that the question was: Are we looking to certain jurisdictions? Do certain jurisdictions in Canada have stronger bylaws, and do we kind of know where we're looking toward?

Hon. Mr. Cathers: I'm told that B.C. and Alberta have been the jurisdictions where most of the work to date and anticipated in the future is looking toward as the basic model, but staff are keeping an eye as well on what other jurisdictions are doing because there are other Canadian jurisdictions that are currently modernizing their legislation. We can't necessarily fully capture what's being done in those changes.

In some cases, especially if they're making significant changes that haven't been tested yet, there may be a good reason why we don't even want to until we've seen how it works, but they are keeping an eye on that.

It should also be noted that, while B.C. and Alberta are being looked at as the basic model, there may be specific sections and provisions that apply in other jurisdictions that don't apply there — that there may be a reason to want to include or choose as an alternative.

It's unfortunately not a simple yes or no — or point to a jurisdiction — answer, but the answer is primarily B.C. and Alberta, with variations and exceptions. I think the member asked one other question there. No, I guess I got that.

Ms. White: It looks like it'll be an exciting Hansard read for us both, as we try to figure out if I have asked something that I forgot about. I'm happy to hear that it's looking at multijurisdictional, and I'm sure that, within the department, we're going to look at the best example and the strongest things for people. It's great to know that it's not necessarily focused on one jurisdiction, and I definitely appreciate the minister's caution of making sure that we're going toward bylaws that have been tested as opposed to ones that might sound really fantastic but, without any proven success, just might be putting us down the wrong path — so I appreciate that.

In speaking to my industry experts — they really mention that the *Condominium Act* was important, but it was one of a kind of tri-party puzzle, being the *Builders Lien Act* and the *Land Titles Act* — land titles, because every time you buy a piece of property or you develop a piece of property, you're touching the Land Titles Office, and the *Builders Lien Act* — I'm not going to lie; I had absolutely no idea what they were talking about until they mentioned it, and then I went and read it. The reason why I think it's so relevant to the condominium act is because it really references phased developments.

We have perfect examples all over town of — the most recent one I can say first-hand is the Central Park development in Takhini, where the first five units went up, and then the second five units went up — so a phased development is important from a developer's point of view so that they can collect the money from completed units.

I'll just leave it at that. So when are we going to look at the *Builders Lien Act* and when are we going to look at the *Land Titles Act*?

Hon. Mr. Cathers: With the *Builders Lien Act*, I don't believe there's actively a change being made. That's actually legislation that's the responsibility of Community Services. Perhaps the Minister of Community Services might be able to answer off-the-cuff detailed questions about this legislation, but I know I can't — pardon the humour, Madam Chair.

The Member for Takhini-Kopper King is correct. Certainly those other pieces of legislation are important, and changes in one do affect the others. Whether changes to the *Builders Lien Act* should be made or not is something that I know I haven't personally heard directly from stakeholders yet during my time as Minister of Community Services. Unless the current minister has heard, I'm not sure we've

received a request to change it, but we would not rule out the possibility of changing it at some point in the future, but it's not actively under development.

This is in part because, as we're changing these pieces of legislation that affect each other, if you have too many policy changes being dealt with, especially when one of the three pieces of legislation is the responsibility of Community Services, not Justice, the more the entire legislative regime that applies to it gets adjusted.

The more that is underway at one point in time, the more challenging it becomes to ensure that those pieces actually mesh together well, rather than focusing on a legislative project itself. That being said, the *Land Titles Act*, of course, is currently under review and the land titles modernization project has included the *Land Titles Act* and the condo act. The *Land Titles Act*, itself — at this point, barring any unexpected change, hiccups or requests — we anticipate will likely be tabled this fall, but in fact, the type of request from stakeholders for additional changes that I was referring to in my earlier response to the Member for Takhini-Kopper King is exactly what happened on the *Land Titles Act*.

At one point, we had anticipated that it might have been tabled this spring along with the condo act, and we received a request from the stakeholders involved in the drafting committee to not rush that work to conclusion and table it, because as I indicated, they felt — both verbally in e-mail and through a letter to me — that good progress was being made. They indicated that they were happy with what was going on and feeling positive about the end result, but didn't think they were quite there yet and didn't want to see the project rushed, rather than getting it right. We agreed to that request and allowed more time to do that.

To be very frank — and I hope the member will agree that — as much as the member or her colleagues or others criticize me or others for listening to stakeholders and delaying a project — there is also a time at which those unanticipated requests come in. If they seem to have merit to them, I would rather defend and delay legislation because of listening to stakeholders, rather than not take that criticism and rush the project. Some pieces of legislation, especially ones that have a big impact on thousands of Yukoners, do need to be right, especially when they're complicated and there is case law from other jurisdictions that has to be looked at. It can lead to a situation, as we had in this particular case, with the *Land Titles Act*, where a request to take a bit more time and look at a few more changes is one that we listened to — and should have listened to — in order to do that work and hope that ultimately the final *Land Titles Act* that comes forward — hopefully this fall, barring another request or change — will be stronger for having taken the additional time at the request of stakeholders to continue working on that legislation to make it a better piece of legislation.

Ms. White: The reason I mentioned the *Builders Lien Act* was because, in talking to the industry professionals, they talked about how critical it was that it fits with the condominium act and the *Land Titles Act*. This was vetted, so when I sent my speech to them to make sure that I properly

represent what we talked about — so I am just going to read the two paragraphs that I think relate to it — understanding that it is a different minister, but it all fits in and this ties in with the condominiums per se.

One of the purposes of this act — the *Builders Lien Act* — is to protect a person buying a unit in a phased development, from being pursued by a contractor for money owed. It also addresses the issue of substantial completion. I think substantial completion is the critical part to the phased condominium, which in a phased development is critically important from a financing point of view for developers and for the subtrades. When you are working on a multi — so if we go to Central Park and we reference Central Park in Takhini, I believe there are 40-plus units there and they went in five-unit stages. Once the first five were done, they would start on the second five, making sure that they could collect the money from the substantial completion of the first ones to finance the other ones. Understanding that it's in a different department, I will just put that on the record, as I was told it was critically important in phase developments and financing and how it all plays together — and this is in the boot camp of condominium creation that I have recently undergone.

One of the things I think is interesting as a layperson when you read legislation is that you are given a legal document as a non-legal person and you try to figure it out. You start off in the definition section and you think, okay, you kind of have this under your belt, and then you get into the other sections and you run into some words — and we talked about this in the briefing, so your officials will clearly be able to help you out with this one — there are two terms in the first couple of pages that to me kind of jumped out as being what I thought would have been important to have been in the definition section. They are “easement” and “restrictive covenant”. I would like to ask the minister, with the help of his officials, if he could explain both easement and restrictive covenant, because they are not in the definitions section.

Hon. Mr. Cathers: My understanding is that the reason those aren't referenced is that they do exist through other legislation and in common law. The terms that the Member for Takhini-Kopper King was asking about — easement and restrictive covenant — those are provisions that would travel with a piece of property. I am going to explain this. I will give a couple of examples related to a standard titled lot, because the explanation is going to get more complicated than the legal structure would if I try to explain what it means in the case of a condominium.

In the case of an easement, a simple example that people are commonly familiar with is that when you purchase a piece of property, especially using an example of my riding or others on the Whitehorse periphery outside of city limits, what that would look like is that you purchase a piece of property and, at the time that title was created, there would typically be a requirement for you to have an easement for the electrical line. An easement would be granted that would cover the area of the power line and would also, as part of the easement conditions being registered on the title, allow employees of Yukon Energy or ATCO — whichever is the responsible party

for that line — to access that area. They are including equipment such as hydro poles, wires, meters, et cetera, that are on the portion that is an easement.

In the case of — using my own example in the case of my property and my house, I have an easement on it that covers the main power line and also covers the portion that goes to the power pole allowing staff of ATCO Yukon to access that equipment.

Easements can also be for things such as water lines or sewer lines. They can also apply to things — I'm aware of a situation where someone has a titled piece of property and purchased it from someone else, and the prior owner had a contractual agreement with an owner of the adjacent lot to allow his driveway to go across her property to access the main road. That is not a common situation, but that is an example of where that restriction is on the title and it's a civil matter between them. It's not something that government is directly involved in or makes the policy choice of whether to allow it or not. If it's permitted legally and someone chooses to enter into that agreement, that is then a legal agreement that is between them and whoever the other third party is — whether it is the electrical company or whether it's their next door neighbour or a municipality that offers services such as water or sewer.

The restrictive covenant would be a restriction on the title that can apply to — I'll again cite a specific example for the Member for Takhini-Kopper King of a situation of land that is now the Yukon Wildlife Preserve, which was previously privately owned back when Danny and Uli Nowlan had developed the facility and owned it privately. The government, at the request of many Yukoners, including a lot of my constituents, purchased the land and the animals there to prevent the animals being sold, as the owners were seeking to retire, and those animals then would have gone to zoos or other wildlife facilities outside the territory. As part of that — and this goes back probably 40 years when the original title was issued — one of the lots that was sold to the Nowlans for a relatively small sum by government and there was a condition on the title of that property, which was large, that, despite the fact that under the zoning for the area they could have subdivided that lot into a number of parcels, that lot, as a condition of sale in the agreement, was not subdividable.

That's the example of what a restrictive covenant could be — that, although in a zoning area, the general provisions, those being the regulations, might allow an owner to do something with a lot, there could be a restrictive covenant preventing them from taking that type of action as a condition on their title. That type of mechanism can also be placed on condominium corporations where there might be restrictive covenants that would potentially cover very different matters than that. That is, hopefully, a good explanation for lay people to understand what a restrictive covenant means. Also, I hope I've answered the member's question and provided some clarity about why it wasn't thought to be necessary to list that in the definitions, because the source for those definitions does exist elsewhere — although I recognize that, for people who are not familiar in detail with terms like that, in reading

the legislation it can leave one scratching one's head and going, "Well, what is a restrictive covenant and what is an easement?"

If the member has additional questions about that, please let me know, but I hope that has explained it.

Chair: Do members wish a brief recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 10 minutes.

Recess

Chair: Committee of the Whole will now come to order. We are going to resume general debate on Bill No. 85, entitled *Condominium Act, 2015*.

Ms. White: I appreciate the minister's explanations of both easement and restrictive covenant. I just think that it is a complicated matter, and I understand that they are in other acts and other legislation. The minister chose to explain it in relation to a piece of titled property because it was easier to explain than with a condominium. Just for those reasons, it might be fantastic to have it included. I understand that it is not, and that is okay, but I am still going to talk about learning on "WikiLaw" search and reading the definitions of those.

One of the important things that is laid out and will be laid out in the regulations is about "reserve funds" and how those are going to be critically important.

I was talking about my experience with condo corporations and how it has been a challenging kind of journey of helping people decipher where their rights and obligations are. We have examples about the territory where there are some people who pay \$40 a month in condo fees and there are some people who pay \$240 a month in condo fees. My concern always lies with the lesser — the \$40 a month — because the reserve fund might not be big enough to take care of some of the critical infrastructure things that might happen.

I know one of the concerns when this was talked about at the public meetings was who would be able to set those reserve funds — what were their qualifications, and would we make sure that we had people in the Yukon who were able to do it and we were able to get them so they had the proper training — because the idea of each condominium corporation having to bring up someone to do a reserve fund study was a bit daunting.

I think it's important to note that there's a difference because there are some condominiums in town that are literally a duplex, but there are some that have dozens and dozens of units, so the requirements would be different. If the minister could just talk a bit about reserve funds — who will do that and how we'll make that easier?

Hon. Mr. Cathers: The answer to the member's question is that — section 6 sets out the requirement for a reserve fund study by a qualified person. Division 6, section 157(1), notes that: "In this section, 'qualified person' has the meaning set out in the regulations." My understanding is that, for different types of condos, there might be a difference in what types of qualifications someone might need to have —

for example, whether somebody needed to be an engineer or, for simpler types, might not have to have that type of qualification. The qualifications are likely to change, based on size and on complexity.

I hope that has answered the question.

I wanted to take a bit of a side track for just a moment in talking about condos this afternoon. One thing that comes to mind for me is the first memory that I have of anyone talking about condos, which is also a memory about my grandfather that always puts a smile on my face when I think of it.

I'll just take a brief moment to explain it to honour my grandfather since I have the opportunity of tabling the condo legislation. It's a story that I always smile at and hope members will as well. It's a reminder of a time in Yukon history that is not so far back, but I think that it will not be long before people forget or are completely unaware of how Yukon society and communications have changed just within the last 30 years.

When my family and I first lived out on Lake Laberge in those days well beyond phone service, there weren't cell phones and we relied on the two-way mobile channel that some members may be familiar with. I suspect the Member for Copperbelt South probably had that as her phone for many years. I just want to take the opportunity to record in Hansard both my memory of my grandfather and also note that situation — for many of us, my family and others — of a time when calling for emergency services was not dialing 911. It would have required asking whoever was on the channel to clear the channel so you could make a call. As the Member for Copperbelt South and some others may know, the way that communication worked is that whoever was on a regular phone would be heard by everyone on the channel while those of us who were on a two-way radio phone would be beeped out to everyone on the channel. The person on the regular phone was heard by all, and the person not on the regular phone, using the two-way mobile, would come as a series of beeps. In the event that two people were talking on a two-way mobile, then they would both be heard by everyone on the channel. The phone ringing in those days was hearing the operator calling your call sign and recognizing that, unless you were one of the handful of people who had select call.

In this particular situation, my first recollection of hearing anyone talking about condo — in a very vivid memory of my grandfather and my father talking — my grandfather, Lloyd Cathers, who has since passed away, was talking to my father Ned on the Laberge radio channel and Grandpa was telling us about the goings on and what was happening with family. Since we were so far away, we didn't see him very often and the chats were, in fact, rare because of the distance and the cost involved. Phone rates were significantly more expensive comparatively than they are today.

Listening to my grandfather, who everyone on the Laberge channel could hear, and my father talking, who only we could hear, my grandfather began to talk about my Aunt Colene and my Uncle Bruce and said to my father — and I quote vividly from memory: "Oh yeah, Colene and Bruce are in Florida right now sharing a condom with another

couple.” My father pressed the mic down and said, “That’s condo, Dad.” My grandfather paused for a moment and said, “Oh, oh right.” If members ever see me smiling when someone mentions the word “condo”, it probably means I’m recalling my grandfather and recalling that vivid memory that comes to mind still today.

In concluding my comments and getting back to the technical and dry part of the bill, I would just like to conclude by wishing Colene’s granddaughter and Lloyd’s great-granddaughter, my cousin Kaylee Anagnostopoulos, a happy birthday because today is her birthday.

Ms. White: That is awesome. I might not actually be able to say the word condo right now without smiling myself, so thank you very much for sharing that story — the best part of course being that the rest of the radio channel could hear your dad make the correction. That is fantastic — I’ve totally lost my train of thought.

I will have more questions as we go through it line by line. I am just going to try to get some out in case I happen to miss them. I do hope when we go line by line that you will forgive me if I miss a section and ask to go back just because they are very large when we go through them. An example that I have right now — and I have had the conversation with the person — is that if you imagine that you have row houses — so they are condominiums — and the plumbing starts on one side of the condominium for all the units and it runs through the crawl spaces from one side to the end and there is only a turnoff valve on the first side. This is not going to be very helpful for people who are not here because I am using hand actions. Let’s say it goes from right to left and on the right-hand side is a turnoff valve and the pipe runs all the way to the left, and the only access to get to that turnoff valve is through condo No. 1 in the crawl space.

I understand that this has to do partially with the building codes and with the City of Whitehorse requirements, and there are multitudes of those. I think this would probably be directed in regulations, but there are complications. If water was to, for example, burst in No. 4, they would need to turn that off whether No. 1 was home or not because of the damage that could happen. That is group damage because it would be water and it wouldn’t be the responsibility of the owner of No. 4 because that would be part of the shared responsibility, from what I understand — the hand action is not happening there.

If the minister could talk about how the regulations will address that — whether it is going to be in relation to the City of Whitehorse to access. In some of these units — and I think that the design has changed in some of them, but it wasn’t really thought about how there would be emergency turnoffs for the end of rows and things. Could the minister talk a little bit about that?

Hon. Mr. Cathers: I thank the member for that explanation. I am going to try to answer it here clearly and understandably. In the case of a situation like — I will use the Member for Takhini-Kopper King’s example of someone in unit No. 4 having a pipe breach in their unit that was flooding their unit, but the access was in unit No. 1.

In a conventional condo, that is a good example of the type of thing that would be intended to be addressed through easements where there would be a right of access for whoever needed to use it, whether it was condo corporation staff or others, to go through condo unit No. 1 to access the turnoff valve and access the building plumbing, which would probably be defined as common property. That would likely be addressed through an easement and a right of access. That easement would likely create a right of access for that purpose.

In the case of a bare land condo, my understanding is that is intended to be dealt with more explicitly in the regulation and that would fall under managed property or common property, which would be handled by the condo corporation and whatever staff they had — or contractors, for that matter — and would likely then be something that would be a common asset that would be managed by the corporation.

So there would be the ability to access it — and I will wait for officials to correct me with a note if I am incorrect on this — but my understanding is that that would mean in the case of, for example a sewer line on a bare land condo that had breached, there might be a right to access in situations of that type and the sewer line itself would be common property. There might be a corresponding designation of an easement on land, allowing them to access that property, or it might be defined as managed/common property, or there might be provisions for access through someone else’s property as a condition or restrictive covenant. What I understand, hopefully, from that note passed to me by staff assisting me here today, is that the bare land would probably not be defined as a common asset, but the corporation would have the right to access the managed property — which would be the sewer line, the waterline, et cetera — for the purposes of performing that necessary repair.

I hope that has been a somewhat straightforward answer to a complicated question, but I think that, again — for the member and for anyone listening — I think some of her questions this afternoon and my need to seek clarity from officials is a good example and reminder to people considering purchasing an interest in a condo corporation. It is important to recognize that it can be a valuable investment, but it is also one that it is important to make sure you understand. If you don’t understand it, or aren’t sure you understand it, money spent on a lawyer, a financial advisor, a realtor — or whoever the applicable professional might be — is probably money well spent, rather than making an assumption and entering into a contract that has presumably a significant financial investment by the owner and could potentially lead to a problematic experience down the road, if they haven’t fully understood what they are entering into.

Ms. White: I thank the minister for the answer and he also just highlighted the complication of the words “easement” and “restrictive covenant” in relation to condo corporations, which is why — this is the last time I will mention this — it would be fantastic if they were in the definitions.

The concern has been brought forward by people who live in units like this, where the water is on one side and it goes to the other. There is also a different kind of unit that I am also familiar with, where it is a fourplex — so if you can imagine, it's like a grid, like part of an SOS board or X-and-O board, and the water is in one spot — the same thing — and I am not sure if it's the City of Whitehorse and the building regulations or if it's something that has to be looked at that way, but the only access to get to these turnoff valves is actually through the home since it's not underneath the home. I am just wondering if that is something that has been thought about to make it easier for someone who lives in the unit where the turnoff valve might be — instead of having people come into the house, if there was a way to access it or to put it into legislation or to regulations. In the two examples I used, you would have to go into the home to get to the crawl space.

Hon. Mr. Cathers: That type of situation is something, if I understand the situation the member is referring to properly, that would relate to the planning and the design of the condo corporation. It is the type of thing you would hope would be addressed through better planning and location to prevent that type of situation.

Some of this stuff may be explicitly provided for within the regulations themselves, but also there is, to some extent, within the structure that is set out, the ability for someone to do a design that isn't an effective design for a condo corporation, whether they're building a building or doing a bare land condo. That's where it is important that they get it right in the design and that people also take a look at if there are problems with the design of the condo corporation they're getting into, such as the example the member gave of someone having to go into their house in the event of situation XYZ, such as a breached pipe, to turn off a valve, where the solution to that is to go in with your eyes open and have better planning.

I will just beg the member's indulgence for a moment and see if I have missed anything.

Okay, yes, there is some additional stuff I can add to that, which is that, under this, that's the type of thing that a planning authority, such as the City of Whitehorse, could deal with through bylaws and regulation. My understanding is that, through their current structure, they would deal with trying to prevent that type of situation by having other access arrangements in the initial design. It's also the type of thing that could be dealt with under the regulation section. If the member flips to section 28 of the act, which of course is flipping back a bunch of pages here — if the member will forgive me for jumping around, I'll forgive her for jumping around. These sections do relate to each other.

Some Hon. Member: (Inaudible)

INTRODUCTION OF VISITORS

Ms. Moorcroft: I would like to ask all members to join me in recognizing a visitor in the gallery. William Josie has served for 18 years on the Vuntut Gwitchin First Nation council, and his son, Paul Josie, is currently on the VGFN

council. I would like to ask all members to join me in welcoming him to the Legislature this afternoon.

Applause

Hon. Mr. Cathers: I will indeed join her in welcoming them to the gallery. Thank you for coming in this afternoon.

Madam Chair, going back to the question asked of me by the Member for Takhini-Kopper King — under section 28 of the act, which is entitled “Implied easements burdening units — I will just briefly quote from this — section 28: “Upon registration of a condominium application, the following easements are created as encumbrances against each unit: (a) an easement for the subjacent and lateral support of the common property and of every other unit capable of enjoying support; (b) easements for the electrical, plumbing and other facilities to the extent a facility is capable of being used for the enjoyment of the common property or another unit; and (c) in the case of a conventional building unit, an easement to provide shelter to the common property and to every other unit capable of enjoying shelter.”

In that rather technical and complicated legalese — in layman's terms it basically means that easements that are automatically created on registration include the structural support of a unit, and it also includes easements for electrical and plumbing as automatic easements that would be created in that situation. Then it includes a bunch of other related elements that I won't repeat since I just read them in, but I hope that answers the member's questions.

The other thing I should just note is that section 29 states the “Implied easements burdening common property”, which would be the section of a condominium that is considered common property and provides easement for the support structure, electrical, plumbing and so on. It is very similar to section 28 of the act.

Section 30 of the act notes that, whether or not an implied easement is registered, despite other legislative provisions, the implied easements created by this section of the new legislation exist even if they haven't been registered on the condo plan filed with the Land Titles Office.

It goes on, and I won't get into this because this would get fairly lengthy. It's probably better dealt with in clause-by-clause debate, but section 31 speaks to the exercise of easement rights, including the right of entry and provisions for notification of entry. Section 32 speaks to the rights of utilities or other service providers to exercise or access an easement on behalf of the owner of the condominium corporations and so on.

Ms. White: I think the one point that talks about the emergency entrance is actually section 31(3)(c), but we'll talk about that in line-by-line.

The reason I bring it up is to try to decipher the responsibilities. I appreciate that the minister says that you should have a good working idea of what your condo corporation looks like. Part of the problem — and I know it's going to be solved in this — is that there is a responsibility section now for the developers, which wasn't there before. My hope is that with this condo act we're actually empowering

both the owners and the developers to have a better access to that information.

It's interesting because the Minister of Education knows some of the areas that I'm talking about probably because he has heard about them, but the complication is — and the owners of some of these properties themselves haven't been given the plans of what is actually underneath — let's say the asphalt parking lot. They don't know where, in that space, the main sewer line is. They don't know where the main electrical is. There are those complications because it wasn't required before. My hope is that, now that we are past that kind of crazy construction boom that we had, working with the city with their bylaws and regulations and also with the new act, what we'll do is ensure that people are more protected in this choice of housing.

To be perfectly clear, it's a fantastic route for lots of people. My brother doesn't like mowing grass. He's in heaven. He doesn't have to mow grass; it gets mowed for him. He thinks it's fantastic. There are a lot of reasons for belonging in a condo corporation. There are lots of benefits. What we did see when we had that big construction boom — we saw some examples that we would not like to follow in the future. I'm looking forward to this act protecting people.

I'm almost ready for line-by-line, but I'm going to just ask a couple of questions before we get there. I promised I wouldn't mention it again, but I'm totally going to — both easement and restricted covenant. Could you just tell me which acts they are in, just so it's on the record? Then if I ever get asked, I can say, "Look in these acts and it's defined there." That's it. I won't ask that one again.

Then if the minister could tell me who or what members are on the drafting advisory committee toward the regulations — so whether it's organizations that they represent. I don't necessarily need their first names — just what parties are involved in that.

Hon. Mr. Cathers: Returning to the topic of easements and restricted covenants — I guess this is everyone's afternoon, including Hansard and anyone else who is listening to the crash course in everything you wanted to know about easements and restrictive covenants but were afraid to ask until now. My understanding from officials is that both of those terms — "easement" and "restrictive covenants" — are referenced in legislation, including — off the top of their heads — the *Municipal Act* and the *Land Titles Act*, but there is also extensive common law that covers what an easement is and what a restrictive covenant is. The explanation provided to me is that defining the terms in this legislation would likely be felt to be too narrow in the wording, based on the case law related to it, which forms common law, of course.

I hope that has provided an explanation. I will be frank about it that I cannot profess to be an expert on all of the range of what a restrictive covenant or an easement is. I was able, of course, to provide the member with an explanation of a couple of examples of it, but I will not for a moment profess to be an expert on the range of what is covered and what isn't and what common law states on that. That is the explanation I was provided — that it was felt it would be too restrictive to do it.

I understand and appreciate that, for the Member for Takhini Kopper-King, in trying to read this and make sense of the legislation, it would be helpful to have it there. I am not going to argue with that point, but that's why it was not included in the legislation — the reason that I just gave.

If the member will bear with me for a moment — she asked about who was on the drafting advisory committee. The drafting advisory committee for the regulations will include the same basic groups as for the legislation itself. If the member will just pardon me for a moment — in drafting the legislation and subsequently going forward with drafting the regulations, the drafting was connected by Department of Justice staff with the stakeholder advisory committee supporting the department involved in that and a drafting advisory group.

The drafting advisory group includes representatives from the Association of Canada Lands Surveyors, representatives from the Canadian Bar Association of the Yukon, real property subsection of the CBA and it also includes representatives from the Surveyor General's branch of Natural Resources Canada, or NRCan as it's commonly referred to. It includes representatives from the City of Whitehorse and from the lands branch of the Department of Energy, Mines and Resources. So that's the group that was involved in drafting the legislation. It's the same basic group, although the membership might change. It might be better not to name individual names in here. I don't have that at my fingertips and also my understanding is that in some cases the primary member representing that group is at times represented by someone else from that stakeholder group, so the surveyors have changed at the table from time to time and the lawyers involved in the real estate bar have changed from time to time and probably will go forward.

Another thing that I would just like to touch on briefly that the member referenced is a problem in the recent boom of condo construction that she has heard of and had constituents experience — at least that's the impression I got from her earlier comments — and in part of course that is due to the structure of the legislation being 45 years old. The problems that people ran into were of course one of the things that informed the various stakeholders and gave them their perspective on what changes were needed to avoid problems like that in the future.

Another part that I think is a bit of a factor for Yukon society and those involved in construction, development, financing, legal agreements and so on is that there had been condos in the Yukon for years and condo corporations, but the proliferation of them and the range, the number and the different models probably created some challenges for people not being as familiar with entering into those types of agreements. From that learning experience — for those who weren't as familiar with it and who have learned what not to do and what they want government to do to prevent problems occurring in the future, and to ensure consistency and fairness in other condo corporation arrangements, while allowing sufficient flexibility for developers and owners to address their own specific needs — the hope is that that their

experience and the problems that have been found with that and the review that has been done around the legislation will prevent us, as a society, from having people falling into similar pitfalls under the new legislation.

Again, I would like to just thank all who have been involved in drafting this and who have provided their perspective, which led to developing this piece of legislation.

It is an area, again undoubtedly, as time goes on, in which there will be amendments to the regulations themselves. As I mentioned, it will be a very significant package. We certainly do appreciate the work of all who were involved in developing this, because — as I have acknowledged and as the Member for Takhini-Kopper King has acknowledged — we are certainly not experts in case law around condo corporations, and it is an area that we do have to rely on the experience of the experts and legal professionals to help figure out what an appropriate structure is that balances those rights of people within condo corporations.

I will reiterate that it is very important for people to go into it with their eyes open. It is important to understand that the creation of the power for condo corporations to set their own bylaws, to amend bylaws, and to vary from the standard bylaw form, is beneficial, but it also carries potential risks with it of an unpleasant experience for someone, if they have entered into an arrangement and read the bylaws, but not understood how their fellow condo owners could potentially vote to change those bylaws as time goes on.

This afternoon will undoubtedly not be our last debate on this. I am sure we will have more discussions of the legislation going forward, and that the regulations themselves will lead to further discussion, once that work is done or the matter of the next probably year of work that will be involved.

With that, Madam Chair, I would like to thank officials who have accompanied me this afternoon for their advice and assistance, without which, on a few questions, I would certainly have been lost and unable to provide the member with an answer. I would like to thank the member for her thoughtful questions. I think we've had a very productive debate this afternoon and, seeing the time, Madam Chair, I move that you report progress.

Some Hon. Member: (Inaudible)

Point of order

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

Ms. White: Just before we wrap this up, I would just like to thank the officials and the people who participated in the drafting of the legislation and who will be working on the regulations. I also appreciate that we had a fantastic day of questions and answers. I'm glad we're not moving into line-by-line debate, but I just wanted to say that before you reported progress, Madam Chair.

Thank you very much for the afternoon and I look forward to more.

Chair: It has been moved by Mr. Cathers that the Chair report progress.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

May the House have a report from the Chair of Committee of the Whole?

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 85, entitled *Condominium Act, 2015*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried. I'm glad you had a good conversation about condominiums.

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

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

Motion agreed to

Speaker: This House now stands adjourned until 1:00 p.m. on Monday.

The House adjourned at 5:25 p.m.