

Legislative Assembly of Alberta

Title: **Wednesday, February 17, 1999** 1:30 p.m.

Date: 99/02/17

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good Afternoon.

As we begin our deliberations in this sitting of the Legislature, we ask you, O God, to surround us with the insight we need to do Your will to the benefit of our province and its people and to the benefit of our country.

Amen.

Please be seated.

head: Introduction of Visitors

THE SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you very much, Mr. Speaker. I'm very pleased to introduce once again to you and through you to all Members of the Legislative Assembly some special guests that are seated in your gallery. This morning we had a ceremony in the Legislature rotunda celebrating the 100th anniversary of the Medicine Hat Police Service, and I would like to introduce to you four representatives from the Medicine Hat Police Service who received commemorative flags on behalf of the Legislative Assembly this morning. With us are Chief Constable Don Kylo, Constable Bill Sharpe, Constable Jolene Watson, and Constable David Hacking. I ask that they rise and receive the recognition of all members of the House.

head: Presenting Petitions

THE SPEAKER: Hon. Member for Edmonton-Strathcona, do you have one?

DR. PANNU: Mr. Speaker, I don't have a petition to submit.

THE SPEAKER: The hon. Member for Wetaskiwin-Camrose.

MR. JOHNSON: Thank you, Mr. Speaker. I rise to present the petition signed by 2,341 residents of Camrose and neighbouring communities who are concerned about the safety and commercial impact of the condition of highway 13 between Camrose and Daysland. This petition urges the government to commence work on the project to widen highway 13 between Camrose and Daysland in 1999 with final completion in the year 2000.

THE SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. It's a real pleasure today to rise and present a petition from 400 people in the northern Alberta area that are concerned about the low prices in the hog markets, and they want to see the government do something to help them out.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Speaker. I, too, have a petition signed by 543 people who feel that some hog producers are falling through the cracks with the FIDP program, and their petition says they urge the government

to provide immediate support to Alberta's Pork Producers, as prices are at a 30 year low. The current prices are both unprofitable and unsustainable. Should these prices persist much longer, Alberta Pork Producers will not survive.

head: Notices of Motions

MRS. MacBETH: Mr. Speaker, I'd like to give notice of my motion under Standing Order 30 which reads as follows:

Be it resolved that this Assembly adjourn the ordinary business of the Assembly to discuss a matter of urgent public importance; namely, the crisis created by the shortage of acute care hospital beds in Calgary and Edmonton.

head: Tabling Returns and Reports

MR. KLEIN: Mr. Speaker, I wish to table five copies of the Auditor General's report on the 1994 Refinancing of West Edmonton Mall. I am satisfied that the Auditor General, who is an officer of the Legislative Assembly, has done a thorough review, and I'm pleased to accept his findings.

THE SPEAKER: Hon. Provincial Treasurer, you've got my eye.

MR. DAY: Thanks, Mr. Speaker. In keeping with our commitment to open and accountable government, I am happy to table today in accordance with the Legislative Assembly Act and the Conflicts of Interest Act the report of selected payments to MLAs, former MLAs, and persons directly associated with MLAs for the fiscal year '97-98.

I'm also, Mr. Speaker, happy to table the report on the general revenue fund details of expenditure by payee. That's better known as the blue book. It is also for the fiscal year '97-98. In here you will find every payment made in the form of government grant and every payment made to every service provider to government. As you can see by its size, it's a comprehensive document available for all Albertans to have an estimation of the true cost of government.

THE SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. It's my pleasure to table on behalf of the government caucus a number of reports entitled allowance and travel expenses for 12 months ended March 31, 1998. These reports are accompanied by copies of personal expense claims, copies of capital residence allowance claims, and copies of vehicle expense claims. I am pleased to report that this is a comprehensive list of expenditures which includes all 12 months for the fiscal year ended March 1998.

THE SPEAKER: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Speaker. Today I have the pleasure of tabling a document called Creating Excellence Together, the AARC accreditation standards for the PDD boards. These have been worked on extensively by the AARC and a lot of other people involved, and they're an excellent set of documents and standards.

MS EVANS: Mr. Speaker, today I would like to table five copies of the city of Calgary's reply to the 1991 Municipal Statutes Review Committee in which they supported the move to market value.

I'd also like to table a copy of a letter signed by then Mayor Jan Reimer and Edmonton's response to Bill 51, the proposed Municipal Government Act, and white paper for the property assessment act in which Edmonton also supports the move to property assessments done by market value.

THE SPEAKER: The hon. Member for Edmonton-Meadowlark.

MS LEBOVICI: Thank you, Mr. Speaker. I'd like to submit five copies of the Official Opposition's submission to the Bill 37 review panel where we indicated that what was required of this government is to endorse the five principles of the Canada Health Act and to ban private, for-profit health care in this province.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. I have two tablings to make. The first one is a submission made to the blue-ribbon review panel on Bill 37. This submission was made in January '99. I have the five copies of that.

The second submission, Mr. Speaker, was made to the Friends of Medicare review panel on the state of health care in Alberta, and this was submitted on February 10.

THE SPEAKER: Hon. members, I have several tablings today as well. Pursuant to the Legislative Assembly Act I table with the Assembly five copies of a variety of Members' Services orders, particularly Member Services Order 1/99.

As well, five copies of the House procedures for the third session of the 24th Legislature, which was a memo from myself to all members of the Legislative Assembly.

I'm also pleased to table copies of the report titled allowance and travel expenses for the 12 months ended March 31, 1997, and 12 months ending March 31, 1998, accompanied by copies of the claim forms as they relate to the Member for Barrhead-Westlock.

The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. I rise today to table for the convenience of all members of the House the Alberta Pine Shake Homeowners Association registration and information sheet.

Thank you.

THE SPEAKER: Hon. members, we're going to revert to Introduction of Bills. There was such haste today in moving that I think I'm going to get for the Clerk a rearview mirror so he can see what I'm doing when he's calling a particular item.

The hon. Government House Leader.

head: Introduction of Bills

MR. HANCOCK: Thank you, Mr. Speaker. I appreciate that. I request unanimous consent of the House to waive Standing Order 38(1) regarding notice to allow the introduction of Bill 201.

THE SPEAKER: All in favour of granting unanimous consent to waive Standing Order 38(1)(d) in order to provide for the introduction of Bill 201, the Tenancies Statutes Amendment Act, 1999, please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. It's carried.

The hon. Member for West Yellowhead.

1:40

**Bill 201
Tenancies Statutes Amendment Act, 1999**

MR. STRANG: Thank you, Mr. Speaker. I request leave to introduce Bill 201, being the Tenancies Statutes Amendment Act, 1999.

[Leave granted; Bill 201 read a first time]

MR. HANCOCK: Mr. Speaker, I request unanimous consent of the House to waive Standing Order 38(1) regarding notice to allow introduction of Bill 202.

THE SPEAKER: All those in favour of granting unanimous consent to waive Standing Order 38(1)(d) in order to provide for the introduction of Bill 202, Farming Practices Protection Statutes Amendment Act, 1999, please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. So ordered.

The hon. Member for Drayton Valley-Calmar.

**Bill 202
Farming Practices Protection Statutes
Amendment Act, 1999**

MR. THURBER: Thank you, Mr. Speaker. I request leave today to introduce Bill 202, being the Farming Practices Protection Statutes Amendment Act, 1999.

This is to further protect our agricultural land base.

[Leave granted; Bill 202 read a first time]

head: Introduction of Guests

THE SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. STELMACH: Thank you, Mr. Speaker. I am pleased to introduce to you and through you to Members of the Legislative Assembly an individual that I had the pleasure of working with in my tenure with the county of Lamont a number of years ago and someone who runs a very successful bed-and-breakfast business next to Elk Island park, Mrs. Jan Carroll. I would ask her to rise and receive the traditional warm welcome of the House.

THE SPEAKER: The hon. Minister of Economic Development.

MRS. NELSON: Thank you, Mr. Speaker. I'm very pleased today to introduce a very special lady who I feel I had some influence on in being in attendance yesterday and today in this Assembly as she phoned me prior to her husband running for nomination to seek advice as to the impact on the family of an MLA. I gave her, of course, all the positive feedback I could, and he did seek the nomination. She is the mother of five children and the wife of one of our newer members in the Legislature. I'd ask Helen Melchin to stand up and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. It's an honour and a pleasure to introduce to you and through you to all Members of the Legislative Assembly six individuals who work very hard on behalf of the environment in this province. They are Peter Sherrington, president of the Alberta Wilderness Association; Elena Cecchetto, who works as the campaign co-ordinator for the Foothills forest campaign; Clayton Riben, an Alberta Wilderness Association member; Irma Rowlands, from the Canadian Parks and Wilderness Society; Sonja Mihelcic, from the Sierra Club, prairie chapter; and

Glenda Hanna, from the Alberta Wilderness Association. I would ask that they all rise and receive the traditional warm welcome of this Assembly.

THE SPEAKER: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Speaker. Today I have the honour and privilege of introducing two groups of people. First of all, I would like to introduce to you and through you to the Members of the Legislative Assembly two very dedicated individuals from the Alberta Association of Rehabilitation Centres. The association in partnership with the Ministry of Family and Social Services and community partners has led to the development and implementation of new standards for persons with developmental disabilities. Would Gail Davis, executive director, and Connie Cook, president, please rise and receive a warm welcome from the Assembly.

Mr. Speaker, I also have the privilege of introducing 32 visitors -- or at least this is what is on my paper. I believe there are many more than 32 up there from the Scouts Canada, Beavers section from Strathmore. I would ask you to rise and receive the warm welcome of the Legislative Assembly.

THE SPEAKER: The hon. Minister of Education.

MR. MAR: Thank you very much, Mr. Speaker. I'm pleased to introduce to you and through you to members of the Assembly Mrs. Phyllis Coutts, wife of the hon. Member for Livingstone-Macleod. Mrs. Coutts is seated in the members' gallery, and I'd ask her to rise and receive the traditional warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you very much, Mr. Speaker. I'm very pleased to introduce to you and through you to members of the Assembly just a marvelous group of students from Camilla school in Rivière Qui Barre. I'm a bit biased because my husband, Raymond Soetaert, is their teacher. There are 34 students in that class by the way. They are here with parents Mrs. Shauna Granger; Mrs. Cindy Paish; Darrel Loyer; Norm Bouchard, who's a grandfather; Arlene Whitson, the teacher aide; and the counselor and parent and my sister as well, Sandra Brenneis. Also in this class is my niece Kessia Brenneis and Jessie Loyer, whose great grandfather was Lieutenant Governor Steinhauer. This class has had a magnificent day at the Leg. and it's quite significant to all of them. I would ask them to please rise and receive the warm welcome of this Assembly. They're on both sides of the House.

THE SPEAKER: The hon. Member for Livingstone-Macleod.

MR. COUTTS: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you two close personal friends and former constituents of mine in the members' gallery today, Dr. Bill Morris and Mrs. Evelyn Morris, people who have devoted a lifetime of service to Albertans through the health care field, Dr. Morris as a medical doctor and Evelyn as a registered nurse, and did a tremendous job throughout their lifetime doing that. They formerly lived in Fort Macleod, and they now reside and retired in the great city of Lethbridge, constituents of the hon. minister of advanced education. They're seated in the members' gallery. I'd ask them to please rise and receive the traditional warm welcome of the Assembly.

THE SPEAKER: But more importantly, hon. member, they originally come from Barrhead.

The hon. minister responsible for science, research, and information technology.

DR. TAYLOR: Yes, Mr. Speaker. I am pleased to introduce to you and through you a young lady that has worked both in my constituency office and Rob's constituency office. Her name is Elaine Anderson. She is not from Barrhead, but she has worked for both of us. She is now in her second year of law school at the University of Alberta and remains a Conservative. Elaine, would you please stand and take the honours from the House.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Mr. Speaker, I have three different introductions to make today. It's my pleasure to introduce to you four members of the Alberta Wilderness Association: Cathy Shier, Erin McCloskey, Elly De Jongh, and Jenny Feick. They are environmental activists and quite concerned about what might appear in the Natural Heritage Act of the province. I believe they are seated in the public gallery. I will ask them to stand and receive the warm welcome of this Assembly.

It's my pleasure, Mr. Speaker, to introduce two Young New Democrats from the University of Alberta. One is Jenn Smith, whom some of you might know already. She ran for the New Democrats in the 1997 election in Edmonton, and she has also been very active in the Model Parliament and represented as New Democrat House Leader for several years. The second guest is Chris Harwood. He's also very active in politics and is a Young New Democrat on campus. I'll ask both of them to stand -- I think they're in the members' gallery -- and receive the warm welcome of the Assembly.

The third one, Mr. Speaker, is a very special introduction again. I'm very, very pleased to introduce Simon Kiss, who has just been added to our staff. He's the communications research assistant, has been a very active New Democrat at the University of Alberta campus. He's standing there in the members' gallery. Let's give him a warm welcome from the Assembly.

1:50

THE SPEAKER: The hon. minister for children's services.

MS CALAHASEN: Thank you, Mr. Speaker. I'm really thrilled today to introduce someone whom I keep in constant contact with whose spouse is here today. I call her the power behind the man. She's from the Olds-Didsbury-Three Hills riding. I know that she will be pleased to stand up and receive the warm welcome of the Legislative Assembly, Mrs. Jan Marz.

THE SPEAKER: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Mr. Speaker. I'd like to introduce to you and through you two people that mean a great deal to me and were here to watch the Speech from the Throne. They're from my office in Calgary, Diane Leinweber and Terri Douglas. I ask them to stand and receive the warm welcome from the Assembly.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. STRANG: Thank you, Mr. Speaker. I'd like to introduce to you and through you a long-time resident and member in West Yellowhead, Sandy Harding. She's presently extending her

postsecondary education in the Edmonton area. I'd like her to rise at this time and receive the warm welcome of the House.

head: Ministerial Statements

THE SPEAKER: The hon. Minister of Education.

Freedom to Read Week

MR. MAR: Mr. Speaker, thank you. It's my pleasure to address this Assembly on behalf of my colleague the Minister of Community Development. This year from February 14 through 21 Canada and countries around the world celebrate Freedom to Read Week. In Canada the book and periodical club started this special week to celebrate the choices that we enjoy in what we read. To maintain this choice, Alberta's libraries support the Canadian Library Association's statement of intellectual freedom by including the widest diversity of views in their collections and by making those materials equally available to everyone in the community.

Printed in ink, sent as bits and bytes of computer data, heard on audio tape, or felt with fingertips, words open our minds to possibilities. Knowledge is a frontier that is always new and that we must be free to explore and discover. Whether it is a child using the Internet to research a school project or an adult building a business or pursuing a personal interest, the free access to knowledge helps us direct our own learning and becomes part of our strength as a society.

As we celebrate the freedom to read, we must remember that it is a page with two sides. The other side is the responsibility to exercise sound personal judgment. Self-directed learning is self-selected learning. Developing our ability to assess information is an invaluable skill as we pursue knowledge throughout life. Alberta's libraries are vital in promoting lifelong learning.

This government has committed \$4.8 million over four years to the development of an electronic public library network. Libraries across the province will be able to share resources so a reader in Fort Vermilion will have access to a book in Lethbridge. The network will link all Alberta libraries to the Internet and the world.

This government also contributed \$20 million in knowledge network grants to our postsecondary institutions to expand Albertan's access to library resources. That includes \$4 million to help connect postsecondary libraries electronically and in the future to link them to public libraries. When complete, Albertans will have Internet access to all library materials in the province.

Of course, access to information is meaningless without skills to read. The early literacy initiative introduced last year will help every child by ensuring they can read well by grade 3. The \$22 million a year in funding is part of our reinvestment in education. In addition, Mr. Speaker, adult literacy programs have received a 44 percent funding increase.

During Freedom to Read Week public libraries will be holding special events like public readings and book displays. I encourage all Albertans to exercise their right to read by visiting their local library and by sharing their favourite books with their family and with their friends.

Thank you.

THE SPEAKER: The hon. member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Speaker. The Alberta Liberal caucus wishes to also recognize Freedom to Read Week. We salute those Albertans who are involved in events in Calgary, Edmonton, and other Alberta centres in support of this special week. At one such event just three days ago in Calgary the freedom of

expression award was presented to Ronnie Burkett. This award is for a Calgarian each year who best exemplifies empathy, courage, and compassion in furthering the cause of freedom of expression. Mr. Burkett created the popular play *Street of Blood*, a play that tackles courageously issues like homophobia, prejudice, and anger. Another event in the city of Edmonton has been a student essay competition on topics such as: should young adults have censored or uncensored access to the internet?

These events and this week remind us that free access to the books of our own choice can never be taken for granted. Censorship, prior restraints, and ministerial interference can so easily be used to stifle the freedom of expression guaranteed in the Charter of Rights and Freedoms. Constant vigilance is required. We already have civil and criminal laws that limit freedom of expression where it is appropriate to do so. Let's leave that job to the courts. Legislators must resist the temptation to dictate what materials Albertans can read.

As Mr. Justice Brandeis of the U.S. Supreme Court once observed: "The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

Thank you.

head: Oral Question Period

THE SPEAKER: First main question. The Leader of the Official Opposition.

Health Care Funding

MRS. MacBETH: Thank you, Mr. Speaker. The Premier has said that he would sign in blood that federal health dollars would go to health services in Alberta. He also said in the past that he would match new federal health money dollar for dollar. Finally, the Premier is now breaking that promise, saying that he will only commit to match those dollars for one year. My questions are to the Premier. Why does the Premier fail to understand that a one-year commitment to funding creates instability and uncertainty in the health care sector?

MR. KLEIN: Well, Mr. Speaker, we know that there are some problems in some areas of the health care system. There are some pressure points that have to be dealt with this year and undoubtedly in future years, and we will provide the resources. We've always said that we will provide the resources to deal with those pressure points. The promise, the commitment, was that we would match any increased federal contribution through the Canada health and social transfer this year. We'll see what happens next year and the years following that. Our overall commitment is to maintain and sustain a quality health care system in this province.

MRS. MacBETH: Well, Mr. Speaker, how can regional health authorities be expected to provide three-year business plans when the government won't provide ongoing predictable funding?

MR. KLEIN: Mr. Speaker, we provide on-going funding. Now, does this hon. member think that \$4.3 billion is just loose change? Is that what she thinks? I mean, we're already spending \$4.2 billion, over \$12 million a day on health services, and we will continue to spend to sustain and maintain a quality health care system.

Mr. Speaker, I was somewhat alarmed when I heard a doctor say yesterday on television in response to the federal budget that there will never be enough money. Now, that to me is alarming. This is what the health summit will address. How much is enough, and what are we going to get for our dollars? We've got to come to grips with this.

MRS. MacBETH: Mr. Speaker, how can acute care beds be reopened if the province's commitment to health care is only for one year?

2:00

MR. KLEIN: Mr. Speaker, it is not only for one year. It is for every single year. People are going to get sick. They are going to be injured. They are going to seek health services. We are already spending \$4.2 billion. We will be putting about \$400 million additional into the health care system this year to address some of those pressure points: \$192 million from the federal government, about \$192 million from the provincial government. This is over and above the one billion dollars additional that has already been reinvested in health care. Certainly there are some pressure points.

Mr. Speaker, I would like to remind the hon. member that I went down to Ottawa on behalf of Albertans and pressed the federal government hard to come up with those extra dollars with the solid commitment, along with my colleagues across the country, that indeed those dollars would go to frontline services, and that's where they will go.

THE SPEAKER: Second Official Opposition main question. The Leader of the Official Opposition.

MRS. MacBETH: Well, Mr. Speaker, the federal government responded with a five-year plan.

Private Hospitals

MRS. MacBETH: Mr. Speaker, my second question is also in regards to health care. Thousands of Albertans have indicated that they want this Premier to ban private, for-profit hospitals. They have said that they don't trust the government with our publicly funded health care system. Yet as indicated in the throne speech yesterday, the government insists on bringing back Bill 37. So why does this government ignore the thousands of Albertans who wrote, faxed, and phoned the Premier asking for a ban on private, for-profit hospitals?

MR. KLEIN: I'll have the hon. Minister of Health respond, Mr. Speaker, but relative to the trust that Albertans place in this government, I would like to remind the hon. leader of the Liberal opposition that they only have 17 members. We have 64. That demonstrates some trust. [interjections]

MR. JONSON: Mr. Speaker, if I might I'd just like to . . . [interjections]

THE SPEAKER: The hon. Minister of Health.

MR. JONSON: Mr. Speaker, I'd just like to supplement the answer of the Premier. As the hon. members across the way will recall, legislation was debated in the last session designed to provide the needed legislative power to deal with the whole issue of private health care. We have repeatedly stated and been very consistent in our support for the principles of the Canada Health Act. I can't help but reflect that the opposition was very critical of Bill 37. When you look at the record of *Hansard*, there is really very little reference to the bill. I think the interest of the opposition is just to delay things so they have something to ask about in question period.

Certainly, Mr. Speaker, we do have a blue-ribbon panel looking very carefully at that legislation to improve it, to make it more effective if that is the nature of the recommendations coming

forward. We have been very consistent in our message on that particular topic and the opposition is fully aware of that.

MRS. MacBETH: Well, Mr. Speaker, if they're waiting for the blue-ribbon panel to report, then why did the throne speech yesterday commit the government to the clone of Bill 37?

MR. JONSON: Mr. Speaker, I'm not quite sure what tone she heard, but as far as the throne speech was concerned, it indicated what the government's overall direction and intention is to have legislation in place which will give the government the ability to deal with the very issue that she is referring to. We look forward to the report of the blue-ribbon panel. We look forward to being able to move ahead with the appropriate legislation. That is the direction the government is taking.

MRS. MacBETH: Well, Mr. Speaker, when will the Premier commit in blood that he'll ban private, for-profit hospitals in Alberta?

MR. KLEIN: My apologies Mr. Speaker. I didn't hear the question. I just heard about signing in blood. I'm sorry. Could you have the hon. member repeat the question, please?

MRS. MacBETH: Yes, Mr. Speaker. The question is: when will the Premier make the commitment in blood to ban private, for-profit hospitals in Alberta?

MR. KLEIN: Mr. Speaker, you know, I've only got so much blood.

Mr. Speaker, relative to that whole issue I think the hon. Minister of Health has alluded to the steps that are now being taken relative to the blue-ribbon panel and legislation which probably will be introduced this spring to address the very issue that the hon. leader of the Liberal opposition brings up.

THE SPEAKER: The third Official Opposition main question. The hon. Leader of the Official Opposition.

West Edmonton Mall Refinancing

MRS. MacBETH: Thanks, Mr. Speaker. My third question is with regard to the refinancing of West Edmonton Mall. When the government knew in March of '95 that their promise had been broken, their promise to Albertans that they were out of the business of being in business, what did the Premier do about it?

MR. KLEIN: What did the Premier do about what? I fail to understand the question, Mr. Speaker. [interjections] No. I mean, what did the Premier . . . The Premier did nothing about it. We were not hands on relative to the Alberta Treasury Branch. It's as simple as that. Read the Auditor General's report.

MRS. MacBETH: Yeah, we did read the Auditor General's report, and that was what he indicated, Mr. Speaker.

Given that the government knew about the problem in March of 1995, the fiasco with West Edmonton Mall, why then in October of '95 in this Legislature did the Premier deny what he knew?

MR. KLEIN: Mr. Speaker, I don't recall denying what I knew. You know what is very confusing about this? On one hand they are saying: stay out of the business on the ATB. On the other hand they're saying: why didn't you stick your nose into ATB business? You know, you can't have it both ways.

MRS. MacBETH: They're in the business of ATB, Mr. Speaker.

My third question is: given the fact that the Auditor General's report is incomplete, that the Premier denies any responsibility in the fiasco, and that the court case will drag on, will the Premier call the public commission of inquiry? It's the right thing to do.

MR. SAPERS: Don't be cowardly. Don't be a coward.

MR. KLEIN: Mr. Speaker, you know, I think the Auditor General would take exception to this hon. member questioning his integrity and his honesty.

Speaker's Ruling Parliamentary Language

THE SPEAKER: Hon. Member for Edmonton-Glenora, I don't know if you were referring to yourself, to Howard, but I thought I heard something else which in my view would be an unparliamentary phrase. Now, I heard it.

MR. SAPERS: I was paraphrasing the Premier.

THE SPEAKER: No, no, no. I heard it. I heard it twice. Now would you kindly do the honourable thing and withdraw it?

MR. SAPERS: Mr. Speaker, you want me to withdraw asking the Premier if he was being cowardly?

THE SPEAKER: Yes.

MR. SAPERS: No, Mr. Speaker.

THE SPEAKER: Hon. Member for Edmonton-Glenora, I'm going to ask you a second time very, very politely and with a great deal of humility, recognizing that earlier today I tabled a document which had to do with decorum in the House in which I outlined a great many words that have been used in this Assembly, some considered parliamentary, some considered unparliamentary, to please abide by my wishes and do the honourable thing.

2:10

MR. SAPERS: Mr. Speaker, I appreciate your reference to your earlier handout, and I also recognize that *Beauchesne* indicates that the reference to the word "coward" has from time to time been considered unparliamentary. My comment to the Premier was in direct reference to a news release which the Premier himself issued in which he used the words "cowardly" and "disgusting." It's in that context that I was referring to the Premier and making sure that he himself was not behaving in a cowardly fashion. If you find that language unparliamentary in this case, I do regret that I have offended your sense of parliamentary propriety, and I would ask the Premier to also watch his language.

THE SPEAKER: Hon. Member for Edmonton-Glenora, I'm not so sure in my mind that you have actually acceded to my wish to withdraw.

Decorum in the House is the most important thing that we do. The Speaker as chairman of the Assembly cannot control what people say outside of this House and never should be in that position, but he can accede to traditions that we have followed as honourable men and women who have sought election and have come here at not only great personal expense to one another but family expense and the like. Our constituents have always felt that it was a great honour to send one of us here. I've spent a great deal of time in the last couple of years trying to point out the importance

of decorum, and I ask everyone to subscribe to the principles of parliamentary tradition.

Now, we know that sometimes people will say things. It's also true that there should not be interjections when people have been recognized by the Speaker. In this case the Speaker recognized the Leader of the Official Opposition to raise a question of the leader of the government. The leader of the government was responding to that, and interjections came.

I know the hon. member has honour and dignity within him. So I would like to ask him for a third time to withdraw his statements, and I say that with the request "please."

MR. SAPERS: Mr. Speaker, I will withdraw the reference to the words "coward" and "cowardly."

THE SPEAKER: Thank you very much.

Hon. Leader of the Official Opposition, proceed with your second question. [interjection] Hon. Leader of the Official Opposition, there was this interjection in terms of that last question. That's why I'm going to let you go back to the third one, to get the complete answer from the hon. leader of the government at the same time, so we can move on. Please.

West Edmonton Mall Refinancing (continued)

MRS. MacBETH: Thank you, Mr. Speaker. I've never had 11 times, rather just nine, so I appreciate your giving me that opportunity to ask the question again.

It's my third question. My third question is on the West Edmonton Mall refinancing. Given the fact that the Auditor General's report is incomplete, that the Premier denies any responsibility in this fiasco and its effect on taxpayers, that the court case will drag on, will the Premier call the public commission of inquiry? It is the right thing to do.

MR. KLEIN: That's the opinion of the hon. leader of the Liberal opposition, Mr. Speaker.

SOME HON. MEMBERS: And Albertans.

MR. KLEIN: No, not Albertans. No. Mr. Speaker, I do not get a lot of cards and letters on this issue. The only people making this an issue and refusing to abide by the conclusions and the findings of the Auditor General, an independent officer of the Legislature, are the opposition Liberal Party. After six months of investigation and a review of hundreds of documents including cabinet minutes and responses in the form of statutory declarations, the Auditor General, an officer of the Legislature, found no evidence whatsoever that any elected official directed the ATB to provide the October 1994 financing to West Edmonton Mall.

Mr. Speaker, the only people that continue to allege political interference are the Liberal Party, in particular the Member for Edmonton-Glenora as the finance critic -- right? -- and Elmer Leahy, neither of whom gave a statutory declaration to the Auditor General and one of whom is facing bribery allegations. I would suggest that if the hon. leader of the Liberal opposition and her finance critic or anyone else has evidence of political interference, he or she should have provided it to the Auditor General or he or she should now make it available to the Attorney General and he or she should not be suppressing evidence as this matter is before the courts.

You want to talk about a public inquiry. Well, here's the kind of public inquiry that is now going on. May 1998. ATB sues former

superintendent Elmer Leahy, alleging he accepted money in exchange for approving loans and making concessions to certain customers; claims on accounting and judgment for amounts of bribes. That is not only before the courts but is under investigation by the Royal Canadian Mounted Police as we speak.

June 1998. Mr. Leahy sues ATB for defamation in respect to news release issued by ATB in regard to its claim against Mr. Leahy; claims damages for \$1 million. There will likely be a trial, a public, open trial, where there'll be examination and cross-examination.

August 1998. ATB sues West Edmonton Mall and Mr. Leahy et al alleging the ATB/WEM 1994 loan refinancing package was unreasonable and obtained by paying secret commissions or bribes, that West Edmonton Mall has defaulted on loans by failing to maintain the mall. Relief claim. Loan should be set aside, alternatively declared due and payable. A receiver should be appointed. Again a trial.

December 1998. West Edmonton Mall defends ATB claim and counterclaims against the Crown and ATB for \$455 million plus damages.

January 1999. Mr. Leahy defends ATB claim of August 1998 and counterclaims against the Crown, Minister Day, ATB, and particular employees for \$10.5 million in damages. Mr. Speaker, a statement of defence relative to that particular statement of claim is now being prepared and will be filed in the Court of Queens Bench in due course, probably within the next two weeks.

Now, Mr. Speaker, there are numerous, numerous public investigations of this matter now going on.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

Private Hospitals (continued)

DR. PANNU: Thank you, Mr. Speaker. I'm not going to ask for the Premier's blood, not even his signature in blood to protect the publicly funded health care system in Alberta. I have the following question for him though. Will the Premier commit today to introducing during this session health legislation which bans the establishment of any private, for-profit hospitals in Alberta under any circumstances, and if not, why not?

MR. KLEIN: Well, Mr. Speaker, during the last session, the fall session, we attempted to introduce legislation that would indeed protect the fundamental principles of the Canada Health Act. Obviously that legislation was not acceptable to the opposition Liberals or the opposition New Democrats. So the Minister of Health struck a blue-ribbon panel to examine that legislation, and hopefully legislation will be tabled later in this session that will address that issue.

DR. PANNU: Thank you, Mr. Speaker. Is the Premier aware that even before the blue-ribbon panel on Bill 37 has reported its findings on whether Alberta should allow private, for-profit hospitals, the College of Physicians and Surgeons is busy drafting guidelines for private hospitals, and if so, what actions does the Premier plan to take to forestall this pre-emptive action by the college?

2:20

MR. KLEIN: Mr. Speaker, that's news to me. If the hon. Minister of Health has further information on this matter, I'll have him respond.

MR. JONSON: Mr. Speaker, what I am aware of is that the College of Physicians and Surgeons is working on by-laws and regulations

with respect to what services or procedures require overnight stays in a facility and what procedures or services can be safely and appropriately provided within a less than 12-hour period. This area of developing clinical practice guidelines is something that the College of Physicians and Surgeons has had under consideration for some time. I am pleased to see that they are addressing that area in more detail with respect to clinical practice guidelines. We as government are certainly very, very encouraging to the College of Physicians and Surgeons in terms of developing these guidelines and standards for all aspects of medical care in the province, and that is what this is about.

DR. PANNU: Thank you, Mr. Speaker. My second supplementary is to the Minister of Health. What's the difference, if any, Mr. Minister, between the proposed approved treatment facilities as set out in Bill 37 and the long-stay nonhospital surgical facilities currently under consideration for approval by the College of Physicians and Surgeons of Alberta?

MR. JONSON: Mr. Speaker, as has been indicated previously this afternoon in answer to another question, I as Minister of Health on behalf of the government of the province introduced Bill 37 during the last session. This was legislation designed and intended to deal with the protection of the public health care system in this province and our ability to make sure that there was compliance and adherence to the Canada Health Act. This is the area in which this whole issue of public health care and its protection should be dealt with.

Mr. Speaker, I know once again, just as was the case in debate on Bill 37, that the opposition will want to use the topic to talk about anything they want with respect to the health care system, but the specific activity that the College of Physicians and Surgeons is engaged in is, I think, a needed area of clarification and the development of guidelines with respect to what is a set of procedures and treatments which require overnight stays and those that are not to be conducted in a clinic setting.

THE SPEAKER: The hon. Member for Calgary-Glenmore, followed by the hon. Member for Edmonton-Ellerslie.

Property Tax Assessments

MR. STEVENS: Thank you, Mr. Speaker. My questions this afternoon are to the hon. Minister of Municipal Affairs. Some property owners in Calgary are very concerned about the impending switch to market value assessment and are saying that the province is to blame for anticipated property tax increases. Why did the province legislate market value as the assessment method for homes?

MS EVANS: Mr. Speaker, first of all I think it's important to establish that throughout North America the standard for market value assessment was considered a better way of doing things and still is. In 1991 the Municipal Statutes Review Committee recommended market value assessment, and in the letters and reports I tabled previously in the House, it was clearly noted that both Calgary and Edmonton, through that process of review and consultation, supported market value assessment.

In 1994 the Tax Reform Commission that was reviewing all types of taxation in the province similarly endorsed market value as a methodology. After excessive consultation -- and I clearly remember all municipal councils being involved in consulting with the Minister of Municipal Affairs in the matter of the MGA introduced in 1995 -- again market value assessment was the preferred option of the municipalities.

MR. STEVENS: Given that Calgary has experienced substantial growth and a corresponding increase in property values, should Calgarians be anticipating an increase in their property taxes?

MS EVANS: Mr. Speaker, an assessment of a home places a value on it. It does not automatically mean that there will be an increase in taxation. The market value of Calgary homes that show increases will clearly be part of the definition of whether or not their taxes will increase.

The mill rate establishes the taxation rate, and if the market value of that home has increased more than average, then they may well pay more dollars. That will relate to the market value, to the mill rate, and the tax that the city intends to impose. Conversely, if it is less than the average increase in the community, they will pay less. In Calgary, with a number of assessment shifts, what we're finding is that in older desirable neighbourhoods, in condominiums in fact, there may well be more increases attributable to those properties, but, Mr. Speaker, the municipality under the Municipal Government Act has a way to mitigate those issues.

MR. STEVENS: Mr. Speaker, given that seniors, low-income families, and condominium owners are saying that the shift to market value and subsequent increase in their property values is making their homes unaffordable, what can be done to ensure that those people do not lose their homes?

MS EVANS: Mr. Speaker, through the Municipal Government Act there are several ways. In the city of Edmonton the way they have chosen to tackle this problem is to defer the full impact of the rates for five years. They also have the opportunity to cap the rates, so on different classes of property in different neighbourhoods, in fact in different sections of the city, they can well decide that those rates are too high and put on a cap.

I think we should note that the happy circumstance in Calgary is that there is increased growth, and many of the tax dollars that would normally be attributed to that community could well be absorbed by the new growth in homes.

Special Places 2000

MS CARLSON: Mr. Speaker, with less than six weeks remaining before the Special Places Provincial Co-ordinating Committee is disbanded, the future of 56 environmentally sensitive sites has still to be decided in a process that has from the start been politically driven rather than science based. Will the Premier please tell us why over the four-year history of this program government policy has been to resist environmental protection, so far adding only 5 percent to the area of protected land set as the performance target in their own business plan?

MR. KLEIN: Well, Mr. Speaker, I certainly take exception to the comment that this has been politically driven. Is the hon. member saying that the 48,000 acres, give or take, that was recently dedicated in the Bow Valley corridor was politically motivated? No, it wasn't. It was done for sound environmental reasons and for conservation reasons.

Mr. Speaker, there have been many significant designations under Special Places 2000. We met with environmentalists just recently. We've committed to working diligently and hard to fulfill our commitment to have in place the special places program by the year 2000.

I'll have the hon. Minister of Environmental Protection supplement my answer.

MR. LUND: Thanks, Mr. Speaker. The fact is that there have been some 46 sites designated since the program started. In fact an area that is about the size of Prince Edward Island is now protected. The fact is that we are currently at a level of between 12 and 15 percent of the total area of the province now under some kind of protection. Other provinces are targeting to get to 12 percent, so we've already exceeded what other provinces are targeting. We are committed, and we will have representative samples of the 20 subregions within this province when the program is completed.

MS CARLSON: Mr. Speaker, when even the forest and energy industry agree that logging and oil and gas development should be prohibited and phased out in special places, can the Premier tell us why the government continues to ignore these pleas?

2:30

MR. KLEIN: Mr. Speaker, we do not ignore the wishes and the desires and the comments and the thoughts of the mining and oil industry or the forestry industry. We take those into account as we take into account the thoughts of people who are just interested in preserving the environment and who are interested in conservation. We also take into account those who have very strong feelings about it, certain environmental groups and so on. We try to listen to all sides of the story, but the key is sustainability, sustainable development; that is, to allow certain activities to take place as long as it can be done in an environmentally sustainable manner.

Again, I'll have the hon. minister supplement.

MR. LUND: Thank you, Mr. Speaker. The program has not changed from the start. We said right to start with that we would honour existing commitments and that there would be no compensation, and that is exactly what has happened all along. Quite frankly, we have not had one square inch offered from the oil and gas industry without compensation.

Just to set the record straight, I want to read a letter that was sent to me today.

I would like to clarify CAPP's position regarding the Special Places 2000 initiative. We understood from the outset that oil and gas agreements existing before a Special Place is designated will be honoured. We recognize this prevents the complete dedication of certain lands and believe we can continue to work to protect our eco-system.

While we have stated more can be done with greater flexibility, CAPP has and will continue to be constructively engaged in the Special Places 2000 process. CAPP supports the spirit and intent of Special Places and will continue to work with the Government of Alberta and others to assure the successful implementation of the policy.

I wish to file this with the Assembly, Mr. Speaker.

MS CARLSON: Mr. Speaker, will the Premier keep the promise made to Canada and the world in 1992 for a proper protected places program and replace his provincial co-ordinating committee with an independent panel of scientific experts to protect our special places in this province, which are so important to the people and wildlife in this province?

MR. KLEIN: Mr. Speaker, I think that the co-ordinating committee has done a tremendous job thus far. Volunteers, people who are genuinely concerned, people from all walks of life, from industry, from the farming community, from the environmental community, working hand-in-glove with the minister and his officials. I think they've done a wonderful job. It has been a good process.

Yes, Mr. Speaker, I will recommit to the commitment that the late

Don Sparrow and I made then to the Duke of Edinburgh in 1992 that we will fulfill our commitment to achieve Special Places 2000 sometime during the year 2000.

THE SPEAKER: The hon. Member for St. Albert, followed by the hon. Member for Edmonton-Riverview.

Pine Shake Roofing

MRS. O'NEILL: Thank you, Mr. Speaker. As everyone knows, many homeowners in my constituency are experiencing rotting pine shakes on their roofs. They are concerned, and many of them are hurting. What are concerns of my constituents are concerns of mine. My question is to the Minister of Labour. Simply put, why won't the government help these people?

MR. SMITH: Mr. Speaker, thank you to the hon. member for the question. The government is concerned about every homeowner in Alberta, about every roof in Alberta, about everything that falls under this set of standards called the Building Code.

The press release that the Ministry of Labour released on the 15th of December clearly outlines that we have facilities to help provide accurate information with respect to the Building Code, with respect to warranties, with respect to manufacturers. It's available on the web site. That information is clearly available. We've also released over 1,500 pages of information, not with the help of freedom of information, just voluntarily put it in place and said: walk through this issue from March 3, 1986, to this period; find out how the pine shakes have progressed through; find out that in June of 1997 a brown fungus, a rot, appeared on these shakes and how in a very short period of time, the Building Code was amended so that untreated pine shakes were not allowed in the Building Code.

We know there are difficulties out there, Mr. Speaker. We know that it's important that government members help their constituents as this government member has by ensuring accurate information, proper processes, how to get warranties implemented and repair those rotting pine shake roofs.

MRS. O'NEILL: Thank you. To the same minister: since the newspapers have reported that you have been unwilling to meet with them, I ask you, Mr. Minister: would you be willing to meet with the executive of the Alberta Pine Shake Homeowners Association in my constituency office as soon as possible?

MR. SMITH: Well, Mr. Speaker, absolutely I commit to meeting with this member and other members of her constituency. She works hard on a daily basis to ensure that she brings constituents' concerns to government.

I have met with this group before. I have asked for another meeting. They returned our phone calls, and they said: only if you would be prepared to discuss the level of responsibility being accepted by the Alberta government for pine shakes and a proposed compensation package for affected homeowners in Alberta. Those two items clearly are not in the cards with respect to compensation, but certainly to be able to meet and to determine that there are laws in the area of consumer and corporate affairs that people can follow to ensure that warranties, guarantees, and commitments from manufacturers to purchasers are commercially proper are.

THE SPEAKER: The hon. Member for Edmonton-Riverview, followed by the hon. Member for Edmonton-Mill Creek.

Assured Income for the Severely Handicapped

MRS. SLOAN: Thank you, Mr. Speaker. To the Minister of Family

and Social Services: has the minister received cabinet approval for the proposed changes to the AISH program that he announced publicly on January 26, 1999?

DR. OBERG: Thank you, Mr. Speaker. First of all I'll give you a little bit of history as to what has occurred with AISH. Initially, in approximately September of this year, I went to cabinet with a document that basically stated some macro principles that we were looking at in making changes to the AISH program.

Mr. Speaker, if I could outline those, first of all we were looking at extended medical benefits. People that are on AISH experience a level. When they are on AISH, they get full medical coverage. When they decide to go out into the workforce to attempt to get a job, these medical benefits are immediately taken away. We see this as a tremendous disincentive for these people to get back into the workforce.

Mr. Speaker, the second thing we're looking at in changing the AISH program is rapid reinstatement. We recognize that a lot of disabled people want to get out into the workforce, but they have the nagging concern that they may not be able to exist in the workforce on an ongoing basis. One of the issues with the existing AISH program is that when they are taken off that program, it's very difficult for them to get back on. They have to fill out a lot of forms. They have to fill out doctors' forms, things like that. So what we're proposing is a rapid reinstatement policy.

Mr. Speaker, the third thing we're looking at is employment programs. Right now in the existing AISH program there is no way these people can access employment programs. We feel that in 1999 people with disabilities are fully functioning members of society, and they should not be shunted into the corner. We must get them employment programs. If they want to go out and become fully functioning members of society, they must have that ability.

Mr. Speaker, the fourth thing we're looking at changing is recognition of family size. Right now if you're someone who is on AISH, you receive \$823 per month if you have one child. If you have five children, you still receive \$823 per month. I don't feel that that's correct. I think there has to be something to address that.

Mr. Speaker, the fifth point we're looking at is asset testing. This is something that goes along with our principle of looking after society's most needy. Some people have \$100,000 in the bank; other people have a million dollars in the bank. These are not society's most needy when it comes to the AISH principles. We are the only jurisdiction across the country that does not asset test.

2:40

MRS. SLOAN: Thank you, Mr. Speaker. My second question is for the Premier. Has the cabinet approved the proposed changes to the AISH program announced by his minister publicly on January 26, 1999?

MR. KLEIN: Well, Mr. Speaker, not everything has to be approved by cabinet. You know, we have a number of ministers who can make decisions and amend programs on their own. They have been charged with that responsibility. I can tell you this. Certainly the plan was reported not only to cabinet but was reported to caucus. My recollection was: go ahead and proceed and do what needs to be done.

MRS. SLOAN: Well, I would like, if I may then, Mr. Speaker, to ask the minister: which plan in fact is being implemented, the plan that was approved by cabinet in September of 1998 or the plan as the minister spoke of it on January 26, 1999? Which plan is being implemented with respect to AISH?

MR. KLEIN: Well, as president of Executive Council I can tell the hon. member that the plan that was just outlined by the minister was reported to cabinet and was reported to caucus. There were no problems with the plan, and the minister was given the direction to proceed.

THE SPEAKER: The hon. Member for Edmonton-Mill Creek, followed by the hon. Member for Edmonton-Gold Bar.

Special-needs Education

MR. ZWOZDESKY: Thank you. Mr. Speaker, I met recently with Mrs. Betty Dean, who is one of my constituents and also the principal at McDougall school, an inner-city school which ranks near the very top of the list of high-needs schools in Edmonton. In fact, many children attending this K through 9 school suffer disadvantages including poor foundations for literacy. About 50 percent of them have had child welfare involvement, about 70 percent of them are of first-generation immigrant origin with no proficiency or fluency in any language, and approximately 40 percent of them are coded special needs, reflecting a learning disability, a behaviour disorder, or other handicap. My questions are to the Minister of Education. What can the minister do to ensure that children such as these at McDougall school are being given the special assistance that they need for a fair and even head start in learning?

MR. MAR: Thank you. Mr. Speaker, the needs of students like these are sometimes very profound, but I'm happy to say that we've worked hard at trying to develop programs that will address the needs of students such as the ones described by the hon. member.

There are two programs notably to deal with issues of students who are socially and economically disadvantaged. The first one is called PEP, or program enhancement project, and that's for students of ECS age. There is roughly \$2.75 million in that program. Secondly, Mr. Speaker, there is the enhanced opportunity program, or EOP, for students that are in grades 1 through 12. The amount set aside in that budget is roughly \$3 million.

This funding, Mr. Speaker, is very important because it provides a targeted program for students who are in greatest need. Dollars in the program can be used for things like hot lunch programs, additional staff, professional services like psychologists or speech pathologists, staff development, parent education, offsetting material costs in the case where parents cannot afford them. The program has been very successful. An example would be the Boyle Street Education Centre here in Edmonton, that offers student counseling to help improve coping skills.

In addition to those programs, Mr. Speaker, there is also PUF, or program unit funding, which provides up to \$19,000 for children as young as two and a half years of age up to six to give these students a chance to succeed in grade 1.

With respect to the early literacy program, that would help benefit the students that are referred to by the hon. member, that is a \$22 million program. Also, there is additional funding for students with severe disabilities.

Mr. Speaker, the last point that I wish to make is in reference to English as a Second Language. We've doubled the amount of money that's available for English as a Second Language, making ESL funding available to students that are born in Canada. That was an additional \$5 million.

MR. ZWOZDESKY: Thank you. I wonder what the minister can do to ensure that the funding and the support that is going out to these schools and to these children is in fact sufficient measurable support

specifically for language and speech development services in these high-needs inner-city schools.

MR. MAR: Well, always, Mr. Speaker, we have to monitor the effects of our funding. Particularly in targeted areas we have to make sure that the things that we're trying to remedy are in fact being remedied, and we do that through key performance indicators that we measure to make sure that our money is being targeted in the area that we want school boards to apply it to and that there are results achieved from that funding. So that is an ongoing process not only with the Department of Education but also in collaboration through the children's initiative with the Minister of Health and the Minister of Family and Social Services. These are all things that we're interested in when dealing with kids that are in need.

MR. ZWOZDESKY: Thank you. I appreciate the initiative, but I'm wondering whether or not the minister is prepared to undertake a review of this critical issue as one of his priority items surrounding preschool educational needs, the whole issue of ECS funding and early intervention programs for those children who are truly in desperate need.

MR. MAR: Mr. Speaker, there is no doubt in my view that early success by children in schools is vital for their successful learning later in life. As I've indicated, we do monitor the results that are achieved by these students that have programs targeted for them in early literacy or the student health initiative. I think that continuing to monitor those things is important. I don't wish to commit to a review at this time, but I will say that we'll continue to monitor this particular area of education very closely.

Recognitions

THE SPEAKER: We have today, hon. members, seven members who have indicated their desire to provide a statement under Recognitions, and we'll proceed in this order. We'll go first of all with the hon. Member for Calgary-Fort, followed by the hon. Member for Edmonton-Norwood, the hon. Member for Edmonton-Mill Creek, the hon. Member for Edmonton-Centre, the hon. Member for St. Albert, the hon. Member for Edmonton-Strathcona, the hon. Member for Livingstone-Macleod.

Indoor Field Hockey World Championship

MR. CAO: Thank you, Mr. Speaker. I'm very pleased to inform you and my colleagues of this Assembly about a special young Albertan, Quang Dang. This young man was my guest at the opening ceremony yesterday, and some of you might have met him. He was the only Albertan, the only Calgarian on the Canadian National Field Hockey Team representing Canada in the 1999 world championship held in Glasgow, Scotland, January 16 and 17. Quang Dang and his team won the gold medal for Canada.

I would like to take this opportunity to recognize the achievement of Quang Dang and his supporting parents, college professor Dr. Dac Dang and schoolteacher Ellen Dang. His parents played an important role in developing this young man and also other young Albertans as part of their valuable professions. I would like also to invite my colleagues in the Assembly to join me in congratulating the Canadian National Field Hockey Team for their achievement of a gold medal, the first ever for Canada.

Thank you.

2:50

THE SPEAKER: The hon. Member for Edmonton-Norwood.

Conditional Release Program Logo

MS OLSEN: Thank you, Mr. Speaker. It is a pleasure to rise today to acknowledge three Albertans who have been recognized nationally by the Canadian Criminal Justice Association. The Canadian Criminal Justice Association on behalf of the National Parole Board organized a national contest for the design of a logo to mark the 100th anniversary of conditional release in Canada.

I'm pleased to announce that Freidrich Fischer of Calgary was presented with a special award for creativity. His logo design will be appearing in upcoming CCJA publications. Willo Ruschfeldt of Edmonton also received a special award, and her design will be used by the John Howard Society of Ottawa as their corporate logo. A participation prize of \$500 was also awarded to another Edmontonian, Anna Dolega.

Congratulations to all the prize winners. I am impressed by the level of interest and awareness these Albertans have shown in the concept of conditional release. Their excellent logo designs will go a long way to promote thought and an exchange of ideas on a broad range of justice issues in Canada.

Thank you.

Black History Month

MR. ZWOZDESKY: Mr. Speaker, for the past two decades February has become synonymous with Black History Month in Alberta, and for the past several years I have risen in this House annually to congratulate our Black community for all the work they do to highlight Alberta's rich and proud Black heritage. This year's celebration will feature lectures, symposia, church services, food fairs, films, gospel concerts, fashion shows, and numerous other activities culminating with the Black awards banquet and excellence awards on February 27, where His Worship George Rogers of Leduc, Alberta's second-only Black mayor, will be guest speaker, and the Woman of Substance spectacular presented by Sharlene Thomas and her group, Movements, on March 6.

Congratulations to the organizing committee of the National Black Coalition of Canada, Edmonton chapter, President Winston Hawthorne, and to the Trinidad & Tobago Cultural Association, the Jamaica Association of Northern Alberta, the Barbados Cultural Society, and all the other organizations, volunteers, and sponsors, CBC, the *Edmonton Sun*, the city of Edmonton, who contribute to make Black History Month possible. I was honoured to attend the official opening ceremonies on January 31 at City Hall, and I'm really looking forward to attending more activities in the next couple of weeks.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Centre.

Chinese and Vietnamese New Years

MS BLAKEMAN: Thank you, Mr. Speaker. I'd like to recognize the Chinese Lunar New Year and Vietnamese Tet being celebrated this week; 1999 is the Chinese year of the rabbit and the Vietnamese year of the cat.

I feel fortunate to have a large and active Chinese/Vietnamese community in Edmonton-Centre. I salute the Edmonton Vietnamese association, the Avenue of Nations, the Edmonton Chinatown Multicultural Centre, and the many other organizations which promote and celebrate a diversity of culture and encourage good citizenship. New Year's Eve and New Year's Day are celebrated as a family affair, a time of reunion and thanksgiving. The celebration was traditionally highlighted with a ceremony in honour of heaven

and earth, the gods of the household, and the family ancestors. Tet also marks the beginning of spring, a time to correct one's faults, forgive others, pay debts, and start the new year with a clean slate.

I look forward to joining in the celebrations and wish everyone a happy New Year. [remarks in Chinese and in Vietnamese] Thank you.

THE SPEAKER: The hon. Member for St. Albert.

Charles S. Noble Junior A Hockey Scholarships

MRS. O'NEILL: Thank you, Mr. Speaker. This year four Alberta students will receive Charles S. Noble junior A hockey scholarships as a reward for their athletic and academic achievements. I'm proud to say that Michael Klassen of St. Albert is one of those recipients. Michael is an environmental engineering student at the University of Alberta, and after graduating, he plans to work on environmental issues, most specifically in water and waste water treatment. He plays hockey for the St. Albert Saints. He is a straight A student both on and off the ice.

I'd also like to acknowledge the other three recipients: Brad Krawchuk, who plays for the Sherwood Park Crusaders; Trevor Segstro, who plays for the Bow Valley Eagles; and Kevin Seidel, who plays for the Olds Grizzlys.

The junior A hockey scholarship provides an incentive and means for hockey players in Alberta to continue their postsecondary education. The scholarships are cosponsored by the Alberta Junior A Hockey League and the Alberta heritage scholarship trust fund. Congratulations to them all.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

Support for Persons with Disabilities

DR. PANNU: Thank you, Mr. Speaker. I rise today to recognize Albertans who are currently recipients of the provincial AISH program and two of the many groups that advocate on their behalf, the Alberta Association for Community Living and the Alberta Committee of Citizens with Disabilities. These groups offer support to individuals and families and attempt to improve the quality of life of persons with disabilities.

I offer congratulations and my grateful thanks to the Disabled Citizens Coalition for their work towards self-advocacy. They were the group who rallied last night, February 16, 1999, on the steps of the Legislature Building immediately following the opening of the spring session of the Legislative Assembly. They have been working very hard to inform themselves on the issues that affect them. I applaud them on becoming their own experts and advocates.

THE SPEAKER: The hon. Member for Livingstone-Macleod.

Southern Alberta Grass Fire

MR. COUTTS: Thank you, Mr. Speaker. On Saturday, February 6, once again dry grass, high winds, and lack of snow made conditions ripe for fire to rage through valuable farmlands south of Fort Macleod. Over 40,500 acres of grass and cultivated land today lay exposed to soil erosion by the strong west winds. Fortunately, no lives were lost; no homes were destroyed. Unfortunately, many kilometres of fence have been burned, and up to a dozen haystacks have been leveled, leaving many farmers without winter feed for their cattle. I am confident the community will come to the rescue of these distressed families, as they did during the great Granum fire of 1997.

This year's fire would have done extensively greater damage had it not been for the quick response of the Fort Macleod fire department. Chief Jim Caughlin and Deputy Chief Dick Schellhorn co-ordinated 18 regional fire departments, who quickly responded. To Corporal Jim Robson, the staff sergeant, and the entire Fort Macleod detachment of the RCMP for their effective traffic control, to the MD of Willow Creek for their support and co-ordination, the town of Fort Macleod for their emergency program and for their quick response, but especially, Mr. Speaker, to the volunteer neighbours, friends, and strangers who fought the fire to save people's homes, thank you.

head: Request for Emergency Debate

THE SPEAKER: The Leader of the Official Opposition on a Standing Order 30 application.

Acute Care Hospital Beds Shortage

MRS. MacBETH: Thank you, Mr. Speaker. I rise to impress upon you the validity of this Standing Order 30 standing in my name on the Order Paper today. I am asking that you rule that the matter is urgent and that it is consistent with the requirements of the Standing Order rules. For the record, I would like to read it into the debate in the Legislature.

Be it resolved that this Assembly adjourn the ordinary business of the Assembly to discuss a matter of urgent public importance; namely, the crisis created by the shortage of acute care hospital beds in Calgary and Edmonton.

Mr. Speaker, I am guided today in my arguments by three important authorities that govern the proceedings in this House. I'll be referring in my arguments to *Beauchesne* 387, 389, and 390. I will be referring of course to our Standing Order 30 and also to your ruling which you have done in the past about prior Standing Orders that were presented and which you have accepted.

Beauchesne 387 in the section entitled Motions to Adjourn the House under Standing Order 52 to Discuss an Important Matter says:

The Standing Order is clear that the question be specific and must require urgent consideration. It must deal with a matter within the administrative competence of the Government and there must be no other reasonable opportunity for debate.

Beauchesne 389 goes on to say:

The "specific and important matter requiring urgent consideration" . . . must be so pressing that the public interest will suffer if it is not given immediate attention.

Beauchesne 390 says:

"Urgency" within this rule does not apply to the matter itself, but means "urgency of debate", when the ordinary opportunities provided by the rules . . . do not permit the subject to be brought on early enough.

Of course Standing Order 30 spends a good deal of time dealing with this issue. Clause 30(1) specifies that

any member may request leave to move to adjourn the ordinary business . . . to discuss a matter of urgent public importance of which written notice has been given to the Speaker at least two hours prior to the sitting.

That of course has been done.

3:00

Under section 30(6): "An emergency debate does not entail any decision of the Assembly." It goes on to say in 30(7):

- (a) the matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration . . .
- (c) not more than one matter may be discussed on the same motion;
- (d) the motion must not revive discussion on a matter which has

been discussed in the same session . . .

(e) the motion must not be based on a question of privilege.

Mr. Speaker, I believe that the matter before us is in fact a matter of clear urgency. There are no other means by which the Legislative Assembly can deal with this issue of acute care hospital beds supply in Calgary and Edmonton, the two major metrocentres, which serve the high-end needs for our entire province for people coming to Edmonton and Calgary. There is no bill before the Legislature which relates to health care or acute bed shortages in the province, nor do we have a debate on the provincial budget. That is at least four weeks away.

Addressing the issue of urgency, the problem associated with the lack of acute care beds in Calgary and Edmonton is urgent. It involves a blockage of our emergency rooms in both centres. It sends ambulances on diversion routes. It causes the cancellation of so-called elective surgeries. The problem in health care is in our newspapers day in and day out.

In addition to that, we have the issue of urgency that has been brought on by the Premier's comments yesterday renegeing on his earlier promise to match federal contributions to health care dollar for dollar and now saying yesterday, having broken his promise, that he would only match the contributions of the federal government for one year's time. The issue of urgency in health care is that acute care beds that may be opened with a short-term infusion of provincial funds now are beds that would have to obviously be closed and the staff who had been hired let go in the second year if that funding didn't come. What that creates for health authorities is an impossible situation where they do not have the ability to plan on a long-term basis. It creates an urgency.

Finally, we are here on a motion to adjourn debate to understand what the government intends to do now to calm the fears of the citizens of Calgary and southern Alberta, which the Calgary hospitals serve, the citizens of Edmonton and northern Alberta, and the citizens of central Alberta, who are caught between this government's health care system and the worry that the system will not be there when they or their family need it. There is great anguish on the part of the citizens of this province. Certainly in the two months that we have been absent from the Legislative Assembly, this has been the issue that is top of mind right across the province. The urgency on acute care supply in Edmonton and Calgary is that it causes backup right across the province.

On the issue of public importance, which is certainly what these Standing Orders speak to, I have about three points. First of all, health care is central to our quality of life in this province. It is certainly one of the promises that a government takes on to provide to its citizens, certainly one that is provided for in our Constitution, and one that is being addressed in a haphazard way given the unpredictability of funds that are apparently going to flow to the health authorities.

The lower cost of our system in Canada versus the U.S. makes it certainly an issue of being attractive as a destination for investment dollars in Canada, and we certainly lose this advantage when the system of health care does not deliver the services that it was promising to deliver. It's certainly publicity that this province doesn't need, and it's an urgency which our citizens don't need.

Secondly, it is a matter of fiscal importance. The dollars go into health care, but the outputs like average admission time, transit time to hospital, waits in emergency, and the length of surgical waiting lists are so high and simply unacceptable to the public, witnessed by the constant discussion of these issues in Calgary and Edmonton. Today on the issue of fiscal importance, for example, the province is spending over \$300 million more than they were spending on health care in 1992 before the cuts began, yet Albertans are

wondering why this is the case when 4,000 beds have closed, 3,000 of those in the large metrocentres, when 8,000 permanent nursing positions have been eliminated, and when there are fewer hospitals in our province operating. In other words, taxpayers want to know why spending has increased while service has decreased.

Mr. Speaker, I would like to go on in terms of some of the content of the argument and some of the urgency with respect to what is being faced in both of these cities, but I'm going to ask that some of my colleagues who also wish to speak to the urgency of this motion might rise and do so at this time.

Speaker's Ruling Clarification

THE SPEAKER: Well, before we go on much further, I want to make sure that everybody understands what a Standing Order 30 is. We're not debating the question. The only subject here for review by the Speaker is whether or not there is an urgent need to discuss it now, not the basic arguments of the motion. So there's some leeway provided for that.

The Minister of Health on the urgency.

Debate Continued

MR. JONSON: Thank you, Mr. Speaker. I would like to speak to the nature and the urgency of this Standing Order 30 motion. Indeed it is becoming somewhat a tradition in the Assembly that early in the session the opposition declares some particular type of emergency or problem within the health care system and requests an emergency debate, but overall our health care system is performing well in this province, and it's my view that there's no need for an emergency debate.

We can ask ourselves of course: are there some pressures, are there issues within the health care system as a result of rapid population growth, increased expectations? Certainly, Mr. Speaker, there are. Is of course our health care system experiencing demand for increased services in acute care, long-term care, and every other part of the health care system? Certainly there is that demand and that expectation. Some of our urban emergency wards are feeling pressures from the annual season which unfortunately is one where hospitals and the overall health care system are put under considerable pressure from the flu, from pneumonia, traffic and pedestrian accidents.

Certainly these things occur, Mr. Speaker. But are these pressures any different than those felt by every other health system in Canada at this time of year? No, I think not. I feel that overall we have a solid foundation which provides care for people in need in this province, and certainly the system is providing more of the emergency care, the very extremely important care, than ever before.

I won't go on at length, but I would like to just quote two or three examples. For instance, one of the areas which is much focused upon is the whole area of surgery with respect to heart problems. In this province in 1992-93, at the time that we, yes, reduced some expenditures in health -- that's certainly the case -- and also reorganized and restructured the health care system, some 3,368 cardiology procedures were done. During this past year, Mr. Speaker, over 4,500 were done. So the system is responding, is working hard to respond to the needs of Albertans.

3:10

We look at the area of kidney dialysis, something which affects many people, young and old alike. In 1992-93 we had some 586 people in this province that were being provided with up-to-date full dialysis services. Today, in 1999, we are providing 1,300 people

with that service, also providing them in a wider variety of sites. I could go on with at least a dozen more examples of that nature.

So, Mr. Speaker, I would contend that because of some of the reorganizing and restructuring that we have done and reforming of the health care system, we have a system which is responding better than before to more people in many areas of health care, including this whole area of emergency services.

I'd like to point out that in the last few weeks there have been a number of headlines from other places. Here's one in which I'm wanting to point out that this issue is not one that is unique or special or particularly focused on Alberta. We have recent reports that Quebec is struggling with overloaded hospitals. Another reference: patients wait in halls longer than 48 hours. That's from Montreal. Another: mayor's eyes opened in crowded hospital ward. That's from Toronto. Another one: B.C. patients put in linen closets. I don't think we've had those kinds of references over the last while.

To be right on the point, Mr. Speaker, another headline is that Alberta ICUs, intensive care units, admit critically ill B.C. patients. That doesn't sound to me to be the kind of headline you would get in Alberta if we did not have an emergency system that was responding. The last one I think is most important because it shows that we have, when needed, the capacity to respond to the needs of our neighbours.

So, Mr. Speaker, I would contend that the health care system is responding to the need for emergency service, the needs of the critically ill. When we have a great deal of pressure upon the health care system, of course there has to be prioritization with respect to cases, and the truly emergent ones are the ones that are dealt with. There is, yes, at certain times a certain backup in emergency wards but not to any degree different from what is being experienced and has been experienced in other hospitals in other parts of this country.

Mr. Speaker, the opposition is focusing in this motion on the situation in Edmonton and Calgary. I think it's important to note that in Calgary today -- and I would like to emphasize this -- there are 54 acute care beds available. We checked at noon today, and there are only eight patients currently in emergency rooms being processed for admission to one of those beds. This does not appear to me in any way to indicate an emergency situation in terms of the need for this type of debate.

The other thing, Mr. Speaker, is that I think and I would respectfully suggest to you that perhaps putting this motion forward will be a way to have a debate about funding. I would like to just indicate that the provincial government has reinvested extensively in the health care system of the province. The last announcement was some \$66 million to the regional health authorities to expand their capacity in their emergency rooms and their long-term care, and they have done that. There has been the opening of new acute care beds in Edmonton. I wouldn't want to leave the impression that action isn't also being taken in the capital city region of this province. So I think those things have to be kept in mind, Mr. Speaker.

I do not feel that the fact should be ignored that the province has in its own budget been putting more resources into the health care system and has been, of course without any help from the opposition across the way, making strong representation, with our Premier leading the way, for additional funding from the federal government, an area in which they have not responded prior to this. But we were pleased to see the announcement the other day.

Overall, Mr. Speaker, at this point in time, today, the emergency rooms of this province are operating, they have capacity, and the emergency does not exist in my view. Good care is being provided to those who are in need of urgent care.

THE SPEAKER: Hon. members, I want to refer you to Standing

Order 30(2). It says that if recognized by the Speaker, the member may briefly state the arguments in favour of the request for leave and the Speaker may allow such debate as he considers relevant to the question of urgency of debate.

I listened very attentively to the individuals who put forward the submissions on behalf of the Standing Order 30 and gave great leeway, and when arguments were made about it being "central to our quality of life" and a matter of fiscal responsibility, I did not interject. I recognized one member from the government side to speak to this, gave great leeway again when the Minister of Health, in speaking on the motion, explained the system, defended the system, provided statistics, gave illustration. My conclusion to this is we were into a debate.

So I am prepared to recognize one additional speaker from both sides of the House on this Standing Order 30 application, but here are the rules. They are the rules. If one takes a look at the Standing Order 30 application, I will listen to arguments on: "Be it resolved that this Assembly adjourn the ordinary business of the Assembly to discuss a matter of urgent public importance." Period. Period. If a word comes out with respect to the following, "namely, the crisis created by the shortage of acute care hospital beds in Calgary and Edmonton," I will stand up and ask you to sit down.

The subject matter here is to "adjourn the ordinary business of the [House] to discuss a matter of urgent public importance." So find the skill to deal with the request within that concept. The word "health" will not come forward. The words "fiscal responsibility" or anything else will not come forward. No one will use a statistic. Explain to me, because this is my only subjectivity that I have to make a decision in this Assembly, why we should adjourn the ordinary business of the House to deal with this matter of urgent public importance.

So I'm prepared to recognize one additional person on each side of the House.

Hon. Member for Edmonton-Meadowlark, go for it.

MS LEIBOVICI: Thank you, Mr. Speaker. I'm sure you'll rein me in if I stray off the path, and I will try and follow your direction.

Beauchesne 387 indicates that "the question [must] be specific and must require urgent consideration." This is with regards to the Standing Order. "It must deal with a matter within the administrative competence of the Government and there must be no other reasonable opportunity for debate." What I would like to do, Mr. Speaker, is go through the three *Beauchesne* articles that have been indicated and relate them to the situation we have at hand to determine whether or not we will adjourn the ordinary business of the Assembly to discuss the matter of urgent public importance.

Now, in framing the motion, we were very careful, Mr. Speaker, to ensure that the question would be specific, and we ensured that specificity by indicating that we were wishing to discuss the shortage of acute care hospital beds in Calgary and in Edmonton. "It must deal with a matter within the administrative competence of the Government." With regards to whether or not this can be debated, there is no doubt that it is within the administrative competence of government and that there is "no other reasonable opportunity for debate" on this matter of urgent public importance.

3:20

The other part, *Beauchesne* 389, indicates that it must be a "specific and important matter requiring urgent consideration" and "must be so pressing that the public interest will suffer if it is not given immediate attention." There can be no denial, when looking at the question that is put before the House today with regards to the matter of urgent public importance, that in fact if this question is not

discussed today, the public interest will suffer. We have the words of the Premier himself who has indicated that it's a bloody mess, quote, unquote, and that it must be fixed.

Beauchesne 390 states -- and if the members are ready to listen, I want them to listen carefully -- that "'urgency' within this rule does not apply to the matter itself," as the Speaker so aptly pointed out, "but means 'urgency of debate', when the ordinary opportunities provided by the rules of the House do not permit the subject to be brought on early enough." We know that this is number one on the public's mind, that this is our first day in session. There can be no better time and no earlier time to bring on the debate on "the crisis created by the shortage of acute care hospital beds in Calgary and Edmonton."

THE SPEAKER: Thank you, hon. member.

MR. HANCOCK: Mr. Speaker, on the urgency of this issue. There was not one question in question period today which dealt with this issue. Not one question.

On the appropriate time or appropriate opportunity for debate. We have the reply to the Speech from the Throne, which has great latitude for members of this House to speak to the issue directly and succinctly, and that starts this evening. I'd invite the Leader of the Opposition to deal with that issue this evening in reply to the Speech from the Throne.

The budget. The budget has been announced. It will be delivered on March 11, and we will be speaking to issues in the budget . . .

MRS. SOETAERT: In four weeks.

MR. HANCOCK: No, that's only about two and a half weeks. Debate on the fiscal priorities of the government will be proceeding.

I think the remarks that have been made by members of the opposition this afternoon clearly indicate that this type of a debate of public importance should continue in appropriate context. The appropriate context here is the policies of the government in the reply to the Speech from the Throne and the fiscal policies of the government in debate on the budget when it comes down. Those are the two appropriate times to address this issue.

The hon. Leader of the Opposition indicated in her remarks that the Premier was reneging on a promise to match dollars. She's clearly operating without the benefit of the information which will be available to her in the budget. She should wait for the budget. That's the appropriate time to discuss this issue. The federal budget just came down yesterday with dollars which have been provided as a result of the clear intervention of our Premier. All of that will be put into an appropriate context under our own budget on March 11. That's the appropriate time to be discussing this issue, and I would ask you to leave the House to discuss that issue at the appropriate time.

Let us honour the importance of the routine procedures of the House. This is private members' day. It's the opportunity for private members to discuss issues that are important to them, to bring them up. This government doesn't want to push aside the important issues to be brought forward by private members to discuss an issue which should be appropriately discussed in the context of the reply to the Speech from the Throne and the budget discussion.

THE SPEAKER: The chair has listened intently to the debate on this application under Standing Order 30 in fact for some 30 minutes now. The chair would like all hon. members to know that he certainly was provided with notice of at least two hours, which was the requirement under Standing Order 30. That's been met. So the

decision, then, is it's the chair's duty to rule on whether or not this is a request for leave, and the leave is in order.

Hon. members have quoted from various sections of *Beauchesne*, in particular 390, and I'm going to repeat 390 again.

"Urgency" within this rule does not apply to the matter itself, but means "urgency of debate", when the ordinary opportunities provided by the rules of the House do not permit the subject to be brought on early enough and the public interest demands that discussion take place immediately.

The price that all hon. members pay, in responding to that, is that the ordinary business then is waived. So in essence this whole concept and the whole concept of this rule has to be geared to in fact the inopportunity or the inability of an hon. member to raise such a question.

So where are we? We are in the first day of a session. Are there no opportunities to raise such issues as were raised in the question? Well, one of the opportunities is the question period itself. Secondly, we're back to this first day, on which we have not even begun the debate on the Speech from the Throne. That debate presumably will, if the House leaders have agreed, probably begin tonight, this evening.

I would like all hon. members to know that Standing Order 29 provides for time limits on debate.

Time limits on speaking in debate in the Assembly shall be as follows:

- (a) (i) the Premier,
 - (ii) the Leader of the Opposition . . .
- shall be limited to 90 minutes' speaking time.

Two members in this House have that privilege of up to 90 minutes to take advantage of that particular suggestion. As I recall, the tradition would be that in the Speech from the Throne there would be a mover from the government, a seconder, and then the recognition would be provided by the chair, by tradition and presence and courtesy, to the Leader of the Opposition. It's now 3:28 in the afternoon, and presumably by 8:40 tonight there could be an opportunity to raise this question if one wanted to.

In addition to that, hon. members have also pointed out the possibility of dealing with this in the budget in the future as well.

So the chair is not going to put the question to the Assembly. The chair does not believe the request is in order.

Now, two hon. members have advised the chair of their desire to raise a point of order. One is the hon. Member for Calgary-Buffalo, and the other is the hon. Member for Edmonton-Norwood. The chair does not know what the intent of these particular points of order is but would like to make this suggestion to both hon. members. The chair is guessing that the points of order have to deal with brevity and length of answers. If that's okay, then proceed, hon. Member for Calgary-Buffalo.

Point of Order

Parliamentary Language

MR. DICKSON: Thank you, Mr. Speaker. Earlier in question period, when the Leader of the Opposition had put her third principal question to the Premier, that had to do with West Edmonton Mall and Alberta Treasury Branch and government culpability around that, the Premier in a very long response accused the Leader of the Opposition of "suppressing evidence." I cite as authority 23(h),(i), and (j) and *Beauchesne* 491 and 492.

Mr. Speaker, you and your agents were kind enough to assemble for us in preparation for the spring session a 12-page document, Expressions Ruled Unparliamentary by Speakers/Chairmen of the Alberta Legislative Assembly, and lo and behold on page 11 we have the words "suppressing evidence." There's a note that on March 8, 1990, a member was cautioned for using that phrase.

Now, it's particularly significant here because we're talking about

a quasi-legal context. We were talking about evidence being provided. I think that for the Premier, who should be setting an example in terms of parliamentary process, in terms of respect for admonitions from the Speaker, both verbal and written, to suggest that the Leader of the Opposition has suppressed evidence in any fashion, an allegation which if true may well attract criminal law sanctions, it's wholly inappropriate and something that warrants some action on the part of the chair.

I'd just say further that given that whatever documents exist relevant to the West Edmonton Mall business would be in the care and control of members of the Executive Council, the Treasury Department, or a commercial third party, it would be preposterous to suggest that the opposition had documents and then was suppressing those documents.

So, I'd ask, Mr. Speaker, that you deal with an expression which is wholly inappropriate for the reasons and for the authorities I cited earlier. Thank you.

3:30

MR. HANCOCK: Well, Mr. Speaker, clearly there was no suggestion by the Premier, in using his terminology this afternoon, that any particular individual was "suppressing evidence" as that concept is used in a court of law or in the context of law. The clear context the Premier was speaking to was to say that the Auditor General had asked everybody who had relevant information to provide it, that some people haven't provided it, but that if others had information, they shouldn't suppress it. They should bring it forward.

I would suggest that in looking at the use of parliamentary language, clearly context is very, very important. While you can list words that are used -- indeed you've sent out a memo that includes words; I don't have it here, but I'll accept the hon. member opposite indicating that those two words are on that list -- that's not necessarily definitive. It has to be taken in context. The context in which those words were used this afternoon clearly was not maligning any individuals or suggesting that any individuals had done anything wrong but clearly was an invitation for anybody who had information to bring that information forward if they hadn't already done so.

So there's no intent here, I would suggest, or no misuse of words or no unparliamentary language and no need for sanction.

THE SPEAKER: Hon. members, the chair was listening attentively during the question period today to all questions and answers and quite clearly did not hear such an expression as it was outlined by the hon. Member for Calgary-Buffalo. So what I will do as the afternoon wears on is I will review the Blues and look to see exactly what language was used and the context it was used in and hopefully before the adjournment of the day come back and have something further to say on that.

The hon. Member for Edmonton-Norwood, a point of order.

Point of Order

Brevity in Question Period

MS OLSEN: Thank you, Mr. Speaker. My point of order is in relation to a question asked by the hon. Member for Edmonton-Riverview to the minister of social services. We heard today on a couple of occasions your concern with House decorum. In fact, you tabled a document in that regard. With that comes a notion that all members of the House need to show respect for the parliamentary process. *Beauchesne* 410(7) speaks to "brevity both in questions and answers," stating that it "is of great importance". Section 417 of *Beauchesne* says that "answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate."

The answers from the minister of social services today took two

minutes and 20 seconds. Last session I timed the answers to questions, and the average was about a minute and 30 seconds. I rose last session on a similar point of order. You ruled in favour of that due to the lengthy answer, that was over two minutes. Today the minister not only missed the mark, which is his prerogative, on the answer, but it took two minutes and 20 seconds to do that. In the game of basketball we would often run out the clock. This is a strategy employed for one purpose: to win the game. This is not a game, Mr. Speaker, but today it seems that several members of this Assembly thought they were involved in a game. They all took over two minutes to respond. Now, this prevents the opposition from proceeding with our job, and our job is to hold the government accountable. This is one forum for the opposition to do that, and we take seriously that opportunity.

Mr. Speaker, given that we've just started out -- this is our first day -- it's our opportunity, for as short a time as we do spend in this Legislature, to get as many questions in as possible. To both sides of the House: we need to address decorum in an appropriate manner. However, today I was feeling somewhat frustrated when answers were as long as they were.

I respectfully submit to you, Mr. Speaker, that this is in fact a point of order. Two minutes and 20 seconds is an awfully long time for a first answer or any answer to a question.

MR. HANCOCK: Mr. Speaker, I'm shocked and appalled that anybody would consider that a complete and full answer to a question on such an important subject to Albertans as AISH and what was happening in AISH would be questioned. Yes, the minister did go on at length, and I will speak to my colleagues about the need for brevity in answers. But I have also asked my colleague across the way to speak to his colleagues about preambles to questions, because we do want to get questions and answers in question period.

The members opposite asked some very important questions. They asked an important question about AISH. AISH is of importance to all Albertans. There have been issues and concerns about it, and the minister took the opportunity to fully inform this House as to what was happening. Brevity is a question of context; you can only be as brief as the context will allow. I think I've been brief enough and made my point.

THE SPEAKER: Well, I'd like to congratulate all members for this review of the House rules and decorum, because it's been very, very helpful and very, very useful. The fact of the matter is that there has been marked improvement in terms of the brevity of the questions that have been directed to Executive Council. There has been marked improvement in most cases in terms of the brevity of the answers provided by members of Executive Council. Every once in awhile, however, this exuberance to tell the whole world everything that one knows in one answer comes to the fore.

Now, in the case of the hon. Member for Edmonton-Norwood, I was timing the set of questions. The set in itself was five minutes total for three questions and three answers. It is true that the first question elicited a rather lengthy response of over two minutes. That is true. However, there was marked improvement, then, in the exchange in the second and third questions. So overall the kind of quorum that I have in my head is five minutes for three. If we can get five minutes for three, that means 10 questions, and if we can do less than that, we can get 11 or 12. Today we got nine questions, but that was the result of the clock running when there was an exchange and intervention by the chair in terms of the third question.

So, yes, the hon. Member for Edmonton-Norwood makes a good point, and I want to thank her again for that stopwatch that she has,

that continuing stopwatch. I do want to thank all hon. members: the briefer the question, usually the briefer the answer. Every once in awhile, though, there's some exuberance that gets carried away in the third one of the set, and it's sort of like wanting to make up for lost time or something. But there's nothing dishonourable, I want hon. members to know, in having a short question and a short answer. Absolutely nothing dishonourable whatsoever. As a matter of fact, it may be the highest attainment to deliver the message with the use of the least amount of words. In fact, there may be some wisdom in that.

Well, hon. members, the chair would like to make a statement, though, today.

AN HON. MEMBER: Briefly.

THE SPEAKER: Briefly, yeah. Thank you very much.

Hopefully, by making this statement today, it will speed up the process later. This has to do with the appointment of a private member to the position of Deputy Government House Leader.

head: Statement by the Speaker

Deputy Government House Leader

THE SPEAKER: Hon. members, the chair would like to make a brief statement related to the appointment of the hon. Member for Medicine Hat as Deputy Government House Leader. Although this position has typically been held by a member of Executive Council, there is nothing in our rules that prevents a private member from occupying the post. In fact, the *Standing Orders of the Legislative Assembly of Alberta* are silent on the position of Deputy Government House Leader.

The chair's research indicates that designating a private member to the position is not unique in Canada. There are certain functions, however, that under our Standing Orders and by convention may only be performed by members of Executive Council or, in other words, by a minister. In an effort to be fair to the hon. member and to ensure that the time of the House is not taken up by questions later on, the chair would like to review the scope of the member's activities as Deputy Government House Leader.

In general it is the chair's view that any activity that may be performed by the Government House Leader under our Standing Orders may be performed by the Deputy Government House Leader. When the Standing Orders are silent as to who may do something, it is assumed that a private member can perform the function unless there is a convention or long-standing practice to the contrary.

Accordingly, a private member may as Deputy Government House Leader move adjournment motions, including those indicated in Standing Orders 4(1) and 4(3); provide information on Thursdays concerning projected government business pursuant to Standing Order 7(5); on Tuesdays give notice of which written questions or motions for returns will be dealt with the following day as referred to in Standing Order 34(2)(a); on Wednesdays, when the item is called by the Clerk under Orders of the Day, move the motion regarding which written questions or motions for returns will be taken up that day and which ones will stand and retain their places; move second or third readings of government bills except bills requiring the royal recommendation as being money bills under Standing Order 79 or those bills which are tax bills and must be moved by a minister; and, if required, move the motion that the House resolve itself into Committee of Supply or Committee of the Whole.

3:40

Given the requirements in our Standing Orders and practices of

this Assembly, there are certain things that may not be done by a private member, items such as move motions appearing on the Order Paper under Government Motions, as these may only be placed on the Order Paper by a minister; move any closure motions pursuant to Standing Order 21; accept, reject, or amend written questions or motions for returns as under Standing Order 34, as this may be only done by a member of the Executive Council; move a supply resolution relating to a portion of the estimates under Standing Order 57(7) and move motions under Standing Order 58(6) to determine

- (a) the number of days that the Committee of Supply and its subcommittees may be called, and
- (b) the dates and the number of departments' estimates that may be designated by the Leader of the Official Opposition for consideration by the [Committee of Supply];

move that a bill introduced by a private member be placed on the Order Paper under Government Bills and Orders as under Standing Order 71, as this must be done by a member of the Executive Council; and, as previously indicated, a private member may not move a money bill or a tax bill.

It is the chair's hope that this list is comprehensive enough to address the matters that will concern the House during this session.

The chair would also like to offer congratulations to the new Government House Leader, the hon. Minister of Intergovernmental and Aboriginal Affairs, and to the hon. Member for Calgary-Buffalo, who is the new Opposition House Leader. The chair, the Chairman of Committees, and the Deputy Chairman of Committees look forward to working with these individuals, who together with the hon. Member for Edmonton-Strathcona have the primary responsibility on behalf of their respective caucuses for the conduct of the business in this Assembly.

head: Orders of the Day

THE CLERK: Written Questions and Motions for Returns.

THE SPEAKER: We have a unique situation today, hon. members. Written Questions and Motions for Returns, which are usually dealt with only on Wednesday afternoons, cannot be addressed today as these items of business are presently being processed and will appear in the notice portion of tomorrow's Order Paper.

head: Public Bills and Orders Other than
head: Government Bills and Orders
head: Second Reading

THE SPEAKER: The hon. Deputy Government House Leader.

MR. RENNER: Thank you, Mr. Speaker. I certainly appreciate the advice that you just gave regarding my recent appointment, and I look forward to working with all members of the House in my new duties as Deputy Government House Leader.

In that regard, Mr. Speaker, I would like to make my first motion as Deputy Government House Leader. I would request unanimous consent to waive Standing Order 73(1), regarding bills not moving forward more than one stage in a day, to allow for second reading of Bill 201, introduced earlier today.

THE SPEAKER: Would all those hon. members in favour of granting unanimous consent to waive Standing Order 73(1) in order to provide for second reading of Bill 201, Tenancies Statutes Amendment Act, 1999, please say aye?

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. Carried.

Bill 201

Tenancies Statutes Amendment Act, 1999

THE SPEAKER: The hon. Member for West Yellowhead.

MR. STRANG: Thank you, Mr. Speaker. It is a pleasure today to rise to begin second reading of the first private member's bill of 1999, Bill 201, the Tenancies Statutes Amendment Act, 1999.

Bill 201 amends both the Residential Tenancies Act and the Mobile Home Sites Tenancies Act. The amendments are not extensive or wide-ranging. Rather, the amendments are designed to make a very specific change that will prevent unjust activities by some landlords. The bill may produce some positive, indirect benefits as well.

[The Deputy Speaker in the chair]

Mr. Speaker, the main intention of the bill is to prevent landlords from abusing the housing regulations under the Public Health Act by having tenants evicted from their accommodations without proper notice. This is not something which happens every day. Most landlord/tenant relationships in Alberta are fine. However, when this type of thing happens, tenants are left in an extremely difficult and unfair position. At times it is possible that the landlord can deliberately do something or refrain from doing something which causes a residence to become unfit for human habitation as defined by the Public Health Act. In these situations a medical officer of health may be asked to do an inspection. If the officer determines that a nuisance exists, that the place is a health risk, an order is issued to the owner stating that the nuisance must be addressed.

When an order is issued, anyone residing in a place must vacate the residence in as short a period as 48 hours. Mr. Speaker, I think the current notice requirement and other processes under the act work quite well in legitimate situations. However, when a landlord wants well-behaved and otherwise acceptable tenants for whatever reason to vacate the premises without giving the required notice, sometimes a landlord may resort to extreme tactics by deliberately making the residence unfit for human habitation.

An order can be issued by the medical officer which requires any tenant to leave right away even if he has no place to go. Mr. Speaker, clearly this puts the tenants in an unreasonable situation. They may have to remove themselves and their belongings with very short notice. They may have to move to a hotel or inconvenience family or friends, making for a difficult and perhaps costly situation. They may also have to store their furniture and other belongings with still more expense.

I would like to relate one of the most blatant examples of this situation, which happened in my constituency. Last year I was asked to assist a constituent in resolving a matter similar to the one I have described. It was a case where a landlord wished to take possession of his property for personal use but apparently was not interested in giving the tenant the required three months' notice. There was some dispute between the landlord and tenant about the reasons the tenant was being asked to move so quickly, and the tenant would not willingly vacate without the proper notice.

Using the procedures available under the tenancy legislation, the landlord removed the pump from the well that supplied water to the house. A public health officer was called in to inspect the premises, and with no running water available to the resident, the inspector issued an executive officer order to repair the well and restore running water to the residence. The landlord was given two weeks

to comply with the order, but the repair was not made. The health inspector was then forced to declare the premises unfit for human habitation and that it be condemned. This decision required that the tenant and his family vacate the premises. The family had no choice but to put all their belongings in storage until they were able to find alternate accommodations. In the meantime they had to live in a motor home in their friends' yard. This is a case where a landlord used the Public Health Act to take over his rented premises in much fewer than three months.

Mr. Speaker, it is my submission that landlord and tenant relationships should be governed by the tenancy legislation, not by the Public Health Act and a medical officer of health.

Of course, there will be cases where health officers have to intervene for legitimate reasons in cases where places have become a nuisance, but the medical officer and the housing regulations of the Public Health Act should not be the method of settling disputes or discouragement between landlords and tenants.

3:50

Mr. Speaker, I realize that amendments to the tenancy act can sometimes be very controversial, but I believe this bill does not favour one side over the other. It is true that it supports the rights of the tenants in dealing with the landlord, but the most important point to make is that the protection of tenants in this case is where a landlord is acting irresponsibly with bad intentions. Landlords who keep their property in good condition have nothing to worry about with this amendment to this bill. If a landlord maintains his or her property and does not allow it or cause it to be a public health nuisance, then there's nothing to worry about.

Mr. Speaker, this bill simply prevents landlords from having tenants removed from their homes by deliberately abusing the housing regulations under the Public Health Act. That's all. No one else will be adversely affected. Landlords who follow the law will have no change of anything.

Mr. Speaker, several other courses of action were considered in preparing this bill, but this particular process was determined to be the best way to resolve this particular problem, but some of the other considerations are worth noting. In Alberta the penalty for contravening an order from a health officer is \$100 per day until the situation is fixed. This may seem like a large fine; however, in comparison to other provinces it is quite low. For example, in British Columbia the fine is up to \$2,000 per day. This is substantially different. Surely the threat of receiving a \$2,000 per day fine should act quite as an incentive for owners to keep their property in compliance with the Public Health Act.

Other provinces have even larger fines. In Ontario and Saskatchewan the amount of the fine depends on whether the offender is a corporation or an individual. In Ontario if an individual is convicted of an offence under the Ontario Health Protection and Promotion Act, that person is subject to a fine of more than \$5,000 for every day the offence continues. A corporation is subject to a fine of not more than \$25,000 per day. In Saskatchewan the fine for an individual's first offence is up to \$100 per day on top of a fine of \$25,000. For a second offence the fine increases to not more than \$100,000 plus more than \$200 a day. For a corporation a first offence is up to \$100,000 plus \$1,000 per day. For the second offence the fine is up to \$250,000 plus up to \$5,000 per day.

Mr. Speaker, the penalties of other provinces make Alberta's fine of up to \$100 per day look pretty small. Perhaps raising the fine for contravening the Public Health Act is something which is needed to be considered. It would certainly serve as a great incentive for property owners to ensure that properties do not become a health hazard.

However, the purpose of this bill is more specific than that. By simply increasing the fines for contravening the Public Health Act, we would not entirely solve the problem of landlords abusing the housing regulations of the Public Health Act. This problem is a landlord/tenant issue and should therefore be resolved in the legislation governing the landlord/tenant relationship. This is exactly what Bill 201 is designed to do.

Mr. Speaker, Bill 201 makes changes that should encourage landlords and other property owners to maintain their buildings so that they don't become run down. This bill was not designed specifically with that problem in mind; however, it may have a positive impact on this issue. Bill 201 might not resolve existing situations where neighbourhoods have fallen into disrepair and neglect, but it could help to prevent some neighbourhoods from falling victim to that problem in the future.

Mr. Speaker, Bill 201 accomplishes these goals by amending both the Residential Tenancies Act and the Mobile Home Sites Tenancies Act such that the landlords cannot deliberately make their property unfit for human habitation to force the current tenant or tenants to vacate their place within 48 hours. This action is clearly an unjust act by landlords and should not be permitted to continue. I think I clearly identified the problem which Bill 201 seeks to solve and the potential benefit that it could have.

Prior to this bill there appeared to be something lacking in the tenancy statute that allows this kind of action to take place. When a landlord wants to have a tenant removed from a rental premise, then the landlord should use the procedure that's available under the tenancy act, not the Public Health Act. Bill 201 is an attempt to make sure that the landlord does not use the Public Health Act to evict tenants unjustly. They should really have been using the process that was spelled out under the Residential Tenancies Act and the Mobile Home Sites Tenancies Act.

So in conclusion, Mr. Speaker, in my opinion Bill 201 is an excellent way of handling the concerns I have raised and making sure that these practices do not continue. Unfortunately it is up to the members of this Assembly to decide whether or not Bill 201 is the right way of dealing with this problem. I hope other members will agree and join me in voting in favour of Bill 201.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. member for Edmonton-Manning.

MR. GIBBONS: Thank you, Mr. Speaker. I'm pleased to stand today and speak on Bill 201, the Tenancies Statutes Amendment Act, 1999. The object of Bill 201 is to amend the Residential Tenancies Act, the RTA, and the Mobile Home Sites Tenancies Act.

Mr. Speaker, I find that we're just touching on a sliver of what we should be looking at. The main thing of this bill is appropriate remedies when a deliberate act or omission by a landlord renders a place unfit for human habitation as defined under the Public Health Act. Under Bill 201 no landlord would be able to issue a notice to vacate or terminate a tenancy agreement on the basis that the tenant vacate the premise as a result of it being unfit for human habitation under the Public Health Act.

The tenant's remedy under Bill 201 would be the following: one, the tenant is not required to pay rent until the landlord had complied with the order under the Public Health Act; two, the tenant may terminate the tenancy agreement. These remedies are in force for 30 days from the date the landlord provides notice to the tenant that the landlord has complied with the order under the Public Health Act.

Well, the Alberta Liberals believe that there may be some merit in this particular legislation, and the member may have brought this forward with the best intentions. We do believe that a comprehensive, not a piecemeal, review of landlord and tenant matters is warranted. This would involve a full consultation with concerned stakeholders, which appears not to have occurred with this particular piece of legislation. The Alberta Liberals support landlord and tenant legislation that suits the common needs of landlords and tenants and that encourages discussion and negotiations, not confrontation.

Mr. Speaker, I've been calling people throughout the province that I've met and talked to over the last couple of years, and they haven't been consulted. Who have we consulted with? Who has the member from across the floor and who has the Municipal Affairs department consulted on this one? Many MLAs have mobile homes or mobile home parks in their constituencies, but we have many poor owners of derelict homes that should be dealt with at the same time.

4:00

This Bill 201 is a sliver of the big picture, as I mentioned. We would also like to know how Bill 201 fits in with the housing symposium that was held by the minister back in June of 1998. The symposium made a number of recommendations in this area of low-income housing, modest-income housing, seniors' housing, and special needs. As the minister will remember, a statement there was: when pigs will fly will certain things happen. We would also like to hear from the Minister of Municipal Affairs regarding her views on Bill 201 and whether she has any intentions of moving forward with a comprehensive review of landlord and tenant legislation in the province over the next couple of years.

We'd like also to know how Bill 201 fits into the enhancement of enforcement provisions regarding derelict buildings. The Minister of Municipal Affairs is expected to introduce amendments to the MGA during the 1999 spring session to enhance enforcement provisions regarding derelict homes. In my view, this is part of the big picture. Once we just start picking away and going at slivers of what the housing symposium actually had in place, then we have a major problem on hand.

There are many amendments coming forward under this one, and this is where this should be brought forward. The main objective of this is to amend the RTA and the Mobile Home Sites Tenancies Act. The member across the floor mentioned one particular landowner. Landowners cannot be and shall not be -- and it should be looked at very closely. When this bill was last amended in 1983 -- we've had other bills come forward in the last couple of years dealing with the Residential Tenancies Act. Both of those should be tied in together and brought forward at the same time.

Under the Public Health Act medical officers may inspect public or private places for the purpose of determining the presence of a nuisance. A nuisance is a condition "that might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease." If as a result of an inspection the public health officer has grounds to believe that the public or private place is a nuisance, he/she may issue a written order declaring that the place or any part of it is unfit for human habitation under section 72.

If we go back and actually talk about what amendments are coming forward under the MGA, there are many things that can actually be set out. We can set higher minimum penalties or increase maximum penalties for offences. Other ones are insulating the municipalities from liability to property owners if the building is demolished, allowing the municipalities to add costs and enforcements to the tax roll of other properties and businesses, if

any, which the owner of the offending property owns.

Now, Bill 201, as it's relayed in this one, would prevent landlords from performing deliberate acts or omissions that render a residence unfit for human habitation by providing tenants with resources, legal remedies under the RTA or the MHSTA that would relieve or compensate the tenant from his or her obligation of paying rent under the tenancy agreement during the time period that the residence was declared unfit for human habitation. In addition, Bill 201 would give the tenant the ability, once the repair has been effected by the landlord, to re-enter under the terms and conditions of the old lease agreement.

Currently under section 16 of the MHSTA the landlord is required to take reasonable steps

- (i) to maintain the mobile home site sound and fit,
- (ii) to maintain the common areas habitable and in good repair,
- (iii) to maintain all electrical, plumbing, sanitary, heating, fuel and other facilities.

In my past life I did a lot of inspections in mobile homes, and I'm favouring what's happening, but I'm not favouring it in the way it's standing right now with one section coming forward at a time.

We recognize and support the need for legislation that suits the common needs of landlords and tenants under the RTA and the MHSTA. The Alberta Liberals support the landlord and tenants act.

At this time, Mr. Speaker, I would like to present an amendment to the second reading of Bill 201. I move the following: that the motion for second reading be amended to read that

Bill 201, the Tenancies Statutes Amendment Act, 1999, be not now read a second time because the Legislative Assembly believes that a comprehensive review of landlord and tenant legislation is required, involving extensive consultation with concerned stakeholders, before proceeding with this bill.

THE DEPUTY SPEAKER: Hon. member, we'll just wait a moment so that the affected members can have a chance to read it.

Hon. Member for Edmonton-Manning, you may now continue with your reasoned amendment.

MR. GIBBONS: Mr. Speaker, the reason that I put this amendment forward is not the fact that I really feel at this particular time that the actual change to the bill is not warranted but that it should be brought into the bigger picture of incorporating everything. That's why I feel that this amendment should go forward, so we don't have this bill going to the second reading. It goes back to the Municipal Affairs department, and they can actually work on it.

As it is piecemeal, we just think that we're going nowhere with this particular one as it sits. We have a bigger picture in Alberta with a shortage of housing. We have another item with the derelict homes coming forward, and the house shortage in Calgary, Grande Prairie, Fort McMurray, and Brooks -- and we do know that there are items going on in Brooks that are going to help eliminate some of these problems but not very fast. We would like and ask for the member who brought this forward, as well as the Minister of Municipal Affairs, to actually look at this and to hold back and do it all at one time.

Thank you.

THE DEPUTY SPEAKER: The hon. minister responsible for science, research, and information technology.

DR. TAYLOR: Thank you. Mr. Speaker, I'm pleased to rise and support this hoist motion.

THE DEPUTY SPEAKER: It's a reasoned amendment, not a hoist.

DR. TAYLOR: Okay. I'm pleased to rise and support this. I hate to use the words "reasoned amendment," but it is something that I can support at the present time. I will speak on my own personal behalf as opposed to that member speaking on his party's behalf. So the views that I represent here are my own views. They do not necessarily represent the views of the caucus. This is a private member's bill and should be representative of our own personal views as opposed to the views of some particular political organization, as it was presented over there.

4:10

Well, Mr. Speaker, I personally can support this reasoned amendment for several reasons. I think the member opposite did make a good point, that the whole act needs to be reviewed. We need to open up this whole act at some future date, perhaps three or four years down the road, and review the whole act. [interjections] The members over there are suggesting a roundtable, and I would suggest that that may be an appropriate way to do it.

You know, as a government we have openly and honestly consulted Albertans on any number of issues. We've consulted them on issues of the environment. We've consulted them on issues of health care. In fact we're going to have a health care summit here relatively shortly. We've also consulted them on -- yes, Mr. Speaker, this is on the bill, on consultation, taking the opposition's suggestion that we should consult with Albertans. We have just completed a summit on justice. We've also done the Alberta Growth Summit. We have a member here, Calgary-Egmont, who was intimately involved with the Alberta Growth Summit, and I hope that he might get up and provide some discussion on how valuable it is to consult Albertans on all issues.

So I agree with the members opposite. We need to consult the stakeholders in this whole area of landlord tenancy, and there are several hundred stakeholders. I'm sure that organizations such as the Alberta apartment association would need to be involved. I would suggest that Municipal Affairs will make a commitment to consult.

Now, I'm speaking on my behalf. I don't want to put words in the hon. minister's mouth, Mr. Speaker, but I'm sure she would make a commitment to consult Albertans, consult landlords, consult tenants before she changed the act. I see her nodding some agreement there.

Right now there has been no consultation with landlords. There's been no consultation with tenants. There have been no consultations with advisory boards in respect to the proposed changes that the hon. Member for West Yellowhead brought forward.

Now, he brings these forward with the best intentions. I know this gentleman, and he is a very well-intentioned gentleman. He represents his constituency, I can tell you, in caucus in the most vociferous terms, and he represents his constituency in this Assembly in the most vociferous terms. When he brings something forward, it is a serious issue to him and is a very important issue to him. So he brings this issue forward with all good intentions.

MRS. SOETAERT: With some vociferousness.

DR. TAYLOR: With some vociferousness, as the Member for Vociferousness herself has suggested. Mr. Speaker, I'm doing my best in spite of the harassment from the opposite side there.

AN HON. MEMBER: You wish, honey; you wish.

DR. TAYLOR: Mr. Speaker, it has been suggested that I wish for harassment. Well, it depends on who suggested it.

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: There is line in Shakespeare about protesting too much, but I won't quote any further. If the hon. member would address himself to the reasoned amendment and continue his reasons for supporting it or opposing it without interacting with the all too busy member from we all know where. Hon. minister, if you would continue in that light and address your comments to and through the chair.

DR. TAYLOR: Yes. I'll do my best, Mr. Speaker. The member is actually the Member for Spruce Grove-Sturgeon-St. Albert, not from "we all know where." So I'll just make that one little correction.

Debate Continued

DR. TAYLOR: I am speaking in favour of this very reasoned amendment. You know, there are some questions that I would pose to the member that proposed this original amendment to the bill. What does it mean, for instance, to tenants in the long run? Would tenants be obligated to stay in units that are unfit? That's why we need to open the act and review the act. Say you take a year's lease with a landlord and the building is declared unfit and the tenant has to move out. Then the landlord goes in and makes the building fit for human habitation. Would the tenant be required to live up to the terms of the lease even though he's already had to move out? Would he be required to move back in? Would we get the courts involved in settling a number of these disputes? We know that can take forever unfortunately. So we have a number of questions, and that's why, once again, I support the reasoned amendment from the side opposite.

I've got some other concerns that I think we need to look at quite carefully. The member has suggested in his original speech fines of \$2,000 a day, matching the socialists on the east of us and the socialists on the west of us, utilizing them as models, and I would suggest to the member they certainly aren't models that we want to emulate in Alberta. We need to develop our own plan and our own models to solve some of these issues, not made in Saskatchewan, not made in B.C. models, Mr. Speaker. I really can't imagine a worse scenario, looking at those areas, and I think those scenarios must have been slipped in on the member by some uncaring researcher who perhaps slipped it by the member, and he wasn't really aware of it. So we should get our researchers a little more on the ball here, Mr. Speaker, not having them using models from other jurisdictions like that. It's quite shocking really.

Once again, we need to open the act to develop an Alberta model. [interjections] Thank you, Mr. Speaker, for glaring down those members. I would point out to you that tenants, if they are wrongly evicted, already have legal things that they can do. They have legal remedies they can take. You know, if you as a landlord wrongly evict a tenant, that tenant can take you to a landlord and tenant board. He or she can take you to court. There are appropriate legal remedies. So at the present time I don't think this act is needed.

There may be also other ways to address this problem other than the tenancies act. Maybe the Public Health Act is the right way to address this problem. What we're trying to do for one situation where apparently -- the example I think in the speech was that a landlord pulled a pump out of a well and declared the place unfit, and the tenants had to move out. You know, we're opening a whole act, and perhaps there are more appropriate ways. Perhaps the courts, perhaps the landlord and tenant board is a more appropriate way to do that. So I think there may be other ways to address some of these issues. Increasing fines might even be one.

AN HON. MEMBER: You just said no.

DR. TAYLOR: No. I said that we need to develop our own model, not a model based on other provinces. So we may have to develop some model for Alberta in terms of fine increasing and what you fine tenants or landlords for.

MR. McFARLAND: Two thousand less the sales tax.

DR. TAYLOR: The suggestion has been, Mr. Speaker, \$2,000 less the sales tax. That's a very creative suggestion, I would suggest, but probably not appropriate.

There are a number of issues for this in support of the member opposite's reasoned amendment. I think it is necessary that we accept this amendment and give the Minister of Municipal Affairs some time to consider it. Give the Minister of Municipal Affairs some time to take a look at the act and at some later date bring back a resolution of this to the House. So I would encourage all members on both sides of the House to support this very valuable, reasoned amendment.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Mr. Speaker. That was a very eloquent statement from that minister. I'm very impressed. I am pleased to rise to speak to the reasoned amendment today. I'm also pleased to see this initiative come forward from the Member for West Yellowhead, and I'd like to thank him for making this bill available this morning. This type of co-operative exchange is appreciated, as in the past we've had to respond to a bill without any advance indication of what the elements were. This allowed us to do a little bit of research -- albeit we still got it today -- and I appreciate that.

Mr. Speaker, I've been concerned with housing issues for a number of years. My constituency has a high number of rental properties and of course absentee landlords. Many of these homes are in dire need of major renovations. However, landlords seem somewhat reluctant to embark on any significant work as most of the homes are older and in the view of the owner not worthy of the cost of repair. A lot of these people, unlike myself, haven't undertaken to restore an older home, and the money pit comes to mind when I think about that, so I can understand why some landlords would not want to embark on an endeavour like that.

4:20

However, as a police officer, Mr. Speaker, I had the opportunity to be invited into many rental properties. I was always taken aback at the state of disrepair of many of these homes. In fact, I remember one home where the floor was so spongy I felt I would end up in the basement at any moment if I continued to stand in the spot that I was in. I called the health board. It took three months to have the home condemned. The family that lived in that home had an infant, and as most infants do, that child crawled around on the floor of the home. That, in my view, was a very dangerous thing for this young child to be doing, considering the floor was in the shape it was. This family was on assistance and paying market rates for this place. They couldn't move, and they couldn't move because they couldn't get another damage deposit up front to rent a safe, affordable home.

The focus of this bill, Mr. Speaker, is to amend this Residential Tenancies Act so that a tenant has appropriate legal remedies when a deliberate act or omission by a landlord renders the place unfit for human habitation as defined under the Public Health Act. The PHA

allows for a medical officer to inspect a private or public place for the purpose of determining the presence of a public nuisance. A nuisance in the Public Health Act is defined as "a condition that is or that might become injurious or dangerous to the public health, or that might hinder in any manner the prevention or suppression of disease." If an inspection shows that a public or private place can be declared a nuisance under section 72 of the Public Health Act, then a written order declaring that place unfit for human habitation may be granted.

Mr. Speaker, this particular bill is designed to deal with perceived inadequacies in the Residential Tenancies Act and in the Mobile Home Sites Tenancies Act as it relates to remedies available to tenants in the event that a landlord wilfully performs a deliberate act or omission with respect to a private place that frustrates or terminates a tenancy agreement. I would ask if the member has searched out other deficiencies in other sections of this act. This is in relation to the reasoned amendment, Mr. Speaker.

On September 29, 1995, a discussion paper on residential tenancies was released by Mr. Rick Beaupre, the executive director of the housing and consumer affairs division within the government. In this document he outlined the need for changes to these two acts. He stated that the changes should clarify in plain language the rights and responsibilities of landlords and tenants. He further noted that it should also enable a simplified, less expensive, and more expedient conflict resolution process. My concern is that the document I read contained 10 pages of potential legislative changes that would make this act more understandable in relation to responsibilities for both landlords and tenants. I'm wondering why the hon. member has brought forward only one of the issues identified in that report when an overall modernization movement would make this much more palatable to both tenants and landlords.

I've spoken to stakeholders in the community, and it appears there has been little or no consultation with those folks. Instead of me being presumptuous, I'm wondering if the member could advise the Assembly of what groups and stakeholders he has spoken to.

I also understand that a larger retrofit of this act is in the works. I would like to know if in fact this is true. That, in fact, would give credence to the reasoned amendment.

I have further been told that the stakeholders want a broad consultation with an overhaul of the act in its entirety. So I would like to also know if the member has considered alternative dispute resolution as a tool for landlords and tenants prior to legal remedies in small claims courts. The court process is shown to be very costly -- we heard that at the Justice Summit -- and inaccessible, and most tenants are not in a position to pursue this type of remedy. They often have to face a larger, more organized group, such as Boardwalk Equities in this city, and a more accessible and less costly approach may prove to be found in the ADR approach and would be appropriate in most of these instances.

I've been working with the Minister of Municipal Affairs in an effort to enhance the Municipal Government Act to give the ability to municipalities to deal with derelict housing. My constituents are looking for a more effective tool to deal with some of these issues, and I've recently drafted a letter to the minister looking for a definition of dangerous to public safety or property unsightly and detrimental to the surrounding areas. That seems to work hand in hand with this particular amendment. These changes would complement an overhaul of the RTA and the MHSTA. All would be acknowledged as more appropriate tools to work with. Legislation that recognizes needs of all stakeholders is essentially good legislation.

I support this bill, but I see this as another piecemeal attempt to change legislation that requires much more than what exists in this

particular act. That's why I would support the reasoned amendment, and I would urge all members of the Assembly to support the reasoned amendment. That does not take away from the certain legitimacy of the changes to the Residential Tenancies Act, because I think these are good amendments brought forward. However, I think the broader focus has to be looked at, and I think that's the right way to do it. I'm sure that the hon. member, in conjunction with the Minister of Municipal Affairs, would in fact be able to come up with some very dramatic changes through broader consultation that would in fact satisfy the needs of everybody.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Minister of Municipal Affairs.

MS EVANS: Thank you, Mr. Speaker. I, too, can support the amendment as provided by the Member for Edmonton-Manning, but I'd like to make a few observations about Bill 201 by Mr. Strang. If I may, it is absolutely correct that previously there were extensive consultations, and I think that is what this amendment speaks to. It suggests that there is more extensive consultation rather than taking an amendment in isolation from some of the other things. Previously, in 1989, an advisory committee did throughout Alberta do extensive consultation on this particular act.

I'd like to, however, cite that I think it has been of extreme value for the hon. member to introduce this bill, as noted by other speakers today, because in actual fact 34,000 inquiries were received by my ministry in the area of tenancy concerns. In addition, the landlord and tenant advisory boards located in Edmonton, Calgary, Fort McMurray, and Red Deer cumulatively handled over 98,000 inquiries on residential tenancies.

I'm told also, Mr. Speaker, on introduction of the bill that the hon. member had over a hundred complaints per year from tenants who were unhappy with the condition of their premises with respect to health. Clearly in my view this bill and the intent that's defined therein raises concerns that I think are legitimately managed not only through consultation but ever due vigilance from public health officials as well as from Municipal Affairs in pursuit of adequate and safe standards for shelter in this province. Simply put, no heat, appliances not working, infestation of any type of animal life, frozen water pipes, landlords shutting off water, gas, and heat, or water contamination are not acceptable. In one recent example a landlord who no longer wanted to have his tenants on his farm property had the water supply dismantled. The list is fairly extensive on the kinds of things that in fact I would certainly support to be examined in the consultation process, not only by our department officials but to be fully debated in a legislative review in this House.

I commend both the presenter of the bill and the mover of the amendment because I hear clearly in the speakers' comments to the amendment that there is a need for consultation, that there are concerned stakeholders. And because this comprehensive review I think ought to take place before any further amendments, I would speak in support of this bill.

4:30

THE DEPUTY SPEAKER: Okay. The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. It's a pleasure to rise this afternoon and address the Assembly in support of the motion as presented by my hon. colleague Mr. Gibbons, the Member for Edmonton-Manning.

Speaker's Ruling Referring to a Member by Name

THE DEPUTY SPEAKER: I hesitate to interrupt, but we've had two in a row. The minister referred to the mover of the bill by his proper name and not by his seat, and now you've done the same with the mover of the amendment. I know it's a brand-new session, but if we could remember that inside the Chamber when we refer to each other, we do so by their seat. Only the Clerks are naming our actual name. So if we could just remember that, that would be great.

Debate Continued

MR. MacDONALD: Thank you, Mr. Speaker. I also listened with interest to previous speakers on this bill, and this reasoned amendment is just a caution in the whole debate on landlords and tenants.

Mr. Speaker, it is with pleasure now that I explain to the House the graciousness of the hon. Minister of Municipal Affairs. Last year we had a problem between landlords and tenants. Most problems are not about evictions but are about increases in rents, and the minister saw a problem that affected the seniors of this province. The hon. minister studied this. She had it under review, and she decided she would wait a year, hopefully two, before implementing any further changes that are going to affect the rental increases that seniors must face.

The same applies with this reasoned amendment. We must serve Albertans. We must serve their best interests. If there is to be a comprehensive review of landlord and tenant legislation in this province, whether it be the Residential Tenancies Act or the Mobile Home Sites Tenancies Act, then let's do a broad, comprehensive review as suggested.

The establishment of a process of consultation, Mr. Speaker, is very important. It should be between stakeholders, and it should be over issues that have common concerns to both the landlords and the tenants. We know that in this province there has been a dramatic increase in enterprises that are holding large blocks of apartments, if you will. There's one particular enterprise -- the name escapes me at the moment, but not the number of apartments that they control. It's over 20,000.

AN HON. MEMBER: Boardwalk.

MR. MacDONALD: Boardwalk Equities has over 20,000 rental units in Calgary, in Edmonton, and I believe even in Grande Prairie and Fort McMurray, and they're expanding to Regina, Saskatoon, even to Ontario. Now, in the consultation process this company has to be involved. We are looking at apartment buildings that seniors -- when they sell their homes, they're going to want to move somewhere. They're going to want to know that they can have affordable rents, that they're not to be evicted and then the rents are going to be bumped up. These are all issues that can be discussed, Mr. Speaker, in this consultation. The review that the hon. Minister of Municipal Affairs is doing on seniors' housing perhaps can be incorporated -- this is just a suggestion -- into this review, and we will have a better province for it.

There are many frustrations for tenants, and that was clearly reviewed by other members of the House, Mr. Speaker. But we need to look at this entire province, and we need to look at how the legislation is going to affect the person who is living in a mobile home in rural Alberta on an acreage, and we need to look at how it's going to affect a senior in Edmonton-Manning. For this reason I'm fully in support of the Member for Edmonton-Manning and his reasoned amendment.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Lac La Biche-St. Paul.

MR. LANGEVIN: Thank you very much, Mr. Speaker. I, too, could vote in favour of the amendment as tabled by the Member for Edmonton-Manning, but I would firstly like to make a couple of comments on Bill 201. I believe that the intention of the Member for West Yellowhead in bringing this forward is because he sees that there's some kind of loophole there where some unscrupulous landlords can take advantage of a tenant. Of course, we have to realize that most landlords are very honourable and decent business-people who comply with the requirements of the Residential Tenancies Act, but there are a few people who are causing problems.

The intent of the bill was to look after these issues, because there are some tenants who have wrongfully been dismissed from the property they're renting. That was the intent of the whole bill, but if we can accomplish the same thing by having a broader review of the act, then we can come forward with some solution to handle these very few situations in the province, doing so to protect the renters that are being at times abused by some of the decisions that are made to expel them from their residences.

It's very sad to see when a family is given just a few hours by a health authority to move out because the house is uninhabitable, and they may not have another place to rent at the time. They may not be able to financially afford another damage deposit. There may be a number of reasons why these people are put at a disadvantage. This is only done because of unscrupulous landowners or landlords who decide that they may have another use for the building, and they will use some unethical ways to evict a person. Under the present act they can go through the legal tools that are available now, but it may take up to 90 days to evict somebody, and they may decide to short-circuit this and do it faster.

So this is the intent of the hon. member in bringing the bill forward, and I would vote in support of the motion to amend this as long as we have an understanding that we will do a review in the future and that we will look after these situations that have to be looked after.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. I, too, support the amendment to not read a second time Bill 201, the Tenancies Statutes Amendment Act, 1999, because of the need for a comprehensive review of landlord and tenant legislation. In fact, the minister of technology had indicated that perhaps one of the ways of doing this was to have a summit in order to consult. The only problem with the summits and roundtables that we've seen over the last four or five years is that there's no action as a result. So I wouldn't recommend that course.

What I would recommend is that there is a comprehensive review and that immediately following that comprehensive review and extensive consultation with the concerned stakeholders, there is some action provided from the Minister of Municipal Affairs. I'm sure that that minister will perhaps set a new trend in dealing with recommendations from summits and roundtables and immediately act on the recommendations that come forward.

Further to the comments from the minister of technology, perhaps the reason that we do have a private member's bill here is the fact that there has not been quicker action by the government to deal with the Residential Tenancies Act or the Mobile Home Sites Tenancies Act. Over the years we have also seen the need for legislation in

those two particular areas, but that has not been forthcoming from the government. Perhaps that's why there's the private member's bill and the need for that.

So, to conclude, I too concur that this particular motion for delay, in a sense, of the bill be passed, and I urge all members to assist in that endeavour.

4:40

THE DEPUTY SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. I'm pleased to have the opportunity to rise today speaking against the amendment but in support of Bill 201, Tenancies Statutes Amendment Act, 1999. I think the bill addresses an important issue, an issue that is particularly important in rural Alberta but is clearly relevant in urban Alberta as well.

When landlords want tenants to vacate their rental premises, they're supposed to use the procedures that are available under the tenancies act, not the Public Health Act. It seems as though the housing regulations of the Public Health Act offer landlords a loophole which allows them to evict reasonable, law-abiding tenants with much less than the three months' notice that's required under the tenancies act.

With this in mind I would like to commend the Member for West Yellowhead for his attempt to address this particular issue under a private member's bill, which is one of the best ways for private members to attempt to make changes they feel are necessary and changes that have had an impact on a member such as the Member for West Yellowhead. While sometimes these ideas arise from issues within our constituencies, they're sometimes simply a matter of principle. Either way, it's useful and important to the democratic process to have these issues debated in this Legislature.

Mr. Speaker, Bill 201 isn't a big bill, but it does address a number of important points. First of all, there is the issue of landlords who use the housing regulations under the Public Health Act to have tenants evicted from the premises prematurely. This is a situation which should not be allowed to continue. If a tenant has made no substantial breach of a tenancy agreement, then 48 hours is certainly not enough time for the tenant to find alternative living arrangements. It appears to me that this is simply a way for a landlord to take over his or her place without giving the necessary three months' notice required under the tenancies act. I was listening to the previous comments from Edmonton-Gold Bar, and it made me think that perhaps it's also a loophole that would allow an unscrupulous landlord to quickly evict somebody from their home in order to have somebody waiting at the doorstep who is prepared to pay \$100 a month more in rent.

Imagine a situation also where a landlord rents a house to a tenant, and one day the landlord decides that he needs to move into that particular home. Perhaps he's been forced to leave his previous accommodations, and now he or she is left without a place to live. What's important to remember is that this is not the tenant's problem. If the tenant has a lease agreement to live in the home and assuming the tenant has not committed a breach of the rental agreement, the landlord must give three months' notice to the tenants to vacate. This is a landlord's responsibility under the tenancies act.

In this case let's say that the landlord doesn't have three months to wait; he wants the place for himself right now. In order to get the tenants out of the home, the landlord commits an act which renders the home unfit for human habitation. This could be done in a number of ways; for example, the water situation that the Member for West Yellowhead suggested, shutting off the gas, or doing something to the heat supply. The landlord then calls the local

health unit requesting that a public health officer inspect the home. If the home is found to be unfit for habitation, then the tenant would have a minimum of 48 hours to vacate the building.

Under the Public Health Act the landlord would be subject to a fine of up to \$100 for each day that he remains in violation. If the landlord waits two days for the tenant to leave and then fixes the problem right after that, he would be subject to a maximum fine of maybe \$200 or \$300. In reality it could be much less. So the landlord has perhaps saved himself the cost of a three-month stay in a hotel or some other similar accommodation but left the tenant high and dry with the ongoing expenses of storage for furniture, moving, and living with family, friends, or perhaps at a hotel, all because it was perpetuated by the landlord.

Mr. Speaker, I can understand that cases like this are probably rare, but the fact that they can occur and do occur is reason enough for something to be done, and I believe it can be done without waiting for the broader public consultation issue, which could take two to three years.

If this bill is not the best course of action, then perhaps there is something else that can be done to protect tenants from this unfair treatment, but right now Bill 201 looks like the best way to improve the situation. The way I understand this bill, Mr. Speaker, it fixes the specific problem of landlords using the housing regulations under the Public Health Act to have tenants evicted prematurely without proper notice. There may be a different way to approach this problem, but it is in my estimation the best available way to prevent a similar reoccurrence in the future.

Besides the landlord and tenant component of this bill, it may have the added benefit of preventing some dwellings from deteriorating to the point of becoming hazardous, unsightly, or dangerous. The amendments in this bill may very well cause landlords to provide better maintenance of older buildings so they don't fall into disrepair and become abandoned. As long as a building has tenants, landlords will be encouraged to ensure that the building does not become unfit for human habitation as described in the housing regulations of the Public Health Act. This to me, Mr. Speaker, is a good thing indeed. Once a building falls into such poor condition, it's often just a matter of time before other buildings in the neighbourhood fall into the same condition, or perhaps a whole neighbourhood or community becomes a sore point. I realize that this bill is not specifically designed for that purpose. However, if it can help prevent some buildings or entire communities from falling into the same situation of eyesores and run-down buildings, it's certainly worth some support.

In closing, Mr. Speaker, I'd like to reiterate that it appears to me that there has been something missing in this tenancy statute which allows for this unfair practice of landlords evicting tenants using the housing regulations rather than using the proper channels available under the Residential Tenancies Act or the Mobile Home Sites Tenancies Act. Bill 201 looks to fill that void, and I would encourage all my fellow colleagues to support this bill.

Thank you.

THE DEPUTY SPEAKER: The hon. Minister of Labour has shown great deference to the chair by avoiding crossing in front of the Speaker and now can take his chair.

We'll hear from the hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. I rise today, the first time in the House during this session, to speak in a positive manner, as usual, in support of the amendment that we have in front of us. I'll keep my remarks restricted to the amendment and not to the main motion. However, the amendment is of a very, very wide

scope in that it asks for a comprehensive review. Previous members have pointed out some of the difficulties that landlords and tenants do face at the present time and why there is a need for a comprehensive review. There are two sides to that coin.

There are many, many landlords out there that are not happy with the present act because it can put them in some severe difficulties. There was the case that the member overseeing Beaumont would be familiar with, where it took a year for a landlord, at the request of other tenants, to finally get a tenant removed that was a nuisance to other tenants, creating loud noise and such. It took a year. That landlord tried everything, but because the tenant knew a few little loopholes that he would exercise, he got away with it for a year, made the life of the landlord miserable, made the life of other tenants miserable.

I recently dealt with a situation like that in my particular constituency that has now gone on for a number of months. The police are called on a regular basis. The stereo is intentionally turned up loud. Different tactics are used just to annoy other tenants who have complained.

4:50

If you go out there and talk to tenants -- and the good Member for Edmonton-Gold Bar made reference to a major landlord that should be consulted. I agree that landlords must be consulted in this process as well as tenants, because they would ask for remedies. When it's justified, particularly when it's being requested by other tenants in a multiple rental complex to have a tenant removed because of the nuisance or disturbance that particular tenant is creating for other persons, you have to sympathize, and you have to say that that person has some legitimate arguments.

Also from the tenant's point of view there are situations where tenants are finding it extremely difficult to get repairs done. Again without referring specifically to the name of a landlord, with any company that accumulates 20,000 units in a short period of time, you know things have to go wrong. Some of us, including myself, saw one of the local TV stations just the other night the complaints with the high-rise which I believe is called Highland centre, where it was raining in the hallways. It's gone on for months. The tenants there are organized now, they're fighting, and they're trying to do what they can do to get remedies, to be treated as they should be.

I know another situation in my constituency where the landlady went up to him and said, "Your rent is going up \$35 a month." He objected, saying, "You've got to give me 90 days' notice." The next day he had a 90-day notice to be evicted. So those are the types of things that can happen as well.

What the Member for Edmonton-Gold Bar has very, very wisely done is recognize that there is a need -- and possibly the Minister of Municipal Affairs already has it under consideration -- for a very, very comprehensive review of the existing landlord and tenant act that would look at the remedies that are available to landlords when it comes to having undesirable tenants removed that are a nuisance to other tenants in the building and also remedies for tenants who are being abused by landlords, in the sense that repairs aren't being done or their privacy is being invaded or they're being given improper rent notices and so forth.

Another thing, too, I think has to be done and has to be looked at when the act is reviewed. We do have a number of municipalities, including Edmonton and Calgary, that have landlord and tenant advisory boards. They're advisory boards; they have no clout. What they can do is they can bring a landlord and a tenant together. They can try and mediate or resolve differences by mutual agreement. However, no matter how wrong one party may be, the landlord and tenant advisory board can't direct that specific action be taken,

forcing the tenant in many instances to have to go to court; for example, to secure a damage deposit. A lot of times the expense of going to court can outweigh the amount of money involved, and even if the judgment goes to the satisfaction of the person filing, the other person may still refuse to pay. So you have to involve the bailiff, and it goes on and on.

There have to be remedies, but I think the most important thing is to start a comprehensive review, with participation by the landlord and tenant advisory boards, by tenant groups, by landlord groups, and so on and so forth. Take a really, really good look at the act. Come forward with recommendations for changes that would put some teeth into the act and make it a better world for both the landlord and the tenants.

On that note, Mr. Speaker, I thank you, and I conclude.

THE DEPUTY SPEAKER: The hon. Member for Athabasca-Wabasca on the amendment.

MR. CARDINAL: Thank you, Mr. Speaker. At this time I do not support the amendment, but I will speak on the bill itself. I'm pleased to rise today, of course . . .

Speaker's Ruling Relevance

THE DEPUTY SPEAKER: The hon. member is just advised that we are speaking on the amendment, and you must do that. However, you can craft it in such a way that your support of the bill is why you don't support the amendment or some such way. We realize that some people have prepared notes, but in actual fact before the Assembly this afternoon right now we have the consideration of the amendment as proposed by the hon. Member for Edmonton-Manning.

MR. CARDINAL: Well, Mr. Speaker, the amendment changes the principle and the intention of the bill. Therefore I am going to speak on the amendment.

Debate Continued

MR. CARDINAL: Thank you, Mr. Speaker. The Tenancies Statutes Amendment Act, 1999, sponsored by my honourable colleague here from West Yellowhead, from what I understand does not seek to make significant changes to the tenancies act. However, I believe these are changes worthy of serious consideration. I must say that I was rather disappointed, though, when I learned of what some landlords may do under the current rules and regulations. I realize that we are talking about a very small minority of landlords. Nevertheless there appears to be a loophole, if you will, in the current act and regulations governing landlord and tenant relationships, a loophole that may allow some landlords to abuse the system that is set up to put landlords and tenants on a level playing field. Landlord and tenant relationships can at times be rather problematic, and it is important that the laws and regulations governing those relationships are fair to everyone.

Mr. Speaker, the Mobile Home Sites Tenancies Act and the Residential Tenancies Act are both designed to ensure that landlord and tenant relationships are governed with a concept of fairness. It seems to me that perhaps a situation exists that puts tenants at risk of being mistreated by landlords with selfish motives.

Now, let me be clear, Mr. Speaker. By no means am I saying that landlords are sneaky and underhanded. It is just that the current situation allows for this type of behaviour, and a small number of landlords have chosen to use this trick to evict tenants. In fact, there are tenants out there who are less than desirable too, but their actions are strictly governed by the tenancies act. Landlords have legal

remedies, of course, when tenants violate their lease agreements, but when a perfectly good tenant is evicted in two days because of a landlord who wants them out of the residence for whatever personal reason, the tenant is being treated unfairly and should be protected. The landlord should have to give three months' notice, as is required under the tenancies act, and then wait. It shouldn't be possible for a landlord to use the housing regulations of the Public Health Act to make tenants leave sooner just because the landlord is impatient.

Mr. Speaker, I realize that this is not the main intention of the bill. However, if it is capable of producing this added result, then I believe it worthy of serious consideration. If landlords are prevented from deliberately letting their property become or making their property a public health hazard, then communities should benefit.

[Mrs. Gordon in the chair]

This is perhaps not a situation which occurs often, but it is something which has happened in Alberta and needs to be addressed. There are perhaps a number of different possible solutions to this problem. However, this bill appears to me to be a valid and effective way of dealing with the issue.

Thank you. I'm done.

Point of Order Relevance

MR. DICKSON: Madam Speaker, Standing Order 23(b) prohibits any member speaking "to matters other than the question under discussion." The item under discussion is an amendment. The member has been encouraged kindly by the Speaker several times to speak to the amendment. He persists in speaking to the bill and ignoring the amendment. I'd ask you to give the appropriate direction to the member.

5:00

THE ACTING SPEAKER: The hon. Member for Calgary-Buffalo is right. We are dealing with the amendment. I would ask the hon. member that is speaking to address his remarks to the amendment that's before us, please.

Thank you.

Debate Continued

MR. CARDINAL: Thank you very much, Madam Speaker. If I'm off the topic, I must have learned that from the Liberals, but I'm done with my speech anyway.

THE ACTING SPEAKER: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Madam Speaker. That intervention may appear too self-serving. It wasn't. Simply, I was hoping to get another couple of minutes.

Madam Speaker, I fully support the amendment. The reason I do is that over 90 percent of my constituents are renters. I have a very significant number of people living in low-income households. You know, when I see the effort that the member has put into his bill, clearly he's trying to respond to some issues or some needs that have come to his attention, but the reason I am so enthusiastic about this amendment is that it recognizes, it acknowledges that there is a housing crisis in the city of Calgary.

You know, it's not just in Calgary-Buffalo. I went to Calgary-Varsity where there was a meeting attended by a large number of seniors.

MR. SMITH: And the MLA.

MR. DICKSON: There was representation from the MLA's office, and I understand that at a subsequent meeting even the minister chose to attend. But if you'd had the opportunity I had, Madam Speaker, to listen to tearful seniors talking about the fact that they've had to relocate, that in some cases the experience of people has been rents going up 30, 35, in some cases 40 percent . . .

MS CALAHASEN: Amendment, amendment.

MR. DICKSON: The amendment suggests that what we will have is an opportunity to address those kinds of issues, Madam Speaker.

Well, you know, the amendment says that we need "a comprehensive review of landlord and tenant legislation." Madam Speaker, that is precisely what the people in Calgary-Varsity told me when I had a chance to listen to their concerns.

MR. SMITH: Who told you to get out there?

MR. DICKSON: Well, they wanted to talk to an MLA, Madam Speaker, and I was happy to accommodate.

The issue is this though. In Calgary, because there is absolutely no limit on the amount that people can raise rent -- they can do it twice a year -- there are a host of suggestions in terms of how we can provide some protection for tenants. That's the sort of thing we have to be talking about.

I'd suggest to the sponsor of Bill 201 that he should be bivouacked in the office of the Minister of Municipal Affairs. She had the thoughtfulness to invite this MLA and I know other MLAs to attend a housing symposium in the city of Edmonton; lots of enthusiastic people, lots of ideas.

I'm looking at a report that's -- I've lost track -- over several hundred pages of recommendations. Why is it that we don't see an opportunity to talk about this host of issues? This amendment affords us that opportunity. This amendment gives us the chance to ensure that we don't hive off one tiny little issue which affects some tenants. It hopefully spurs the Minister of Municipal Affairs on to start looking at the bigger picture, to look at the fact that a lot of people -- seniors, low-income people in downtown Calgary and in other parts of the city of Calgary -- cannot find a place to live. There is virtually no new housing coming onstream in Calgary. The small number of rental units are high-end rental units.

The reality, Madam Speaker, and the reason why this amendment makes such darn good sense, is that it acknowledges that there is a much bigger issue than the one raised by the sponsor of Bill 201. I think that what this amendment would afford us is an opportunity to look at why the provincial government is not doing something more concrete. You know, in Calgary we've got a housing authority, and there are some collaborative efforts from the private sector and from the city of Calgary and, yes, the member for Calgary-Bow is involved in that initiative.

You know, the minister says the right kinds of things. She says supportive words, but I think people want to hear the Provincial Treasurer. They want to know that this provincial government is prepared to provide some support, whether it's in land . . .

MS EVANS: Point of order.

THE ACTING SPEAKER: The hon. Minister of Municipal Affairs.

Point of Order Relevance

MS EVANS: Madam Speaker, it's my understanding that we're focusing precisely on the amendment of the landlord tenancy act.

THE ACTING SPEAKER: The hon. Minister for Municipal Affairs is absolutely right. We have before us an amendment. It has been brought up by the hon. Member for Calgary-*Buffalo* that the speakers on this side were not in keeping with the amendment. I would ask -- what's good for the goose is good for the gander -- Calgary-*Buffalo*, if you would keep within the confines of the amendment which we'll be voting on.

Debate Continued

MR. DICKSON: Madam Speaker, if I wasn't direct enough, what my copy of the amendment says is: "believes that a comprehensive review of landlord and tenant legislation is required, involving extensive consultation." What I'm talking about is what that consultation should look like; why it's important there be a consultation. What I'm suggesting is that what's required in this province is not focusing on this one little issue involving public health hazards and ignoring what is the far bigger issue for people that I speak to in the city of Calgary, that I read about, that I hear about, and that issue is a supply of safe, affordable housing. That's one of the things that I can guarantee you is going to come through very loud and very clearly from the consultation. Those are the stakeholders that I'm encouraging to be spoken with.

It seems to me that, in fact, if we look at those people who are directly affected and we look at seniors who have spent 10 or 12 years in the same building, their whole social network is within a couple of floors in the same building. They now have a rent notice that they have to vacate the building. Where can they live? They've been living in downtown Calgary for 12 years. The only place they might be able to find a place is in Bowness or Montgomery or in some far-flung part of the city of Calgary. The dislocation to these seniors is enormous. It's a huge impact. I think that that's the sort of concern we've got to be acknowledging in this House and we've got to be responding to.

So it looks to me like this legislative initiative from our friend from Edson is the one opportunity that I see in this government's legislative agenda to be able to start talking about this housing crunch. What the bill would not do and what the amendment will do is allow us to expand the scope and raise the horizon a little bit and look at a whole range of other issues that are of enormous importance to tenants. I keep speaking about tenants from Calgary. I don't mean to suggest there aren't huge housing problems in Brooks, Alberta; in Fort McMurray; in Grande Prairie. There are problems in Edmonton. We're starting to see the vacancy rate shrink, and that creates problems in the city too.

Well, you know, Madam Speaker, what this amendment does is it says that if you have a government that's prepared to take advantage of further economic activity and additional people moving into the city and more income taxes being paid and more people buying items from Alberta suppliers and service providers, great news, but there's surely a corresponding obligation to make sure that people have a place to live.

5:10

People we might consult as stakeholders are some of the people who come to Calgary who have a job and are living in a hostel. They're living in a Salvation Army centre. They have a job. They're making money. They've come from Glace Bay or Newfoundland or Saskatchewan. They've got a job. They didn't all go to Fort McMurray. Some of them are living in downtown Calgary. They are working. They're going to be paying taxes, they're going to be buying services and goods from Albertans, but they can't find a place to live. I expect that there are people in Fort McMurray who have

that same kind of experience. What this amendment would do is allow us to start talking about those kinds of issues.

So, Madam Speaker, it's not good enough. As positive as it was for the minister to do the housing symposium -- and I applaud that initiative -- we don't need just more talk about the problem. What we need is action. What we need is something meaningful that's sort of impacting the streets of our cities that are experiencing the housing crunch. This amendment would allow us to do that.

There may be plenty of other stakeholders that I haven't even mentioned, but for the sake of those seniors in Calgary-Varsity, for the sake of those people that are having to move out of their walk-up apartments in Calgary-Currie, those people in Calgary-Fish Creek that may be having to move out of their rented accommodation -- they would want to see, I daresay, this amendment passed, and they'd want to see the follow-up action by the Minister of Municipal Affairs.

I would hope that if this amendment passed, we would see the Minister of Municipal Affairs in a position of having to answer virtually daily in terms of reporting what progress we're seeing to address the housing supply in this province, what positive action is being taken by her ministry to ensure that people who have a job here can also find a place to live, a safe place to live. Safety is the item that the initial sponsor of the bill had raised. As important as it is, it's simply one -- I think the Member for Edmonton-Manning talked about a sliver of a much bigger problem. The amendment allows us to deal with the bigger problem.

So for all those reasons, Madam Speaker, I'm going to encourage members to follow the lead of members on both sides who have spoken in favour of the amendment. Thank you very much.

MRS. O'NEILL: Madam Speaker, I'd like to rise to speak against the amendment. The reason I want to speak against the amendment is precisely because I don't want to get into a deliberation similar to what we've just heard here. I'd like to paraphrase something: I may not agree with the bill as it is presented, but I'll defend the sponsor's

right to debate it for as long as we have.

Therefore, I will, Madam Speaker, speak against the amendment, which suggests that we not deal with this issue right now. That's what the amendment says. I'd like to speak against the amendment, too, because I believe that the intention of this bill was to create legislation that will protect tenants who are being unjustly evicted and to correct some practices that exist and are being visited upon some very vulnerable tenants.

If we were to accept this amendment, we would delay the opportunity to correct a sad, misconstrued practice. Earlier today we heard much debate around the sense of urgency, and I would suggest that this amendment only calls for delay, a delay that would be incurred, should "a comprehensive review of landlord and tenant legislation" take place as proposed, "involving" -- and that's what the amendment says -- "extensive consultation . . . before proceeding." I am not against extensive consultation, as proposed by the amendment, but I am against it if it doesn't allow us to proceed by correcting an unfair practice that is happening right now.

Having said that, Madam Speaker, I wish to adjourn debate. Thank you.

THE ACTING SPEAKER: Having heard the motion by the hon. Member for St. Albert to adjourn debate, all those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: It is carried.

[The Assembly adjourned at 5:17 p.m.]

