



Province of Alberta

The 30th Legislature
Second Session

Alberta Hansard

Tuesday evening, April 7, 2020

Day 15

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta
The 30th Legislature
Second Session

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Legislative Assembly of Alberta

7:30 p.m.

Tuesday, April 7, 2020

Government Bills and Orders Committee of the Whole

[Mrs. Pitt in the chair]

The Chair: Please be seated.

Members, I'd like to call Committee of the Whole to order.

Bill 3

Mobile Home Sites Tenancies Amendment Act, 2020

The Chair: We are on amendment A2. Are there any members wishing to speak to amendment A2 on Bill 3? The hon. Member for Edmonton-West Henday.

Mr. Carson: Thank you, Madam Chair. It's an honour and a privilege to rise this evening to discuss the amendment that is before us, of course, amending Bill 3, the Mobile Home Sites Tenancies Amendment Act, 2020, that has been put forward by the Minister of Service Alberta. Overall, I appreciate what the minister has put forward in this legislation. I appreciate the extraordinary circumstances that people in mobile-home communities find themselves in right now, not just during a pandemic, which we're seeing in front of us right now, but even before then.

You know, when I was elected five years ago to this Legislature to represent Edmonton-Meadowlark at the time, Westview Village is a community that I had the honour of representing, and they were very concerned about what they saw as, well, rising lot fees. Of course, we've had quite a bit of discussion here in the Legislature about how while a mobile home is, in terms of a mortgage or a loan, an effective way to home ownership, an affordable way in many instances, the bigger concern is: what happens after 10, 20 years, when we look at lot fees that are now becoming just as expensive and in some circumstances, as you pay down your equity on your loan, becoming more expensive than the loan on the building itself?

There are many concerns, some of which will be addressed by Bill 3, on the ability of homeowners and tenants in these mobile-home communities to access dispute resolution services. This is something that these communities have asked for for many, many years, so I appreciate that the minister has brought forward their concerns and put them into legislation.

Now, as I shared today and in the past as well as this conversation around Bill 3 has been taking place, I have some concerns with what the legislation says that's been presented to us, one of those issues being, of course, the amendment that's in front of us. When we look at submetering or the ability of mobile-home community owners, the owners of the property itself, to provide things like electricity or plumbing, sanitation, heating, fuel, other utility pieces like that, we see some mobile-home community management companies providing those to homeowners, and we've also seen concerns from homeowners and tenants that there's not necessarily enough transparency around those issues, whether it's actually the case or if it's just a perceived case of a lack of transparency.

With this amendment before us, once again, we see that it will strike out some of the wording in the legislation that excluded the ability of tenants or homeowners to hold these companies accountable when it comes to utility payments and the transparency therein. So I think I would thank the Member for Edmonton-Gold Bar for bringing this amendment forward, because I think it is very important, and it's something that I've heard across the province.

Once again, some mobile-home communities do provide the utilities to their tenants, as we see in this amendment, but it's not always the case. But when it is the case, we should be providing an opportunity for those owners or those tenants to be able to hold those companies accountable. I'm very interested in seeing where the minister stands on this piece and maybe, specifically, why the minister decided to leave it out.

I know that the UCP caucus has moved in some instances to hold utility companies accountable, maybe not as much as they should, necessarily. We've heard from the Minister of Energy, I believe, talking about the fact that utility companies will not be able to take advantage of tenants and consumers during this COVID pandemic, and I appreciate that. Now, I think we can go a step further and ensure that it's enshrined in legislation to make sure that these tenants and these homeowners and the people that live in these communities also have the accountability and transparency that they're asking for.

Utility fees are all over the place right now. When we were in government, we had a cap on electricity fees. Unfortunately, this government came into power, this UCP government, and they decided to get rid of that cap, and what we've seen is an increase to utility costs and electricity fees in many instances. We want to make sure that if that is happening, once again, homeowners or tenants in these properties have the transparency that they need to ensure that they're getting what they paid for. Really, at the end of the day, that's what a lot of Bill 3 – or the intentions, I would say, behind it – is: ensuring that there's transparency for the people that live in these communities.

It's an incredibly complex relationship, not only from the tenant to the homeowner, in many instances, but also in the cases where lot fees go up in these communities. Well, now the homeowner has to go to their tenant and ask them to potentially pay more, if they're not already doing so, to cover those increased costs. I understand that relationship and I respect that relationship, but it's something that we need to continue monitoring. Once again, I think that Bill 3 addresses some of those concerns, but this amendment before us, as put forward by the Member for Edmonton-Gold Bar, just takes it one step further to strengthen the legislation.

With that, once again, I would urge all of my colleagues to support this amendment, and I thank the member for bringing it forward. Thank you.

The Chair: The hon. Member for Edmonton-Whitemud.

Ms Pancholi: Thank you, Madam Chair. I'm pleased to rise today. This is my first opportunity to speak to Bill 3, the Mobile Home Sites Tenancies Amendment Act, 2020. In particular, it's my first time to speak in Committee of the Whole and to speak to the amendment that was brought forward by the hon. Member for Edmonton-Gold Bar.

As the Member for Edmonton-West Henday just spoke very clearly about, the intention of this amendment is actually consistent with what we believe is the intention behind Bill 3 to begin with, which is that we are trying to ensure that tenants and landlords on mobile-home sites have access to the same resolution processes that tenants and landlords in other settings have. In particular, I was privileged to speak last week in this House to Bill 11, which was brought forward by the Minister of Service Alberta, which was intended to put into legislation some of the provisions around preventing rent increases and preventing late fees from being charged through this period of a pandemic, that we are currently in. I very much appreciated and spoke in favour of Bill 11. I thought that was an important change to make, and I was pleased that the minister was engaged in a very good discussion about it.

During those discussions we highlighted that because Bill 3 was currently before this House, there was no opportunity to really ensure that the protections that were put forward in Bill 11 applied equally to mobile-home tenants and landlords. While I regret the fact that it wasn't possible and it wasn't done last week to incorporate some of the provisions in Bill 3 into Bill 11 – and I understand, of course, that there are procedural challenges to doing that when a bill is already before the House. I only regret the fact that we had to come back again to do this. It would have been preferable, of course, for all members and for the public, that we do as much as we can as quickly as we can and as efficiently as possible.

But I do appreciate that the minister heard some of the concerns from the members on this side of the House while expressing support for Bill 11 and also having some hesitation around the fact that because Bill 3 had not passed, mobile-home tenants and landlords would not have access to the residential tenancy dispute resolution service.

Again, I appreciate that the minister has brought this forward, back to us, because, of course, the intent in bringing it back towards the House right now is that we want to ensure that all landlords and tenants have access to the same level of justice and opportunity to have their rights and issues heard expeditiously and efficiently and in a cost-effective way for all parties. That's the intent. But, of course, we know that there are issues that are unique to the mobile-home tenancy situation. I believe that my colleagues the Member for Edmonton-Gold Bar as well as the Member for Edmonton-West Henday have done a very good job of highlighting where it's important that there are consistencies with respect to how mobile-home tenants are treated and where there are unique qualities.

7:40

With respect to amendment A2, that was brought forward, I think this is a recognition that there are some unique circumstances around the landlord-tenant relationship in mobile-home sites, and in particular there are issues related to utilities and submetering that may not be consistent in other tenancy relationships but are certainly a significant concern to those individuals who live in mobile homes. I trust very well the information from my colleagues, and I'm sure a number of the government caucus members who have a number of mobile-home sites in their ridings would agree that they are probably hearing these issues as well. This is not something, I think, that will come as a surprise.

There are unique issues related to submetering and utilities that need to be addressed. If the goal with both Bill 3 and Bill 11 is to ensure that all who are engaged in a tenant and landlord relationship have access to the same level of justice – and that's really what we're talking about when we're talking about having access to the residential tenancy dispute resolution service. The heart of that, an administrative tribunal such as that, is to ensure that individuals have access to justice quickly.

I listened to my colleague the Member for Calgary-Mountain View speak earlier today and talk about respect for our court system, which I share as well significantly. But we also know that one of the challenges with the court system is, of course, how long it can take for matters to be heard. We know that it can be very costly. We know that it can be very daunting to individuals to have to engage in the court process. It's usually perceived that they may have to hire a lawyer. For many in those situations, they do not have the money to do that.

The whole intent behind having the residential tenancy dispute resolution service, which was brought in many years ago, was to have a quicker, expeditious way for matters between landlords and tenants to be heard without incurring a significant amount of cost

and dealing with those issues quickly. Really, when we're talking about a landlord-tenant relationship, usually the matters need to be addressed quickly because there's an ongoing relationship, that's month to month often, and those issues need to be resolved quickly. So we need to make sure that individuals who live in mobile homes have access to that service.

What we're saying with this amendment is that there are certain issues that should be included within the authority of the residential tenancy dispute resolution service and should not be referred to courts. Again, referring matters to courts simply drags out the issues for a significant amount of time and is very costly and can be a barrier to justice. This is true for both tenants and landlords. This is meant to create even footing for all the parties, and again it's consistent with the objectives of Bill 3, which is to make sure that landlords and tenants in a mobile-home setting have the same access to those services.

We believe that the amendment that was proposed by the Member for Edmonton-Gold Bar allows for clarity. Right now we believe that as it's set out in Bill 3, it is not clear that issues related to submetering and utilities must remain within the residential tenancy dispute resolution service and would not be referred to the courts. This is a top issue for those who are affected. I believe we are saying that the residential tenancy dispute resolution service is the appropriate place to be hearing matters, to deal with them expeditiously, and therefore I believe that this amendment is consistent with the goals and objectives as set out by the Minister of Service Alberta.

I encourage the members opposite to consider this to be a friendly amendment, to be something that is intended to further the objectives of the legislation as proposed by the minister, and to see this as an opportunity to ensure access to justice for all.

Thank you, Madam Chair.

The Chair: Are there any members wishing to speak to amendment A2? The hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Madam Chair. I'm pleased once again to rise to speak to an amendment to Bill 3, this time A2. It has at its heart an issue that is very common to disputes found between members of the rental community in mobile-home parks and their landlords. The utility charges and the whole issue of submetering is a long-standing issue that has been the subject of huge acrimony over the years, and it's a continuous source of strife between landlords who own mobile-home parks and their tenants. Typically one will find that a mobile-home park will be billed by the utility company for utilities, and then they will subsequently charge their tenants in some fashion to recapture those costs.

It's quite often now done by submetering, and those meters are private meters. They're not public utility meters like we find in our own homes or perhaps even sometimes our businesses as well. They are meters that are installed at the cost and direction of the landlord so that they might individually bill the tenants for the utilities that they use during the period of their tenancy. This gives rise to abuse – and it has flared up often; sometimes it's innocent, but in many cases it's intentional – whereby the landlord is basically using the revenue stream that he might derive from submetering utility charges as a cash cow. That, of course, raises the ire of the tenants right away, who, of course, want to see the cost of utilities that they're charged simply flowed through and not added on, not having a percentage added on, not being used as a method of capturing revenue on top of what they already are charged for rent. It's given rise over the years to very many acrimonious disputes.

I think this is one issue that shouldn't necessarily be thrust upon the courts because it is certainly one that comes up fairly often, and

it's one that I think can be dealt with quite easily and more efficiently and at less cost and more quickly by the dispute resolution service. It's something that the courts shouldn't be burdened with, and it's seen to be, even amongst the owners of mobile-home parks, something of a practice that shouldn't be engaged in any longer although it has a long-standing history.

I know I was on the Internet this afternoon, and I happened upon a chat room site that was quite interesting. It was one that was conversations between current owners of mobile-home parks and prospective owners, those who were thinking about making a purchase. They're asking about the issue of submetering and how to go about it if you're buying or if you own a mobile-home park that has a utility company that simply provides you with the utilities and is fed right through without being metered to your individual tenants. How do you, then, install a metering system? How do you go about it, and should you get a plumber to do it? What certification is required? What's the cost per door? Some of the cost figures that I saw were between \$200 and \$400 to install a meter per each mobile-home unit, so it's relatively inexpensive to do it.

I know that the utility companies, of course, initially would just bring the power and bill the landowner because that's where they have the ability to capture delinquent customers, because they hold title to the land and you can charge the land if indeed the utilities aren't paid, whereas it's a little bit harder to get after somebody who's not paying the utility charges if they're a tenant.

However, the abuses that have been suffered by tenants because of submetering have resulted in many calls to action to provide a more balanced and level playing field for the complainants versus the plaintiffs in cases involving abuses of submetering and landlords using the utility charges as a revenue stream to add more to their bottom line. Tenants really object quite quickly to being charged more than they should be for utilities, more than the landlord is actually charged. However, they don't actually have the access to know exactly what the cost of their individual utilities might be because the landlord doesn't always share that information with them in the submetering systems that might exist.

7:50

This will give rise to the opportunity for a tenant in a dispute resolution service hearing to actually go ahead and demand that the true information be brought forward in a way that is affordable for a tenant because, as I mentioned in previous remarks on this bill, tenants who are in mobile-home parks tend to be typically in the lower end of the socioeconomic spectrum. They're attracted to mobile homes because they are more affordable than a single-family dwelling. They have other attractions as well, because they are mobile, as the word implies, and they can take the property of the home with them if they do change jobs or perhaps move to another part of the country. It doesn't happen very often. It's pretty expensive to do that, but it is something that does attract some families to buy them.

Because of the fact that the individuals who are owners of these mobile homes are usually not particularly well heeled, it's important to ensure that any dispute resolution mechanism that is afforded to them is one that is within their abilities to pay for. Of course, courts are certainly, as is well known, extremely expensive to pursue an action in, and they can be extended for huge periods of time. As had been mentioned by my colleague from Edmonton-Whitemud, the word "daunting" comes to mind when a tenant is looking at launching a court challenge to protest the charges that have been charged for utilities as a result of submetering in a mobile-home park.

This amendment A2 is a reasonable way to direct that the playing field be levelled so that individual tenants in mobile-home parks

who have a dispute with a landlord over the excessive charges of their utilities can contest the charges in an affordable way and receive a timely resolution in a way that invites them to resist just simply surrendering and paying and, perhaps as a matter of serving not only themselves but other tenants in the mobile-home park, to go ahead and challenge the landlord's charges that they think are excessive.

In that chat that I mentioned that I came across on the Internet, it was interesting to hear landlords and prospective owners of mobile-home parks, when they're talking about submetering, suggest that it shouldn't be a practice of a landlord to charge more than the actual utilities' cost because that was a way of inviting the wrath of their tenants right away. One of them indicated that it's a quick way of inviting trouble. It's a well-known concept amongst the owners of mobile-home parks, and the word to the wise to those individuals who were on that chat who were thinking about buying a mobile-home park was: yeah, go ahead and get into submetering, but if you're going to do that, don't be using it as a cash cow because you'll get into trouble right away.

Certainly, the threat of a lawsuit or a court action by a tenant is something that most landlords would shy away from, but there are those who are quite willing to make a bet that the tenants that they are charging more than the utilities are costing them will just simply pay and shut up. That's not necessarily a question of sort of the family-run business. It may be a corporate decision. It may be a business practice and just simply looking at the numbers on a flow sheet and saying: "Hey, why not go ahead and do it? We'll just take them, drag them through the courts, and, you know, see who squawks and see who folds." If indeed the dispute resolution service was available to tenants and that's the way these types of disputes had to be dealt with, then that decision, that business decision, if indeed it's as dispassionate as that, would probably be given a lot more thought because the landlords would know that the mechanism by which a tenant could challenge their excess charges by way of submetering would be easier to access and more likely to be taken up by tenants.

I'm very, very pleased to see this amendment brought forward by the hon. Member for Edmonton-Gold Bar. I hope that the members opposite will see the wisdom of throwing their support behind this reasonable amendment as well and acknowledge that any time we do have a business situation, we don't want to tend towards monopoly. We want to have a level playing field where fairness dictates the rules and where everybody has an opportunity to participate in a way that doesn't exploit one party or the other.

With that, I think I'll open it up to anybody else who may see fit to make some comments and, beside that, make their effort to either have the opposition lay down their sword or to invite the government to accept our offer to pass this amendment. Thank you.

The Chair: Are there any other speakers on amendment A2?

Seeing none, I will call the question.

[Motion on amendment A2 lost]

The Chair: We're back on the main bill, Bill 3. Are there any speakers to the bill? The hon. Member for Edmonton-West Henday.

Mr. Carson: Thank you, Madam Chair. It's an honour to rise once again. I'm a little frustrated about how that last vote went. I thought we had it but not this evening, unfortunately for those communities.

Nevertheless, I have another amendment. I have the required copies of this amendment.

The Chair: This will be known as amendment A3.

Hon. member, please proceed.

Mr. Carson: Thank you, Madam Chair. The amendment states the following: I move that Bill 3, Mobile Home Sites Tenancies Amendment Act, 2020, be amended in section 3 as follows: the proposed section 59.7 is amended (i) in subsection (1) by striking out “An application to the Dispute Resolution Service” and substituting “Subject to subsection (1.1), an application to the Dispute Resolution Service” and (ii) by adding the following immediately after subsection (1):

(1.1) The Dispute Resolution Service must not charge a fee for an application made to it by a tenant.

The proposed section 59.8 is amended by striking subsection (n) and substituting the following:

(n) respecting the fees that may be charged by the Dispute Resolution Service to a landlord and providing for the waiver of any fee.

Now, this amendment will take out the \$75 fee to use the residential tenancy dispute resolution service. Now, Madam Chair, given the dire economic circumstances that we are faced with, the COVID-19 pandemic, fees should be waived to access the RTDRS. Now, this amendment will only allow it to be done in regard to mobile homes. I do encourage the minister to do it for all people accessing residential dispute resolution services. I and my colleagues would fully support that change, I believe.

Now, the minister spoke this morning about how an administrator has the power to waive fees, and I appreciate that waiving fees is possible. Rather than forcing people to prove how difficult their economic situation is while also experiencing issues in a landlord-tenant dispute as well as all of the stresses with the pandemic that we're in, access to the RTDRS should simply be free, at least for the time being, Madam Chair.

Once again I would urge all of my colleagues to support this, recognizing the fact that the residential tenancy dispute resolution service is going to be heavily subscribed over the next several months with the COVID-19 pandemic in front of us. It will continue on, so I have grave concerns about the fact that people across this province are struggling with the idea of affordability and how they're going to pay for things like rent, like utilities, which we've been discussing this evening. We have to ensure that while, on one hand, we're enabling mechanisms for dispute resolution for mobile-home communities – once again our caucus supports Bill 3 and the idea that it brings forward. We want to see some of these changes, and removing the fees for the dispute resolution service is an important part of that.

8:00

Once again, the relationship between property owners or mobile-home community owners and landlords and tenants alike is a very complex relationship, and in my discussions with not only tenants in these communities but also the property owners, the park owners, they also recognize the incredible opportunity that we have to create efficiencies in the court system by removing many of these cases that should be in front of a tribunal and not taking up space in courts. They recognize the opportunity there, and we have to ensure that we are making these changes keeping in mind that \$75 is still going to be an obstacle for people across Alberta to manage in these trying times.

Once again, when we look at fees like utility fees going up and people dealing with the fact that many, many families have lost income, whether somebody lost a job or whatever it might be, we need to ensure that we are not putting hurdles in place to these people that need support.

So once again I would ask all of my colleagues to support this amendment. I hope that this time we can actually get a response from somebody on the government side because at this point,

Madam Chair, I mean, these are incredibly important ideas to my communities and to the Member for Edmonton-Gold Bar's communities. I know that there are people on the government's side who have heard these concerns, so I really hope that they will stand and speak to these issues for their constituents.

Thank you, Madam Chair.

The Chair: Are there any members wishing to speak to amendment A3? The hon. Member for Edmonton-Highlands-Norwood.

Member Irwin: Thank you, Madam Chair. It's an honour to rise and speak to Bill 3, the Mobile Home Sites Tenancies Amendment Act, 2020, and specifically to this amendment in front of us. I haven't, however, had a chance to speak on this bill at all yet, and I also missed the opportunity to speak on Bill 11 given our new plans to be physically distant, so we all couldn't be in the House at that time, so I haven't had the opportunity to just talk a little bit about, you know, some of what's unfolded over the last couple of days.

You know, I was really happy to see this government moving on banning evictions and moving on some of the pieces within Bill 11, so I want to put that on the record because I can tell you that I had countless – countless – constituents reach out to me about their concerns, about their fears around being evicted during this unprecedented time in history. Like I said, I wanted to mention that, and I wanted to just talk a little bit about, broadly, just the issue of housing as well. I think it's relevant to this debate because COVID reminds us, shows us, exposes some of the gaps that we have in our system, particularly when it comes to folks who are vulnerable.

Housing and affordable housing was one of the reasons why I got involved in politics many years ago, and it's an issue that I'll keep fighting for, so being able to speak to Bill 3, which is about housing, one form of housing, is important to me. I don't have folks in my riding who are – you know, I don't have any mobile-home parks in my riding, but I know a lot of my colleagues do, and I know a lot of the folks across the aisle have mobile-home tenants in their ridings. This is an issue of great importance to thousands and thousands of Albertans.

You know, I hate to hear about folks living in mobile homes feeling like they're being treated as lesser than anyone else, and this is why I'm proud that we had the issue of addressing mobile-home issues in our platform. I'm really glad that the government has taken this up as well, and I know it's because of so many folks advocating on this issue for years. I can bet that maybe some of them are watching this debate right now, and so I want to thank them because they've been a very . . .

Mr. van Dijken: Not many.

Member Irwin: Maybe not many. You're right.

But they've been a loud voice, so, truly, to all those folks who've been pushing on this issue: thank you. Thank you.

I would argue, though, that the UCP isn't going far enough on some of these elements; hence the need for the many amendments that we've put forward and the ones that we have to come.

You know, I had the honour to listen a little bit earlier to some of my colleagues speak on this bill, and I have to note that my colleague from Edmonton-Gold Bar spoke passionately about some of the work that he's done in talking to folks in – I believe it's Twin Parks in Edmonton-Gold Bar. He was able to hear directly from folks in Twin Parks and hear their concerns, and I think one of the concerns is certainly around affordability and having access to concrete mechanisms in place. I really want the members opposite to think carefully about this amendment because, as my colleague from Edmonton-Gold Bar spoke about earlier, this amendment, just

like the last one, are very much reasonable amendments that are built based on what we've heard from constituents.

I haven't – and I know the minister spoke earlier, but I could have missed, so please correct me if I'm wrong – heard a lot of folks from the government speak to this. And I know – I know – they have constituents who are impacted greatly by this legislation. So if you're not articulating your constituents' concerns on this issue, then why are you here, right?

Again, I've heard my hon. colleague from Edmonton-West Henday as well. You know, this has been an issue that he's been really passionate about over the years as well, so I commend him for the consultative work that he's done as well. This is an issue that's important. This is an issue that we can all agree that we need to be addressing. While I'm concerned that this government has accepted very few of our amendments generally to date, I'm hoping this will mark a change. Let's do the right thing for the tens of thousands of Albertans who do live in mobile homes.

This amendment in front of us right now that the hon. Member for Edmonton-West Henday put forward very much will help a lot of folks who all of us – I mean, everybody in this House has heard from constituents who are struggling right now economically. I can tell you that my staff are bombarded daily by e-mails from folks who are desperate, who don't know what their next step is going to be because they're not getting a paycheck. Many of them have been denied the Alberta benefits. Some of them are hoping to get the federal benefits, but some of them won't get either. I think I share that story with you because, you know, this government talks about making life better for Albertans. So here's a concrete way to do so: waive those fees and make things more accessible for mobile-home tenants.

As my colleague from Edmonton-West Henday noted, with this piece of legislation we can only waive fees for mobile-home owners. Yes, this is clearly about mobile-home owners, but we should also think about doing the same thing – the minister should think about doing the same thing – for all of RTDRS during this public health emergency. Again, any ways that this government and that the opposition can aid in making things more affordable for Albertans right now, I think we all need to get behind. You might say that, you know, \$75 is a small fee, but it's not a small fee for someone who is trying to cover their bills this month, right?

What I would like to just again reiterate is the point that this is a clear opportunity to do the right thing for mobile-home tenants. Again, my colleagues have personally spoken to a number of Albertans who will be impacted by this legislation. I hope the members opposite have also spoken to their constituents impacted. I'd like to hear from them, like I said earlier. I'd like to hear what they've heard because, again, we've heard this from a lot of folks in our ridings, absolutely.

I do have a lot of questions about some of the other aspects of this bill, but I will stick to this amendment for now. But, again, I really want to urge folks to think about affordability, think about – we're in an unprecedented time, and this is an opportunity to do the right thing. With that, I will end my comments.

Thank you, Madam Chair.

8:10

The Chair: I see the hon. minister would like to respond.

Mr. Glubish: Thank you, Madam Chair, and thank you for all of the thoughtful comments from the members of the Official Opposition on these amendments as we debate this very important topic.

I've been listening carefully to many of these comments, and I understand right now that amendment A3 is on the topic of waiving

fees. I just want to talk about that briefly just to provide some clarity on where we've landed, what we're doing and why, and why at the end of the day we believe that we're accomplishing the same thing but with, quite frankly, less red tape. I know not everyone in this House agrees with our government's commitment to reducing red tape, but we do believe in it. We do have a mandate for it. It was in our platform, and if we can accomplish the same objective with less red tape, we believe that we should do it. I respect if not everyone in this House agrees with that, but that is our belief, those are our values, and those are our commitments to Albertans.

As I had mentioned earlier in some previous discussion, the RTDRS system does have a mechanism to allow for the waiver of fees for folks who are in financially difficult times, so I want to assure all Albertans that that will continue to be the case and that no one will struggle to access the RTDRS simply because they cannot afford it. They will have that opportunity to apply for the waiver of the fee, so given the factors of COVID-19 and the economic challenges we face, the folks who are struggling due to that economic fallout from COVID-19 will still have access to this system should we, of course, pass Bill 3.

Further, I would just like to point out that if we didn't have Bill 3, if we weren't passing Bill 3, practically speaking, what would they have available to them? Just the courts, which cost \$100 to \$200 to apply, take way longer. Maybe you need a lawyer, et cetera, et cetera. So this is already saving them money even if they do have to pay the \$75, but more importantly, if they really can't afford that \$75, they're not going to have to pay it. We don't need to impose another layer of legislation or regulation to deal with that because the existing system already deals with that and has a safety net in that regard.

Another reason why it's important that we stick with the existing approach on the fee structure is that we need to ensure that we have a check and balance to prevent frivolous applications to the system. I see some folks who are rolling their eyes. I know not everyone's going to agree with me, but in the spirit of what we talked about earlier of thoughtful and meaningful debate, providing explanations for what we are doing and why, I'm giving you the why. I'm not asking you to agree with it, but I'm giving you the why, and I hope that we can at least respect – I respect the fact the opposition has been very thoughtful in articulating why they would like their amendments to be considered, and while I may not agree with them, I hope they can respect that I'm doing my best to articulate why we have landed where we are, why we believe it is very thoughtful policy, and why it will still protect the most vulnerable who need those protections the most.

During this pandemic we know that folks' financial situations, many of them, will have changed substantially and they will have limited resources, and the RTDRS system will be able to take that into account to ensure that folks who cannot afford to pay the fee for RTDRS will not be blocked from accessing it for those reasons.

Furthermore, when a case is decided by the RTDRS, the hearing officer may also consider whether costs should be awarded to the successful party, which would include consideration of whether to order the respondent to pay the application fee amount to the applicant. So because the fees are already waived on a case-by-case basis for financial need, I encourage all members to vote against this amendment.

Thank you.

The Chair: The hon. Member for Calgary-Buffalo.

Member Ceci: Thank you very much, Madam Chair. You know, I listened to what the hon. minister just said, and I don't agree with his reasoning, particularly because he's talking about introducing

red tape for people in the sense of having to apply for a waiver. If it were just understood that there was no charge for a dispute that was brought forward to this service by tenants, that it was free of charge to get before individuals who could help to arbitrate the dispute between the landlord or property owner and themselves, that would be a better thing, obviously, for those people who are in that situation. To have to show, prove that you can't pay is onerous not only for the person who wants to get before the dispute resolution service, but it's also demeaning to have to show your bills, have to show your income, and essentially say: you know, \$75 is too much for me. That's not easy for people to do, Madam Chair.

It does add a level of red tape that I don't think is required. We're not talking a huge amount of money here in terms of revenue for the province or this service. We're talking about money that will make a big difference to the people who are in that situation as a tenant.

You know, knowing of many situations over the years, in the east part of Calgary, in the northeast of Calgary, in the southeast of Calgary, many places that were in ward 9, that I represented between '95 and 2010 – many places, many mobile-home sites were in the Minister of Transportation's ward, after he got elected in 2001, on Blackfoot Trail south of Glenmore Trail, that aren't there anymore. Many of the places I represented aren't there anymore because the city grew beyond them. The city grew up in many cases, but unfortunately it grew out a lot in Calgary and spread beyond, made these properties, made the land which mobile homes sit on, very expensive for the people who were in those mobile homes. Unfortunately, they declined, the infrastructure in the mobile-home parks.

They were often embroiled in disputes with the owners, who wanted to move people off the properties so they could either redevelop themselves or sell. There were many disputes, is my point, because of lack of upkeep of those properties. Had those tenants the ability to go in front of the dispute resolution service, like any person in an apartment building has that right to do, that would have been a good thing for those tenants.

In one respect I'm really glad we're here around Bill 3, Minister. I think affording the same rights to tenants of mobile homes that tenants of apartment buildings and the like have is a good thing, and it should have been done a long time ago. But we're here today, and I'm glad I'm here today as part of the group of people who will make this decision at some point, either today or tomorrow, to support this bill and, hopefully, some of the amendments that we are bringing forward that make a great deal of sense.

I don't agree, Mr. Minister, that this is a good thing in terms of what you're talking about, the ability to waive fees. That waiver only comes after a person applies, gets judged whether they're deemed appropriate or not to be in that situation. I think that's adding to red tape. That's what your party, Mr. Minister, said that they're going to work judiciously to eliminate, and what you're doing is putting red tape into the process for tenants who want to access this service. That's not easy, as I said, for a person who is a tenant to do.

8:20

I think there are many positive things that can be achieved by people going to the residential tenancy dispute resolution service. One of them wouldn't be having to pay a fee. What the amendments put by my colleague from Edmonton-West Henday include is that there can continue to be a waiver of the fee, and if the dispute resolution service wanted to waive the fee for the owner of the property, they could do that as well.

Certainly, during these times, when it looks like there's going to be a prolonged period of lower economy in this province, many,

many hundreds of thousands of Albertans are going to be out of work, many of those will be tenants in mobile-home parks around this province. As a previous colleague mentioned, those mobile-home parks are located in places, in many cases, where they're frequented by renters who have lower socioeconomic incomes, and as a result, they may not have the same skills and abilities to access courts. That would be the wrong place for them to have to defend themselves. Certainly, even in the residential tenancy dispute resolution service, those can be overwhelming situations where people feel they don't have the skills, and anything that removes a barrier for people wanting to address a wrong they perceive in their tenancy should not be put in place. A low bar or no bar is what we should be encouraging, Madam Chair. A \$75 bar is still a bar for persons who are in dispute with their landlord and feeling like they're behind the eight ball already with regard to the utilities, the submetering that's going on and the utilities they're having to pay.

As I was saying, my current situation in Calgary-Buffalo is not one where there are mobile-home parks, particularly because, you know, it's a big part of south downtown, just south of the river. There, obviously, are commercial and many kinds of apartment buildings and density, and mobile-home parks don't exist there. They did, and I spent a lot of time on them when I was a young alderman for the city of Calgary on the east side of Calgary. I can tell you that those situations in many cases were rent-to-own. Big signs up in front of the mobile-home park saying: come on in; you can rent a building, a mobile home here and own it some day. The folks that I dealt with never got to own their mobile homes. They were always in a situation where they were in dispute about the ownership of those mobile homes. Regrettably, they ended up throwing a lot of money away because they thought they were in a situation where they could own this home, and it never occurred.

I can't remember any situations where people came to me saying they were happy with the rental of their mobile home and the rent-to-own situation that they were in. They didn't have access, obviously, to this dispute resolution service. I'm glad that people in that situation will get that now, but I think what would make this better, Madam Chair, is if there were no bar to accessing this service, particularly during the times that we're in, which are particularly challenging for Albertans and won't improve quickly for Albertans.

I didn't catch the Premier and the Leader of the Opposition on both of their addressing the situation tonight, but I can imagine that they talked about the difficulty to the economy, to Albertans that this pandemic will cause for a good long while. So for that reason I am going to support the amendment that my colleague from Edmonton-West Henday has put forward. I'm going to urge members of the Legislature to really, really consider this, you know, as something that will take away red tape and something that will remove any bar away from a tenant who wants to get before this service to have the opportunity to improve not only their lives but improve the situation for the people in that mobile-home park, who likely share some of the same difficulties that they're bringing forward to the dispute resolution service.

Lastly, Madam Chair, I think the work we're doing is something we can be proud of. It's something that's important. It should have happened, as I said, years and years and years ago, and I'm not sure why it didn't. From that perspective, from our previous platform where we identified this sort of thing as important and heard from many Albertans and brought it forward in our platform to be something we wanted to address to today, when the Minister of Service Alberta can stand up and speak about including tenants in this important service to improve not only, as I said, their lot but everyone's who can benefit from tenants and landlords coming together in a less conflictual method that has a quicker timeline in

terms of resolving the disputes before them – anything that we can do to improve that is a positive thing.

Because there often are disputes between landlords and tenants, people who own property that is a mobile home often look at that property as a way to hold land for a period of time. Sometimes it's decades and decades and decades. They do hold land, and they look to then at some point clear that land so that it can be redeveloped for a higher and better use, they say. Madam Chair, at some point in that process disputes can come fast and furious because of a difference of belief of what the land should be held for. I saw it in terms of a site called Midfield in Calgary. I saw it in terms of sites on the east side of downtown. This process of waiving fees for people who want to challenge landlords should be considered. The bar should be low or not there at all.

Madam Chair, I'm very happy to support Edmonton-West Henday bringing forward this amendment as well as my colleagues who have several mobile-home sites currently, and I don't in my riding. I think with that said, I'll take my position, and we'll perhaps see somebody else address this.

Thank you.

The Chair: Any other members on amendment A3? The hon. Member for Edmonton-Gold Bar.

Mr. Schmidt: Thank you, Madam Chair, and I want to thank all of my hon. colleagues for their interjections in this debate around the amendment that was brought forward by my friend from Edmonton-West Henday. I do again want to extend my sincere thanks and gratitude to the Minister of Service Alberta for being here tonight to engage in this debate. I know that in this time of . . .

The Chair: Hon. member, I would caution you on where any members are – if they're here or if they're not here.

Mr. Schmidt: Ah. Right.

Well, he has risen to speak a number of times in this debate, and I appreciate his willingness to do so, especially given the emergency that we are in. He, I'm sure, is a very busy person, and the fact that he has engaged so heavily in this debate is certainly a credit to him. That doesn't mean, though, that I agree with what he had to say, unfortunately. I want to address three of the things that he brought up in his response to the amendment because I live in hope that perhaps my sweet words will change his heart. I hear members of the UCP laughing in recognition because they know exactly how sweet I can be, and they just can't help but show their feelings.

8:30

With respect to the issue of affordability it is really important, I think, now more than ever, to do everything that we can to promote affordability of services for Albertans, particularly those who find themselves in these kinds of disputes. As we've all noted, we anticipate the number of these disputes to skyrocket in the coming months because of the economic crisis that has befallen our province, and that economic crisis has been compounded by moves that this government has made to impact the cost of living for a number of the residents of mobile-home sites, the mobile-home site in my community.

They deindexed AISH payments. They deindexed the seniors' benefit. They kicked thousands of recipients of the seniors' drug plan off the plan. They hiked school fees. They reintroduced busing fees. They've hiked tuition. All of these things have impacted the constituents in Twin Parks quite significantly, and now a lot of them are either at home unemployed or at risk of being

unemployed, and they don't know when their next paycheque is going to come in.

I appreciate the fact that the minister has frozen rents during the time that we will be dealing with the pandemic, but what he hasn't done is eliminate rents. Those tenants will still have to pay rent once the pandemic is over. I appreciate the fact that he's given landlords and tenants flexibility to come up with agreements to make alternative arrangements to pay the rent, but the full rent will be due at some point, and we don't know when the next paycheque is going to come in.

Certainly, the emergency financial benefit that the province offered was not an overwhelming success. I certainly heard from a number of my constituents a great deal of concern about their inability to access that. I've also heard from my constituents great concern over the access to the federal income supports that are being offered. It's hoop after hoop that they have to jump through just to get a cheque of a thousand dollars or \$2,000. So anything that we can do to improve affordability for the people in my mobile-home site in my constituency and the mobile-home sites in the constituencies of everybody here would be a good move, and that's why waiving these fees would be a good move.

Now, when I spoke to the residents of Twin Parks, they were adamant that we not bring this forward because they saw that with the residential tenancy dispute service, the people who are governed by the Residential Tenancies Act have to pay the fee, and they didn't want to be treated any differently from any other renter in the province. But now we are in a time of unprecedented economic crisis, and like my friend from Edmonton-West Henday said, we would fully support removing the fees of the tenants who are governed by the Residential Tenancies Act as well. Certainly, the minister has the power to do that without even coming to this Legislature under the extreme powers that they gave themselves last week when they passed Bill 10. Anyway, affordability for my constituents is a number one concern, and this is at least a symbolic step forward that the government can make that they are concerned about affordability as well.

On the issue of red tape I do want to take issue with the minister's assertion that the current system does not constitute red tape. Certainly, my friend from Calgary-*Buffalo* explained a lot of the hurdles that a person has to get through to waive fees in general when they're applying for government services. But I want to refer specifically to the process that tenants have to go through now to access the fee waiver for the RTDRS. I've pulled up the most recent copy of the form that people have to fill out here. It's a two-page form. It says:

In addition to completing this form, you must provide proof of your gross family income such as:

1. Copies of pay stubs
2. Copies of income statements
3. Copies of benefit statements
4. Any other documents necessary to establish your financial situation
5. Any documents required by the RTDRS

That is a big heap of red tape. We take issue, certainly, with the minister's assertion that we are against removing red tape. We are not against removing red tape when it comes to making access to things like the RTDRS easier.

I also want to just offer a comment if I can. In the process of declaring whether or not they're eligible, they have to declare their employment income, workers' compensation income, social assistance and maintenance, income of children, rental income, investment income, retirement income. This form is more complicated than the income tax forms that a lot of people have to fill out, all in the service of trying to get a \$75 fee waived. Now, the

income thresholds here are listed clearly on the form, and the income thresholds approximately range from \$26,000 for a single person up to a maximum of \$70,000 for a family of seven or more. Now, Madam Chair, I don't know when this form was last updated. I have no idea if these income thresholds are indexed to the cost of living or if they've been fixed at this rate for the last five years. There's no information available. Unfortunately, we have no idea if this income threshold is reflective of a person's ability to pay or not. If these numbers are outdated, then they need to be updated so that at least people can know whether or not they have the income threshold.

This is a whole heap of red tape: setting income thresholds, filling out two-page forms, collecting five different types of documents. For \$75 you're looking at putting in hours and hours of additional work on top of all of the work that you have to put into putting together your claim, all of your forms in addition to that. This is red tape that is designed to prevent people from applying for the fee exemption. That's the only purpose that it serves. I urge the minister, if he's honest and committed about reducing red tape, to take up our amendment and reduce this red tape, eliminate this red tape for tenants, and make it free upon application.

The third and final point I want to make in response to what the minister has said is around this issue of frivolous suits. He suggested that the \$75 was going to be an effective incentive against frivolous suits, and here's what I want to say about that. It may be an incentive for the tenants who are struggling to make ends meet, who can't make rent at the end of the month, who are working two or three jobs just to keep food on the table, but it's certainly not a disincentive for a company like Parkbridge. This is the biggest mobile-home site company in the entire country, and it's backed by the B.C. teachers' pension fund, which has billions of dollars at its disposal. To think that they would be dissuaded by a \$75 fee from using the RTDRS as a way to make their tenants' lives difficult is really hard to believe. When you're talking about providing disincentives, what the minister is really saying is that he's concerned about tenants filing frivolous claims against their landlords, not the other way around.

I take the minister at his word that he is genuinely concerned about affordability, that he's genuinely concerned about red tape, and that he's genuinely concerned about frivolous lawsuits. If he's genuinely concerned about these things, he would accept these amendments because the arguments that he's laid out in favour of rejecting the amendments are directly opposed to the objectives that he's stated he is trying to achieve.

8:40

I urge the minister and all of the members on the opposite benches to reconsider their position. You know, I understand that you may not want this to be a permanent feature of the RTDRS. Hey, then we would happily entertain an amendment – I'm speaking on behalf of all of my colleagues here – to put in a sunset clause. But in this time of unprecedented economic crisis we need to do everything that we can to improve affordability and improve access to justice for tenants, and this would be a significant step forward in doing that. If the minister wants to make sure that it's only in place during the time of the pandemic and until Alberta has recovered, then so be it. We would happily entertain that amendment and support it.

People need help right now, and this amendment would be a significant support to thousands and thousands of tenants all across the province. There's really no good reason that the minister and the members opposite can't support this.

Thank you.

The Chair: The hon. Minister of Service Alberta.

Mr. Glubish: Thank you, Madam Chair, and thank you to the Member for Edmonton-Gold Bar for those remarks. Just a couple of quick comments. First of all, I just would like to highlight that, yes, it would be true that it is unlikely that a landlord would be dissuaded by a \$75 fee from filing a frivolous suit. But what I would say is that if a landlord is filing a suit like that, it costs them the money. It does not cost the tenant any money. Now, of course, they need to go through the process, but at the end of the day I'm confident that the RTDRS system is a fair adjudicator of the law and that their findings are appropriate findings that reflect the facts of law as they apply in that case.

If it were frivolous, then it would be the RTDRS's purview to award the case in favour of the tenant. There would be no cost to the tenant. If it were really frivolous and if there had been costs incurred by the tenant to go through that process, then we have seen precedent where awards were made for those kinds of costs. At the end of the day we need to make sure that the folks who need this can access it – that's what we're trying to do with this approach – and that there are appropriate disincentives to prevent bad actors on all sides.

In terms of affordability of services I think we can all agree on that as a goal. I know we may not all agree on how we're getting there or what the appropriate approach would be, but I'm very proud of what we did to help mobile-home residents as well as all renters in the province by saying that there will be no rent increases for the duration of the health crisis. At this very urgent time that is a huge relief to the folks who may end up needing to access this service in the coming months because of the health crisis. Let's not forget that that is something we have done. It is not inside this bill. It is a different part of other pieces we have done, but taken together, these are protections that improve the affordability for mobile-home residents.

Same thing with the late fees. We have made sure that there will be no late fees that can be charged by landlords for the next three months. We made sure that this would apply to mobile-home tenants, not just tenants of traditional dwellings. Of course, as we all know, that's what Bill 11 was all about last week. It was to make sure that after the health crisis is over, no landlord could retroactively impose those fees on those tenants once the ministerial orders have essentially been rescinded once the health crisis has lifted. We have taken steps to demonstrate our commitment to improving affordability, to helping the most vulnerable, especially those folks in mobile homes who are facing difficult times.

We do need to keep in mind, too, as several folks from the opposition side of the House have said, that demand for the RTDRS is likely to increase in the coming months. I think every reasonable person in this House understands that there's a high likelihood that that's going to happen. I want to assure the members of the opposition that that is why weeks ago I instructed my department that we needed to proactively allocate additional resources to the RTDRS, knowing that this was going to happen, knowing that with the economic conditions there were going to be a greater number of folks who can't pay their rent, and knowing that even at our urging that tenants and landlords should work together to find a solution, there was going to be an increase in demand from folks who are going to need to have some adjudication and a ruling to determine how to proceed and how to move forward. Typically our RTDRS system has 10 dispute resolution officers – that's their current staffing level – and these officers hear about 10,000 cases a year. I have increased that to 13 from 10. I have found that money inside of my own budget because I know this is a priority. I know it's important. It's important that the RTDRS can hear things in a timely manner, and it's important that they can do so in a consistent manner so that the rule of law is enforced and people can be

confident that they know what's going to happen so long as they work through the process.

We've added three dispute resolution officers, and we've also added one information officer. These are the support roles that support the dispute resolution officers. So we have added capacity to this team to handle not just the influx that all of RTDRS will have but also in anticipation of the fact that by giving mobile-home residents access to this service, there will be a large number of cases that didn't historically get to be heard through the RTDRS that now will qualify for the RTDRS.

I say this, and it ties to the fee structure because at the end of the day it costs something to deliver the service. We don't charge a fee that is a full-cost recovery for this. It is a fraction of the cost of what it takes to actually deliver the service, but there has to be a fee. There has to be something to help defray the cost of delivering this service, and to just blanket eliminate it, even for a period of time, would be imprudent given our financial capacity as a province. I know that, you know, 10,000 times \$75, \$750,000, doesn't sound like a lot of money in the scope of our overall budget, but the fact of the matter is that when you add up this \$750,000 with that \$750,000 with that million and that million and you add up everything in our entire budget, it adds up to billions and billions and billions and tens of billions of dollars.

We have to balance affordability with giving folks access to the services that they deserve. We certainly believe that mobile-home residents deserve access to the RTDRS. That's why we're acting on this. That's why we've brought this forward. But we also have to be mindful that it costs money to deliver services. That's why there's a fee associated with this. I want to assure all members that folks who cannot afford it will have the fee waived.

What I will say to the Member for Edmonton-Gold Bar is that I am more than happy to – once we have gotten through the process of this bill and we have made sure that mobile-home residents have access to the RTDRS, I will look at the form that needs to be filled out and the process that needs to be undertaken in order to request an abatement of the fee in situations of financial difficulty, and if it is out of date, if it is unduly burdensome, then that would be a very appropriate tool for red tape reduction. It still would allow for a process that requires a check and balance, but if we can streamline that to make it more up to date and more modern and simpler, I am all for that. My commitment to you is that I will look at that, and we will see if, in fact, it is out of date and it is unduly burdensome. Then we can look at figuring out how to make improvements there.

But I need to be clear that a permanent or even a temporary blanket waiver of the fee is not something I can support at this time. I am confident that the folks who need support who can't pay it will not have to pay it, and we will make sure that it is a reasonable process for them to go through. Those are the few things that I heard from the last couple of speakers that I wanted to just clarify.

Again, just to reiterate, the steps we're taking with Bill 3 bring more choice, more convenience to mobile-home residents. They didn't have access to this before. They will now. It costs less at \$75 than the alternative, which is the courts, or, even worse, inaction and having to bear the full brunt of abuse from potentially a bad-actor landlord if that were the case. This is an improvement over the status quo. I know it's not a hundred per cent of what you want, but I do believe that the folks who really need that support and really need to not pay the \$75 will have the ability to have that waived. That is why I am confident that the approach we have taken here is balanced and appropriate.

I appreciate everyone taking the time to hear me out on that and look forward to the rest of the debate.

8:50

The Chair: The hon. Member for Edmonton-Gold Bar.

Mr. Schmidt: Thank you, Madam Chair. You know, having sat in cabinet myself, I understand the kind of trade-offs that ministers have to make and the fact that nobody gets what they want all the time. I'm reminded of the pragmatist's protests: "What do we want? Incremental change. When do we want it? In due course." That's what we have here. I guess we're just asking for a little bit more incremental change.

I do have a question, though, for the minister. You know, I understand if he doesn't have the number at his fingertips, but if he could get back to us, we'd certainly appreciate it. How many people have been successful in getting their fees waived when applying for the fee waiver to the RTDRS in 2019? I'm sure the minister maybe knows his department so well that he has that number memorized, but I'm just wondering if the minister can share that information with us at some point.

The Chair: The hon. Minister of Service Alberta.

Mr. Glubish: Thank you, Madam Chair. I'm sure that everyone in this House would be super impressed if I had the answer. Unfortunately, I do not have the answer. But it's a good question, so please leave that with me, and I will look into that for you.

Thanks.

The Chair: Any other members wishing to speak? The hon. Member for Edmonton-Rutherford.

Mr. Feehan: Thank you very much, Madam Chair. I appreciate the opportunity to speak to the amendment to this act, the mobile-home sites tenancies amendment act, which deals specifically with the ability of members to use the residential tenancy dispute resolution service without having to pay a fee. I'm glad that we are at this place of having this discussion, and the minister has been very good about participating in this discussion and letting us know about the rationale and some of the considerations that went into the decisions that have been made, and that is always deeply appreciated by the opposition. I'd like to thank him for doing that. Of course, I know that the minister has also indicated that given the anticipation that we are going to see a rise in the use of the RTDRS, he has also allocated extra resources to ensure that the anticipated rise will not cause further difficulties for the people who are bringing these concerns forward. Thank you for all of that.

I also want to say thank you to, of course, the members of the community in the province of Alberta who have come forward to a number of our MLAs, including the members for Edmonton-Gold Bar and Edmonton-West Henday, to talk about some of the concerns that they have, some of the life experiences they have as people who are resident in trailer parks. The fact that they've had the wherewithal to reach out and seek some support in terms of their concerns really speaks to their commitment to helping Alberta be a better place, just as many of us do in different areas. I appreciate the fact that they have been out here doing this kind of work with us. It speaks to the fact that the opposition is hoping to, as much possible, support the work in terms of improving the mobile-home sites tenancy amendment act so that we really do achieve a goal that we all seem to ultimately share, and it would be very nice to be able to get to a place where we could be satisfied that the work that needed to be done was done in an appropriate way.

You know, this is a very particular circumstance, that does not involve all the province of Alberta, doesn't involve a significant proportion of the province of Alberta but is very important to the

people who live there. I know that trailer parks provide a very important role in the economy in the sense of providing a niche for those people who find themselves in a place where other accommodations may be beyond their means yet still wish to participate in that dream that we all have to have a place of our own, to be able to have pride of ownership, and to be able to build their own personal equity by taking out a mortgage and paying that off and having those dollars available to them for other things that they choose to do in their life and their participation in the economy.

It's nice that we have a space where people can go if they can't afford a condominium or a single-family dwelling and don't wish to be a renter. I think it's very important that we make sure that that type of facility is readily available to people in the community so that they can access it when it is the right thing for them. That kind of choice protection is important, and I'm glad that the government is working with us, you know, subsequent to the work that was done by the Member for Edmonton-West Henday in introducing these ideas into the House. I really appreciate the fact that his work over the last number of years has really led to this place, where we're having this, I think, very excellent discussion.

I know that there are a number of reasons why disputes may occur. Any time you have a complex arrangement, as does exist in trailer parks, where the ownership of the housing unit itself is separate from the ownership of the land on which the housing unit sits, then, you know, it's a fairly complex relationship that involves, of course, a number of parties with different interests, and those interests may vary over time. I mean, the nice thing for those of us who are able to live in single-family dwellings, for example, is that we have both pieces of that. We have both the house and the land, and as a result, the interests in owning the land are pretty much consistent with the interests of owning the residence. As a result, we can make decisions that are beneficial to us all through. However, when you have two people who have two different parts of a single place, a single lot, then there's naturally going to be moments in which there's disagreement between the interests that are there.

As the Member for Calgary-Buffalo indicated, it's a reality that trailer parks have typically been built in locations around cities, and then cities have grown overtop of them. Then what happens is that the land, which was originally purchased because it was fairly cheap comparative to other parcels of land in a city, has suddenly become much more valuable, and as such the interests of the owner of the land changes naturally. Nothing odd about that; it just naturally changes over time. However, the interests of the people who live in the trailer park have not changed as a consequence of the growth of the city around them. They still want to have that residential site that fills their dreams for ownership and living in the place of their choice.

We can anticipate that there's going to be a number of disputes that happen along the time, so it's really requisite and upon us as members of the Legislature to be prepared, describing how we are going to deal with those disputes when they arise and to create, when we do that, the set of policies that are best going to facilitate quick resolution, easy resolutions that don't lead into hostilities that carry on for significant periods of time, that we make sure that that resolution is based on good principles and ultimately seeks to affirm the underlying desire we have in this province for justice for people when things go awry in their lives. I think that's a very important aspect of this because we think that being able to achieve that kind of justice is something that will help us to build a better world in the province of Alberta.

9:00

As such, we all know the expression: justice delayed is justice denied. It's important that we, then, ensure that the process that people are engaged in in terms of achieving that justice is one that is designed for easy and immediate access and for quick and fair resolution. Given that those are the principles behind why we would be doing the type of thing that we are doing here in the House today, I think it's important that we remember, then, that we want to ensure that people don't have to leap over huge barriers to get there, that they don't have to come up against things that will make them, given their life circumstances, choose not to pursue that justice because trying to achieve that justice is in and of itself an injustice.

I think it's very important that we as legislators understand that the barriers for people are differential based on the capacities that they have, whether they be financial or life capacities, that help to get them to, you know, the place that they want to be at. As such, we need to understand that those barriers or those bars need to be as low as possible and as much as possible do not block people from moving forward. That sometimes means: don't block people, not just in a practical or physical sense, preventing them from achieving the justice which they seek, but also avoid the psychological prevention that sometimes occurs when you put in barriers that, while they can be overcome, become so frustrating or so intimidating or so burdensome on an individual that they themselves choose not to pursue the justice which they justifiably have a right to.

Given that idea, we want to make sure that we're not spending a lot of our time sending people off to court, which is difficult to get into, which right now, particularly in these economic circumstances, is not seeing many cases and is quite expensive, particularly if one has to seek the help of a lawyer. As a result, we want to make sure that the process avoids going to court, and the way we help people avoid going to court, of course, is to make sure that they get to some kind of a resolution process, and thank goodness we have this residential tenancies dispute resolution service, that allows us to do that. If we ultimately want to avoid people going to court because we wish to pursue the justice that they rightly deserve, then we need to smooth the path toward the dispute resolution so that that becomes the easy, no-barrier path that they can take.

I think it's important, given that that's our desire, that we then spend some time looking at: what are the types of things that prevent people from pursuing justice? One of them, of course, particularly in this particular time, is a financial barrier. Now, of course, all of us have to make decisions about what we can afford in our lives, but we have to be very cautious in a democratic society not to allow finances to become a cause of injustice. We can't be in a democracy and say that there are two kinds of justices available in the world, that one justice is for people who have the money to achieve it and the other justice is for people who don't have the money to achieve the higher level of justice. That's really against the grain of what a democracy is supposed to be about, and as such we should take very seriously any barriers, financial barriers, we put in and try to reduce those kinds of barriers.

Now, I know that the minister has made himself quite available to answer questions along the way and has talked about the issue of red tape. I've been referring to it not as red tape, of course, but, rather, as barriers for people in their lives. But it's the same issue that we're talking about here. We do support the mission of reducing red tape, but for us it's framed slightly differently. It's not seen as a bureaucratic issue; it's seen as a justice issue. The issue is that people should have access to the justice that they so rightly deserve in a democratic society. As such, we think it is problematic

when you introduce what the minister is calling red tape and I'm calling a barrier into a process. Both of us don't want to have red tape or barriers, but we are then confused as to why they would introduce a process which is in and of itself a piece of red tape.

In this case, that process is one that is commonly referred to as a means test; that is, you can have that fee waived as long as you can prove that you are in need of having that fee waived. This is fundamentally problematic. It's problematic because if you began to enter into a process of always judging whether or not people deserve to have justice or not, then you have moved away from the democratic ideal that we are all here sworn to pursue. You're moving away from the ideal that all people in the province of Alberta, in all of our democracy should have the same level of justice available to them. If they don't have that level of justice available to them, then it's not really a democratic state, is it? It's a two-tiered state.

That's something that we have to be very careful about because the consequences ultimately are quite severe if we allow that wedge to begin to split people in society into the haves and the have-nots, into the deserving and the undeserving. I just want to comment on the fact that the whole idea of the means test was actually an artifact of the Elizabethan Poor Law of 1601. This was 400 years ago, when they began to institute who the deserving poor were versus who the undeserving poor were and make judgments based not on the needs that people have, what it is that they require to live a life of appropriate fulfillment and reasonable justice, but, rather, on decisions of people with resources deciding on the lives of people without resources, deciding what they could or couldn't have.

Whenever you put a means test in, it shifts the decision about: are we satisfying a need which has been identified and resolving the need that is there, or are we moving away from the situation that has brought us the problem and moving instead to a decision about the value of the people who are coming forward, that some people are more valuable than other people, that some people deserve to have access to justice and that some people deserve to have supports from their society that other people do not deserve to have? That is a very dangerous place for us to go in a democracy, not something that we want to support in any way.

It's easily resolved. It's resolved by making a decision that if we want people to have access to services, we don't put a barrier in which judges that person and whether or not their personhood is worthy of access to the justice which they are seeking. We simply remove the means test. We create our policy based on the idea that we are trying to resolve problems. We are not trying to judge people, and if we fundamentally do that, we will have a more equitable and fairer society, one which we all can support.

[Mr. Hanson in the chair]

This is an instance which, we are suggesting, quite simply, with the stroke of a pen this minister can do at this time. This minister can ensure that all people are valued because they are people, that all citizens are citizens because they are resident in the province of Alberta, that all citizens have the right to the same level of justice as all other citizens, and that barriers which separate them into the deserving versus the undeserving are barriers which we cannot stand for in this House and in this democracy.

9:10

Now, I know that the minister has indicated that he's concerned that sometimes there are frivolous pursuits, and I understand that. Certainly, people sometimes use resolution processes or courts or other things in frivolous ways, and I do think that we do need to have a way of responding to that. But preventing them getting into that system is not a way to deal with the frivolousness. Again, you

deal directly with the frivolousness. You don't assume or judge a person to be likely to be engaged in frivolous behaviour beforehand. You watch to see what they do, and if indeed they do engage in frivolous behaviour, then you have a response to that.

So it would be quite appropriate for the minister to have introduced a section in here that says: in the event that there is clearly a frivolous use of this service, there are fees or charges or penalties that are available to the adjudicator in order to identify that that action was indeed frivolous. But that is something that's done after the fact. Very much like in a court, the sentencing and so on is done after the fact.

Thank you.

The Acting Chair: Thank you.

Are there any other members wishing to speak to amendment A3?

Seeing none, we'll call the question.

[Motion on amendment A3 lost]

The Acting Chair: Would anybody like to speak to the main bill, Bill 3? The Member for Edmonton-Gold Bar.

Mr. Schmidt: Thank you, Mr. Chair. I'm striking out more than I did when I was looking to pick up a date in college. [interjection] No, I never played sports, Calgary-Buffalo.

I'm not deterred, though. We do have another amendment that we think will make this legislation better, and I would like to move that at this time.

The Acting Chair: Hon. member, if you could start to read it as it's being distributed, we'll go from there.

Mr. Schmidt: Yes. I move that Bill 3, the Mobile Home Sites Tenancies Amendment Act, 2020, be amended in section 3, in the proposed part 5.1, by adding the following after section 59.7:

No rent increase until decision made

59.71 Despite section 16, the period of notice or the amount of time required before a landlord may increase the rent payable under a tenancy agreement or the recovery of any additional rent resulting from an increase must not include any time from the date an application is made to the Dispute Resolution Service to the date an order is made respecting that application.

The Acting Chair: Member, that will be amendment A4. If you would like to expand on that while they're distributing it.

Mr. Schmidt: Thank you, Mr. Chair. I alluded to the reason that we were bringing forward this amendment in my remarks earlier today, when this bill was at second reading, and that's to ward off this tactic of economic eviction, that is rampant in mobile-home sites across the province. In fact, this was an issue that the Alberta Urban Municipalities Association raised, and they passed a resolution that economic eviction should be cracked down upon in the province of Alberta.

What economic eviction is, Mr. Chair, is the practice of raising rents for rental sites so high with the intent of getting rid of problem tenants. Often landlords view tenants as being problematic when they are continually challenging the landlord, in court or in front of the RTDRS now, to uphold their obligations under the legislation. There are certainly some landlords who believe that it would be easier and more cost-effective to just get rid of these kinds of tenants, who have the temerity to stand up for themselves and demand what is their right under the law, rather than to comply with the obligations that are set out for them under the law. In this case, what this amendment would do is that if there is a tenant who is

bringing forward an action in the RTDRS, the landlord cannot then retaliate by engaging in this practice of economic eviction and taking actions to raise the rent on these tenants who are standing up for themselves and demanding what is owed to them under the legislation. I think that's only fair, especially given the tremendous amount of power that landlords have over tenants.

Certainly, it's our belief here in our caucus that housing is not only a human right, but it is a public health issue. When tenants are active in demanding that their rights be fully met, then again, as I said, the landlord can often take this retaliatory action which results in people losing their homes. When people lose their homes, Mr. Chair, especially at times of pandemic, they have no place to seek shelter from a spreading disease, nor are other Albertans protected from the disease that they may have to shelter themselves from, because people are out on the street wandering around, spreading this freely. But, as I mentioned before, it's only the fact that COVID-19 has put into stark relief the fact that housing is a public health issue. At all times it is a public health issue, and we know that when people have safe and secure housing, their health outcomes across all measures are much better than people who are precariously housed or do not have a house whatsoever.

This practice of economic eviction essentially, if left unchecked, will leave tenants at the mercy of landlords and make them afraid to stand up for the rights that are given to them under the legislation. We've set out in detail a lot of the issues that mobile-home site tenants have tried to raise, unsuccessfully, with their landlords, issues around maintaining drainage, maintaining proper roadways, maintaining lights, clearing the garbage out at the appropriate times, you know, maintaining common areas for the use of the community. It's explicitly stated under the Mobile Home Sites Tenancies Act that tenants have the right for the landlord to maintain all of these things in proper order. We don't want any tenant to be afraid to challenge their landlords when landlords aren't meeting their obligations under the legislation because they're afraid that if they do take this kind of action, they'll be slapped with an unaffordable rent increase.

We've talked a lot this evening about the critical issue of affordability. Certainly, in the coming months residents of mobile-home sites are going to be under a great deal of economic pressure – all Albertans are going to be – because of the pandemic and the economic fallout of the pandemic and the global oil price crash. So it's in particular when they're under these kinds of income stresses that if this practice of economic eviction is allowed to exist unchecked, then tenants are going to be least likely to challenge their landlords to live up to the obligations that they have under the legislation. It's our hope that under this amendment we can put in place some check against this practice of economic eviction.

9:20

Now, I anticipate that one of the arguments that members opposite may make in rejecting this amendment is that, to the best of my knowledge, this clause does not exist in the Residential Tenancies Act. That doesn't mean that it shouldn't exist. Unfortunately, given the rules afforded to us in the Official Opposition, we don't have the power to bring forward those other kinds of amendments that we think would be fair for all tenants; we're restricted to dealing with only those amendments here in the Mobile Home Sites Tenancies Act that are being considered.

But just because that's not available to tenants under the Residential Tenancies Act doesn't mean that they shouldn't be able to. Certainly, again I remind everybody that the minister has extreme power under the public health emergencies act now. He could take this amendment and say: my goodness, that's such a great idea; I'm going to type up a ministerial order in my office here

tonight and amend the Residential Tenancies Act as well because this was such a brilliant idea. In fact, I'm happy to let the minister take all credit for it and just not take any credit for it whatsoever. I am nothing if not a generous person, especially to folks across the aisle.

That being said, Mr. Chair, we all know that economic eviction is a serious tactic that landlords use to intimidate their tenants, and that's not right or fair. We all want a situation where both landlords and tenants are living up to their obligations under the Mobile Home Sites Tenancies Act, and we think that this amendment will balance the power between landlords and tenants and give tenants at least a fair shot and one less thing to worry about when challenging their landlords to uphold their obligations. So I urge all of my colleagues here in the House to support this amendment.

The Acting Chair: Sorry. My apologies.

Other speakers wishing to speak to amendment A4? The Member for Edmonton-Whitemud, please.

Ms Pancholi: Thank you, Mr. Chair. I am pleased to rise again in Committee of the Whole to speak on Bill 3, the Mobile Home Sites Tenancies Amendment Act, 2020, and in particular to rise with respect to the proposed amendment from the Member for Edmonton-Gold Bar, who has been a very strong advocate for those in his riding but also those across the province who live in mobile homes and have raised issues, I think, related to amendment to the act for some time.

This has actually, as I believe a few members have noted, been a long time coming, and we do appreciate that the minister and the government are bringing forward amendments to this act to address some of the outstanding issues. In particular, I am pleased to rise in support of this amendment which, as noted by the Member for Edmonton-Gold Bar, would prohibit a landlord from raising rent or giving notice of an increase in rent during the time that a matter is just before the dispute resolution service, which would be an outcome of the passage of Bill 3, which is that issues related to mobile-home tenancies could go before the resolution service. Simply what this amendment is saying, as I understand it from the Member for Edmonton-Gold Bar, is that during the time in which a matter is in dispute and is before that dispute resolution service, the landlord in that case could not give notice, and any notice given of a rent increase would actually fail to be effective in the period of time until that dispute is resolved.

I thank the Member for Edmonton-Gold Bar for raising in particular that this is not a new issue and that, in fact, the AUMA passed a resolution related to this very issue, the issue of economic evictions. I've taken some time to look up that resolution, and it does show that there is some consensus amongst municipalities in particular that this is a significant issue that needs to be addressed. In particular, this was actually a resolution, Mr. Chair, that was passed in 2016 but was renewed by the AUMA at their 2019 convention, so this is certainly something that's been an ongoing issue that they've given some attention to.

In their resolution they described, as background, what an economic eviction is. What they've said is:

[It] is a term that is known in the industry as when a landlord will impose a higher than normal rent increase for renters to force that renter to move out. Targeting of a "trouble" resident through the levying of a higher annual pad rental increase resulting in an "economic eviction" is a tactic that may be used by some landlords.

That's what's set out in the resolution. The point here is that the economic eviction, which is the use of a rental increase that is outside of the norm and is not simply about increased costs – of

course, there are legitimate circumstances in which landlords would raise rent – is actually meant to target, quote, unquote, trouble tenants.

Of course, there's no better way or more clear way to sometimes identify for a landlord who is a trouble tenant than a tenant that will file an application before the residential tenancy dispute resolution service. The very act of filing an application would obviously create, if there wasn't already, an antagonistic relationship between the landlord and the tenant and would single that tenant out as somebody that perhaps a landlord may not want to have live in their mobile-home park anymore. Then maybe one way that a landlord would address that would be trying to increase or giving notice of an increase in rent, which would result in – obviously, even if the matter was resolved in favour of that tenant, the tenant might be intimidated and might decide: I can't pursue this any further because my rent is going up too much, and I will drop the application, or I will not file one. All it takes is one situation, too, where one landlord does it to one tenant, and of course that sets a precedent for how those issues will be dealt with, and we know that that would certainly be an intimidation factor.

I want to highlight the comments by the Member for Edmonton-Rutherford, who very clearly talked about what access to justice really means. What it means is making sure that those barriers are removed so that anybody, regardless of who they are, has their rights to assert. Here's what we're talking about. I mean, when we're talking about a tenant bringing a matter forward before the residential tenancy dispute resolution service, it's because they have particular rights under this act which they are entitled to seek enforcement of. But by exercising their rights and filing an application, that could identify them as a trouble tenant, and a landlord could retaliate by doing such a thing as giving notice of a rental increase that's a significant amount.

I highlight this because I think this is a very real issue. Obviously, I'm not alone, and neither are the members on this side of the House, because the AUMA has brought forward a resolution on this very issue and noted it as a problem, that the Mobile Home Sites Tenancies Act does not currently prevent economic evictions. I also want to highlight that this is a matter that's actually been before the courts as well. In 2014 the Alberta Court of Queen's Bench, in a decision called Milner's Aloha Mobile Home Park Ltd. versus Jenkins, recognized that if a landlord in a mobile-home site tenancy tries to use a rent increase to evict a tenant that they otherwise would not lawfully evict, the court can step in and treat the rent increase as void. So the courts have also recognized that economic eviction is a reality, it is something that happens, and it is something that is meant to intimidate tenants.

Now, one of the challenges I know – I actually spent some time in my early years as a lawyer working and volunteering in the Edmonton community legal clinic, and there are very similar legal clinics across the province. The ECLC, as it's called, still plays a vital role in providing legal assistance to lower income Albertans, and they dealt with a lot of residential tenancy issues. I know that in the residential tenancy relationship there can be a lot of opportunities for tension and struggle, and the balance is trying to make sure that both the rights of the tenant and the rights of the landlord are respected. That's why the Residential Tenancies Act and the mobile home tenancies act as well clearly set out what those rights are.

9:30

There is inherently with respect to housing, which we've talked about in this House as being so critical and so fundamental to the well-being of individuals, to have stable, accessible housing – we know that there is a power imbalance. While it's not universal,

across the board, because there are certainly individuals who are also just trying to make some income – I can say that my mother is actually a landlord. She owns a condo, and she rents it out. It's not certainly the case that landlords always have all the power. But there are certain situations – and it's not uncommon – where there is a power imbalance, particularly when we're talking about mobile homes.

The Member for Edmonton-Gold Bar and the Member for Edmonton-West Henday have, I think, more experience, I will say, than I do. Certainly, I don't have a lot of mobile-home sites – I don't have any actually in my constituency. But I trust that they've been listening very well to their constituents. They know we know that in that setting there is often a very large power imbalance. We're talking about landlords who may be very large corporations. The purpose of the mobile-homes tenancies act, the purpose of the Residential Tenancies Act is to balance those rights but also to give some power to those who may have less by virtue of the relationship. That is why there are requirements. When we're talking about housing, it should not be easy to remove somebody from housing. We know that there are tenants, of course, who will not comply with their obligations, and there are processes in place by which they can be removed and evicted, and that's appropriate.

But we also know that when it comes to rent, that is a power that the landlord has that the tenant is very much affected by, disproportionately affected by. We know that even within the current Residential Tenancies Act there's no limit on how much rent can be increased. There are provisions requiring notice depending on the nature of the tenancy agreement, if it's a week-by-week, month-by-month, or a fixed-period tenancy. There are notice requirements within the act, but the amount of rent increase is not managed either within the Residential Tenancies Act nor within the Mobile Home Sites Tenancies Act. Therefore, that is a tool that we know landlords may use and may use inappropriately to remove trouble tenants.

Now, if those tenants are truly trouble tenants in the sense that they are failing to live up to their obligations and their responsibilities, there are processes by which that individual can be evicted. I'm not here to argue that tenants who are breaching their obligations under either act should not be able to be evicted. The reality is that there are two parties at play, and all need to live up to their obligations.

But, certainly, when it comes to rent, that is a significant tool that a landlord may levy to remove tenants who are otherwise complying with their obligations under the act and also may have been challenging the actions of the landlord. So the ability to balance that power imbalance is important. That's actually the purpose of the existing Residential Tenancies Act. It's the purpose of why I believe the minister brought forward this bill, which is to allow for mobile-home site tenants to be able to access the same level of justice and to assert their rights in a fair manner.

Therefore, I think it's appropriate that we consider that there is some history here. This is not an issue that is invented. It is a legitimate issue that has been ongoing for some time. It has been brought up by various actors and various organizations as an issue that needs to be addressed, and we have before us an opportunity, with Bill 3, to address that issue. I understand that the Member for Edmonton-Gold Bar spoke about how, yes, we recognize that right now under the Residential Tenancies Act there is not a similar prohibition against rent increases when a matter is before the dispute resolution service. That is something that should also be addressed.

I think these two things go together because what we're trying to do is to manage that power imbalance, create fairness, and to make sure that residents and tenants of mobile-home sites have the same

or similar rights but also improve the rights for all individuals. Nothing could highlight more the importance of making sure that people are not removed from their home due to a rent increase than the current pandemic that we're going through.

I'd like to give credit to the Minister of Service Alberta and the government for bringing forward Bill 11 last week, which did prevent rent increases during the time of this pandemic. They recognize as well that rent increases can be a fundamental challenge which can result in tenants being left without a home. While we recognize that during the pandemic – I appreciate that Bill 11 is prohibiting rent increases. Once the pandemic and the public health emergency order have been lifted, we are still in a situation where there will be tenants – and we know there are tenants – who are facing economic eviction from landlords simply because they have filed what they have a right to do, which is an application before the residential tenancy dispute resolution service. I think it is a very fair and appropriate thing to address that issue right now, when we have this opportunity to do so. We have this bill before us.

I encourage – and I must say that I really appreciated the candour, the forthcoming approach of the Minister of Service Alberta, who has taken the time to answer questions and to respond and to commit to providing information. I believe that that is constructive, and that is exactly what this House should be about, having those constructive conversations. We do seem to be on the same page with respect to the objectives behind both Bill 3 and Bill 11, which are about protecting Albertans and making sure that life is not only more affordable but more fair for all Albertans, regardless of whether they live in a mobile home or they live in an apartment or a condo, that the same rights are available to all Albertans. I appreciate that the minister has been so forthcoming with respect to that.

We see an opportunity here to address an outstanding issue that perhaps the minister did not consider when bringing forward Bill 3, and we would encourage that if the minister and the government members across were to embrace this amendment, this would also perhaps spark a review of the Residential Tenancies Act to also prevent economic evictions in that setting, where a tenant has raised a dispute before the dispute resolution service. That's about fairness, as the Member for Edmonton-Gold Bar mentioned.

It's not within the power of the opposition to bring forward legislation. That, of course, is a privilege and power that rests with the government, but I don't think the fact that we have not seen legislation brought forward to address the economic eviction problem with the Residential Tenancies Act should prevent this House from taking steps now, when a bill is before us that would certainly address the issue with respect to mobile-home site tenants. It could be the starting point to lead to greater parity and fairness for all tenants. Again, in the spirit of, I think, the very constructive back and forth that we have had in this House, I really do encourage the members opposite to consider this to be a very worthwhile amendment.

I note that a number of the members on the government side also have mobile-home sites within their constituencies. Earlier this evening I noted that the Member for Calgary-South East was nodding when there was reference to having mobile-home sites in ridings, so I presume that may mean that that member has some sites in his constituency. I'm certain, looking across at the government members, that a number of them have these sites, and I'm sure that their constituents would value this amendment wholeheartedly because, again, it's not about preventing increases where they're appropriate and done appropriately, but it's simply saying that during the process of time where a matter is before the dispute resolution service, no rent increase will take place and that the notice is ineffective during that period of time.

Of course, the goal of the residential tenancy dispute resolution service is to expedite and to move forward on those issues in a timely fashion. Should the matter go before a court, of course, that is a lengthy process, and we know that, you know, saying that there's no rent increase during that time may be a different consideration because of the length of a court process, but we have heard from the minister, and we know that the objective is to bring those issues into a more timely and expeditious process, which is the dispute resolution service.

This should not be an unreasonable burden on landlords who are looking to genuinely increase rent. If the matter is considered to be frivolous by the dispute resolution service, certainly it would be dismissed quickly, and the landlord could proceed with the rent increase in accordance with the act. It's not meant to prevent that. It's simply meant to say that those tenants who step forward and raise – what is their lawful right to do is to seek out enforcement of their rights and their protections and enforce landlords' obligations under these acts. If they're seeking to do that which they're entitled to do, they should not be subject to intimidation, and they should not be subject to the fear that they will no longer be able to afford that.

As I said, I worry about the chilling effect of these actions as well. It's not just a landlord targeting one individual tenant, but certainly in a setting such as a mobile-home park you could see how word would get out to all the tenants that if they file an application or a complaint before the dispute resolution service, the landlord will raise rent. Really, it has a chilling effect on these tenants to be able to exercise their legal rights.

9:40

I hope the members opposite will take that into consideration, will see this as a fair protection for their constituents. Even if they don't have constituents in their riding who live in mobile homes, I'm certain that they do have renters of some kind in their riding. I think we all do. This should be setting the stage for balancing those rights in all tenancy situations, and I strongly encourage the government members to take that to heart, to consider it, and to vote in favour of this amendment.

Thank you, Mr. Chair.

The Acting Chair: Thank you, Member.

Any other members wishing to speak to amendment A4? The Member for Edmonton-McClung.

Mr. Dach: Thank you, Mr. Chair. I'm pleased to rise once again in this House to speak to this amendment to Bill 3, which has been brought forward with the best of intentions.

I do note that at the risk of raising the ire of the opposition House whip and perhaps severe penalties, I was thinking, as I listened to other speakers, that language is really important, that pronunciation is important, and that Canadian language is absolutely very important. I must say that I cringed every time I heard the word "mobile" in this House repeated time and time again because we may often listen to American television and hear things about mobile phones or mobile homes. But the pronunciation "mobile" is American, and mobile phones and mobile homes are what we own and what we live in in Canada. So I was suggesting perhaps, in my mind, an amendment – I'm only thinking about it; I'm not actually proposing one right now – a subamendment, what might have been, in order to get us on the right track as far as language goes and actually speak in terms of Canadian language, that any time a member of this Assembly mentions the word "mobile," they'd be fined \$75, and that fine would apply to pay for the fee of one individual who wanted to file an application.

An Hon. Member: I'm waiving the fee right now.

Mr. Dach: There you go. There you go.

Just an idle thought as I was sitting here listening to other speakers. But it is truly something that I think we should be aware of in this House, and that is the pronunciation of words that reflect what actually our language is in this country versus the American pronunciation, which we should avoid. Just a thought, a pet peeve. Much to the relief of my whip I won't actually proceed to a formal subamendment proposal, but please be aware of that, and I hope that we take it to heart when considering how we pronounce words that are going to be repeated in public by people listening to us as speakers in public service. I hope that I've made a bit of a dent in the mobile world and we'll hear people in Canada talking about mobile homes and mobile phones instead of the other way.

Now, I also was thinking to myself, while listening to the debate on both sides of the House, about the impact of some of the former speakers that I've had the privilege of listening to in this House, those that are no longer members but those that really made a mark on myself, and what they did to bring things home, to really rein things in, to round up their arguments, to focus the attention of the House and the public that may be listening to these arguments, to try to get to the real heart of the matter, to slow things down a little bit and really gain the attention of his audience. I've given part of his identity away by mentioning gender, but I speak of the one and only Dr. Raj Pannu, former leader of the New Democratic Party of Alberta and the Leader of the Official Opposition and our leader of the New Democratic Party in this House. He would often rise and really focus the attention of everyone in his audience by bringing it home and talking about people involved in any situation that the issues happened to be concerning.

Earlier this evening in debate we had the Minister of Service Alberta readily admit and with some sadness – all members of this House are not happy to know – that we're having to prepare for another 3,000 or an increase in the number of individual cases and claims that will be made by tenants in this province as a result of COVID-19 and the consequential job losses that have happened. Of course, the minister noted that he has funded an extra from 10,000 to 13,000 application places, I guess, for the anticipated rise in the number of claims that will be made and the hearings that will have to happen under the RTDRS. Now, I hesitate to try to second-guess the figures of the minister, but something tells me that 3,000 extra spaces, or another roughly 27 per cent more than typically are budgeted for, will not be anywhere near enough for the onslaught of claims that we, I think, will find happening in this province as a result of the job losses that we've seen caused by COVID-19 and the illness and so forth that will force many people out of work and cause so many businesses to fail. As a result of that increase in claims, the minister has rightly made some preparations to try to fund them, but I hope that he has contingency plans for a much larger increase in that claims process funding because, I believe, unfortunately, that it's going to be necessary.

The minister has rightly indicated that those claims will increase, and there will be a large number of people making them. I ask, as Dr. Pannu would ask in this House whenever confronted with an issue: just who is behind those claims? Who are these people who will be making these claims? These are not claims with numbers behind them; these are individual renters who are feeling that they might be dispossessed. They are renters who feel that the increase in rent during a claim is designed to prevent them from making that claim. That's why this amendment is so important. Every individual who will be part of the surge in claims that the minister is trying to prepare for has their own story. They have their own life. They may have their own family that they're looking after. For us to say to

them that we're going to allow a rent increase to take place when we know for sure there's going to be a huge surge in the number of these claims taking place: that's a weapon that I don't think we want to put into the hands of the landlord, who is also facing desperate times.

Landlords, possibly through no fault of their own, will be looking towards whatever tools they may have at their disposal to remain solvent themselves. That's the desperation of the situation we're about to enter into. It's not necessarily to say that a landlord is acting maliciously when they act to increase rent when faced with a claim. It may be part and parcel of the times we're going through when we see an increase in that type of action on the part of landlords should we not accept this amendment.

I refer back to how Dr. Pannu would always approach things and try to put myself in the position of either of the parties to a dispute and think: what would be the best way out of this, particularly in the situation that we face, where we know that there's going to be a massive surge in the number of claims, probably well more than the minister anticipates, in my judgment?

9:50

We should be asking: "Who are these folks? Who are these Albertans who will be looking to insist that there be no rent increase during the hearing process so that they might actually stave off the battle that they think they have to engage in to protect their family and be protected from a landlord who's doing whatever he thinks he has to do to protect his business?" These people are the nurses who are right now in our hospitals looking to serve us as we look towards a massive unwelcome surge of viral infections. They're the LPNs who work alongside them. Those people will be making claims to protect themselves from rent increases during a claim against their landlord. They're the postal workers who get our mail to us during this pandemic. They're the rural grocery store workers or grain elevator operators who look to continue to serve their communities and hope to be able to at least stave off a problem with their landlord and hope not to have a rent increase during the hearing process.

No matter what part of the province we're in, Mr. Chair, we should always take a look at who the individuals are behind the processes that we're looking to amend in this Legislature. The individuals are human beings with their own stories, and right now every one of them on both sides of this dispute resolution mechanism, whether it be the tenant or the landlord, is basically in a struggle for survival. It's that struggle that we are here to do our very level best as legislators to help people get through, to be a real bridge, not a bridge that says, "Sorry; bridge out" after a certain length of time but a real bridge that gets us through to the other side intact and looking towards each other for help, not looking at each other as adversaries.

Mr. Chair, with that and a tip of the hat to a former member of this Legislature, Dr. Raj Pannu, I say: let's certainly look always at the individuals and the human beings behind the legislation that we intend to pass, and with that, we'll be guided to make decisions that are respectful of all parties on any legislation that touches upon renters in this province.

Thank you.

The Acting Chair: Thank you, Member.

Any other members wishing to speak to amendment A4? The hon. Minister of Service Alberta.

Mr. Glubish: Thank you, Mr. Chair. I just want to again thank everyone for their thoughtful comments on this important bill. As we talk about the proposed amendment A4 related to suspending

rent increases and specifically as it relates to the very real problem of economic eviction, I want to just be very clear that our government recognizes that economic eviction is a real problem. I'm not a denier of this being a real problem. Certainly, I heard a lot about it on my tour last summer. We continue to hear about it. This is a real problem, so I want to be very clear about that. We are in agreement, I know, not often and not on much, but we are in agreement on both sides of this House that economic eviction is a very real problem.

But I just want to highlight, you know, what essentially is being proposed with this amendment. All it's really doing is kicking the can down the road a couple of months to say: well, for the duration of the dispute the rent increase can't happen, but then it can still happen. It's not dealing with the root of the problem. This is something that I wrestle with. How do we as lawmakers take practical steps to help folks who are facing real problems? This is a real problem that is affecting mobile-home owners, and we need to be very thoughtful about this. My problem with this amendment is that it's not fixing the problem that we're all talking about, that we need to solve, and unfortunately, I believe, it can make things worse in the short term. What I will say is that a lot of talk has gone into: what the effects are of COVID-19 and the current pandemic and the economic fallout that is impacting many Albertans in this trying time, as it relates to this bill, Bill 3, and as it relates to this amendment specifically and the problem of economic eviction.

I think it's important to remember that the announcement that I made a week and a half ago that there will be no rent increases for any tenants anywhere in Alberta, which includes mobile-home tenants, for the duration of the pandemic is a temporary stopgap on the economic eviction problem. It holds it at bay, kicks it down the road farther than this amendment would because this amendment only deals with for the duration of a dispute for however long it's being addressed by the RTDRS until a resolution has been decided by the dispute resolution officer, whereas my rent increase prohibition will last until the conclusion of this pandemic. Again, that doesn't solve the problem, but it does more than this amendment does already to buy some more time for us to continue looking at this very real problem.

Again, I know we don't agree on everything, we don't agree on much, and I know that on this Bill 3 and the related amendments that we've been debating here this evening, the opposition doesn't agree with my resistance to accepting those amendments. But I just want to say, to make it very clear, that we know that economic eviction is a problem. We know that the issues – and this was on amendment A2, I think, the talk about utilities and some of the infrastructure problems. We know that those are real problems. My position is that with the tools we have before us right now, with the MHSTA, the RTDRS, and how the two would interact with these amendments with the Residential Tenancies Act, there are limits to what we can solve today together as opposition and as government on Bill 3.

My goal is to get the most thoughtful, balanced, practical policy through in this bill to bring the most immediate relief for the most urgent needs that we can now while acknowledging that more work needs to be done on economic eviction and on utilities and infrastructure. The reality is that that's going to be more complicated and it's going to take some more time. I'm committed to putting in that time. Our government has committed to doing more on this. In fact, if you look at our news release from February 26, when we first announced Bill 3, at the end of the news release we even said, "Beyond making this immediate change, the government will engage with people in mobile home communities about ongoing issues that cannot be addressed through the RTDRS."

I maintain that economic eviction cannot be addressed through RTDRS. I maintain that infrastructure and utility problems cannot be addressed through RTDRS. But that doesn't mean that they're not real and important issues. It doesn't mean that we're not taking them seriously. It just means we need a bit more time. We're committed to putting more time into this in a thoughtful manner. Again, I know that folks from the opposition might wish that we could just snap our fingers and solve all these problems overnight, but the reality is that if it were that easy, we could have done it a long time ago and, quite frankly, they could have done it a long time ago. It's not that easy, but we're committed to seeing this through.

I hope that that's helpful to the members of the other side, on the opposition, on why I am urging my colleagues not to support this amendment. It's not because I deny that there's a problem. It's because I don't think that this amendment fixes this problem, but we can all agree that this is a problem that needs some further work.

Those are my two cents on this amendment. Thank you for hearing me out, and I look forward to the rest of the debate.

The Acting Chair: Thank you, Minister.

Any other members wishing to speak to amendment A4? The Member for Edmonton-West Henday.

Mr. Carson: Thank you, Mr. Chair. Once again, I appreciate the opportunity to rise and speak to this amendment before us, an amendment that I full-heartedly support, from the Member for Edmonton-Gold Bar. I also appreciate the comments that that member laid out in terms of the importance of moving forward with this and ensuring that economic evictions, the idea or the issue of economic evictions, are taken seriously not sometime in the future, as the minister has shown an interest in doing, but today, as we continue to deal with the pandemic in front of us.

Just a few things, one being that the minister made a point of saying that this is kicking the can down the road. I think that the Member for Edmonton-Gold Bar explained quite clearly the fact that the changes that the minister has made through Bill 11 and through the ministerial order are doing exactly what he's saying this amendment is doing. When the Member for Edmonton-Gold Bar explained that, sure, we are not going to evict people tomorrow or today because they can't afford their rent this month or next month – but the fact is that they're going to have to come up with that rent at some point in the near future once the ministerial order is no longer in place.

10:00

However that might play out, the fact is that these tenants are going to have to pay their landlords that money. The fact is, you know, that people need to get paid. Landlords need to ensure that they can afford their mortgage, to ensure that they can afford to keep a tenant in. I understand, once again, that that relationship is very important. As the Member for Edmonton-McClung said, it shouldn't be an adversarial situation. Unfortunately, sometimes it just turns out that way.

When the minister says that this is actually not going as far as what he did with Bill 11 and the ministerial orders, I would disagree. I mean, for one, quite different issues that they're dealing with, and two, this is going to go on for the foreseeable future. This is not until the public health emergency has ended. This is not until a ministerial order says for it to stop. The fact is that economic evictions are happening every day and will continue to happen not only for the next few months as we go through this pandemic or the next year but for years to come. The fact is that if we have this

legislation in front of us and it's open to be amended at this moment, I really do not quite understand why we are not making this change right now. The fact is that the people who are going to be negatively impacted by not doing things like this are the people who can least afford it.

Once again, not to relive moments that just happened, but we look at the \$75 fee. Well, the people who are going to be least able to afford that are going to be affected the most severely. We see that when we look at programs like getting access to AISH funds or PDD funding or whatever it might be. The fact is that often people, no matter their education, need advocates and need help getting through these programs and situations because there is a lot of red tape, red tape that, once again, the Member for Edmonton-Gold Bar laid out quite clearly. In the process of getting that \$75 fee waived, well, if you look at that application, the fact is that many people are simply potentially not going to go through that process because it is going to take them an extreme amount of time on top of the time to prepare a case for the residential tenancy dispute resolution service.

Once again, this amendment seems very reasonable. I think that it will not only help with what is going to be a result of the pandemic that we are experiencing right now, because there is no doubt that the residential tenancy dispute resolution service is going to be extremely overwhelmed. Now, the minister – once again, I will discuss this a bit further in later remarks – has said that they've brought three more people in to deal with the increase to these dispute resolutions, that are no doubt going to increase over the next several months. Unfortunately, Mr. Chair, I do not believe at all that that is going to be enough. Unfortunately, as I will discuss once again a bit further in the future, the fact is that this pandemic hit Alberta at a rapid rate. Unfortunately, I as the critic for Service Alberta did not have the opportunity to even discuss the minister's budget before a committee, which is extremely concerning for me because we have no idea how the money is being spent at this point, nor, unless an audit is done by the Auditor General, will the public overall fully understand if the funding was there in the first place.

Once again, I think that this amendment is very reasonable. I think that all members should support it. I would also say that it's unfortunate that, while I appreciate the minister has stood up and explained why he believes we shouldn't be doing these things to support people living in mobile-home communities, you know, I just don't think it's good enough for the people out in the community, and I don't think that they will appreciate how these amendments have been turned down by the government. I think that some members of the government caucus other than the minister should also speak up on why they're not supporting these amendments because their constituents once again are going to be disappointed in them.

Thank you.

The Acting Chair: Thank you, Member.

Any other members wishing to speak to amendment A4? The hon. Minister of Service Alberta.

Mr. Glubish: Thank you, Mr. Chair. I won't take long. I just want to address a couple of quick points. You know, thank you to the Member for Edmonton-West Henday for his thoughts on this. Again, let me be clear. We know that economic evictions are a problem. We know that more work needs to be done to solve this problem, but what is being proposed in this amendment does not solve this problem. It simply buys the tenants a couple of months' relief until a finding by the RTDRS is concluded, and then the rent increase can still happen. As such, the economic eviction can still happen. While I appreciate the member's desire to say, "While we have this legislation before us, let us solve this problem," well, the

fact is that what you're proposing as an amendment does not solve this problem.

Furthermore, what I've already announced as it relates to addressing rent increases in light of COVID-19 to protect all renters, including mobile-home renters, does more than this amendment does. The fact is that the COVID crisis is going to last longer than a couple of months of protection. As such, the protection that I announced to protect all renters from rent increases of any kind for the duration of the pandemic is de facto a longer and broader delay and protection than what is being proposed in this amendment. So the amendment doesn't solve the problem. Does my rent protection for the pandemic solve the problem? No. I acknowledge that it does not, but I just want to reaffirm that I acknowledge that economic eviction is a problem. More work needs to be done.

More work will be done, but legislation in the MHSTA is not necessarily the best approach on how to deal with that. Access to the RTDRS is most certainly not the way to solve this problem. So I don't want to hold up all of the good that we're doing on Bill 3 to give mobile-home residents access to the RTDRS for all of the good reasons that we've discussed over the last day or so on this bill in order to find a perfect solution to economic eviction. If we wait until we have the perfect solution to all of the problems, we will never solve anything. I think we can all agree upon that.

I want to get Bill 3 done in the best form it can be so that we can then ensure that that improvement in the life of mobile-home residents is achieved immediately, and then we can move on to the next set of problems without that hanging on our shoulders, saying: we've got a myriad of problems to solve; well, let's solve the ones that are immediately within our grasp now and then move forward. The protections, my rent protections that I announced for the duration of the pandemic, buy us a lot more time to try and work towards those kinds of solutions than this amendment ever would. That is, again, why I am recommending that we not support this.

You know, just a quick aside on the budget. Look, the reality is that the budget is a public document. All of the categories in there are listed. It is very plain that there's been no decrease in consumer services funding, which I shared with all members in this House earlier today, which is the section of my budget that funds the RTDRS. Those funds are there. To the Member for Edmonton-West Henday: I just urge him to look at the budget to see that those funds are there.

Furthermore, to the comment saying that three additional tenancy dispute resolution officers would not be enough: well, look, we had 10,000 cases in 2019. Our best estimates not related to the pandemic, just purely our best estimates based on the volume of traditional tenancies and the volume of mobile-home tenancies and looking at the historical trends in the RTDRS, are that we would see approximately 500 additional cases per year from mobile-home tenants and landlords. That is a 5 per cent increase in the total volume. We're increasing the volume of tenancy dispute resolution officers by 30 per cent. Again, that is enough to deal with the mobile-home needs, and it is an additional amount to deal with the likely escalation of overall demand for this entire service related to the pandemic. Respectfully I have to disagree with the Member for Edmonton-West Henday in saying that these resources are not enough.

But let me reaffirm that I understand how important the RTDRS is to all tenants in Alberta and hopefully very soon to tenants in mobile homes if we pass Bill 3. It is important in order to ensure that we have a timely and consistent application of the rule of law as it relates to the RTA and the MHSTA. We will of course monitor this in the months to come. We know that we're in uncertain times

because of this pandemic. The world is evolving very rapidly, and we are monitoring that as a government. I'm proud of the work that our government has done and that our Premier is doing and all of my colleagues. We will monitor this. For now, I'm confident that we have taken the right steps to ensure that we are building the capacity required to both handle MHSTA demand and also to handle pandemic-related demand for the RTDRS. I just thought it was important to clear the air on that topic as well.

Thanks again for the opportunity to respond, and I look forward to the rest of the debate.

10:10

The Acting Chair: Thank you, Minister.

Are there any other members wishing to speak to amendment A4? The Member for Edmonton-Gold Bar.

Mr. Schmidt: Thank you, Mr. Chair, and I want to thank the minister again for his comments. I just want to offer some comments in response, first of all, on the estimates that his department has produced and the increase in the number of cases that they anticipate the RTDRS will have to deal with. I know from personal experience and also from observing some of the estimates that the government puts out that the predictions that the departments make in terms of how much demand there will be for these services often severely understate the reality. I know that when I was Minister of Advanced Education, we rolled out a program to provide scholarships for trades students who were currently unemployed to continue in the program. The department had given me a number of expected enrolments in that program, and the actual number turned out to be twice as much.

Similarly, with the emergency isolation benefit that the government announced, they predicted and they were in the news saying that they expected to spend \$50 million on the emergency isolation benefit, and then yesterday in the CBC it was reported that they had spent over \$110 million. There are thousands and thousands of Albertans who are unhappy with the system because it didn't work. Had the system been working, the emergency isolation benefit would have cost far more than the \$110 million which it ended up costing, and that's twice as much as what the department had told them it was going to cost when they went out with the \$50 million.

I appreciate that the minister thinks that he has adequately applied the resources to the RTDRS. I can tell you from personal experience that those numbers will likely be higher. I would be shocked if it was only even a 30 per cent increase, as he said they're prepared to handle with the staffing. That's not to say that we don't appreciate the fact that he's put additional resources. In fact, any minister right now in this government that puts any additional resources into anything should be praised because we know that they're looking to claw back spending on almost anything. We're certainly grateful for the fact that they are putting additional resources into the program, but nobody should be under the illusion that it will be sufficient.

I did have a question, though, for the minister, and I'm hopeful that he'll be able to provide us an answer. I appreciate his argument that what we're doing here does not solve the problem of economic eviction. I concede that point. This is not the answer to that problem. Unfortunately, this is the best that we could do given the tools that we have and the time that we had to think about the legislation and how to improve it, and we are trying our best to act in the interests of our constituents to at least make their lives better. You know, I take him at his word that he is looking into the issue. I'm wondering if he can provide us with more details about the activities that his department is undertaking to look at this problem

of economic eviction and when we can see any kind of rollout of a consultation or some kind of announcement of policy or regulation or even legislation that won't come before the Legislature. Because, of course, we have these emergency powers that have been given to members of cabinet now, they can write legislation. If the minister would be able to share any details on the specific plan that he has given his department to deal with this problem of economic eviction.

The Acting Chair: Thank you, Member.

Are there other members wishing to speak to amendment A4? The Member for Edmonton-Highlands-Norwood.

Member Irwin: Thank you, Mr. Chair. I'm not going to speak too long because I believe I have made a lot of my points earlier. But I do want to speak specifically to this amendment briefly because, in fact, I know I've got some colleagues who also still want to speak. To echo my hon. colleague from Edmonton-West Henday's sentiment, it's unfortunate that, you know, we're not hearing from government members because I look around this Chamber, and I see a number of members on the government side who I know have mobile-home parks in their ridings. Many of their constituents will be impacted by this. It's unfortunate because in the small towns, even my own hometown of Barrhead, I know there are folks who will be impacted by this legislation. So I'm disappointed that we are not hearing from more government members on this piece of legislation because we're talking about tens of thousands of Albertans who are impacted. They deserve a voice, so we will continue sharing that voice at least on our side of the House. That's for sure.

I want to just point out the importance of this amendment. My colleagues have made the point really clearly that it's a reasonable amendment to ask for no rent increases to be implemented until any sort of decision is made. Again, I commended this government earlier on Bill 11 and the steps they took to ban evictions, but we need to go further than that. I think this is an opportunity for this government to show their support for those living in mobile homes.

Again, like I said, I'm not going to speak too, too long on this, but, you know, we've proposed to date, for those watching at home, I believe four amendments on this bill. All of those amendments were not just picked from a hat. They were based on consultation. I will reiterate the point that both of my colleagues from Edmonton-West Henday and Edmonton-Gold Bar have spoken to many, many folks who are impacted by this legislation. We are sharing their voice in this House, so I urge the members opposite to think about that because we have no indication from the members opposite, other than from the minister, that there has been consultation in your ridings. If you're not willing to speak up on this, please at least be willing to consider these reasonable amendments.

Thank you, Mr. Chair.

The Acting Chair: Thank you, Member.

Other members wishing to speak to amendment A4?

Mr. McIver: Just briefly, Chair, I will say that on our side we have a very competent and capable minister who has brought forward a really good, well-prepared piece of legislation. He certainly speaks for me when he gives answers on this. I think that just goes to show what great work he and his team did. I have full confidence in the piece of legislation he has brought forward and his explanations about it.

The Acting Chair: Are any other members wishing to speak to amendment A4?

Member Ceci: Mr. Chair, just briefly to also address this amendment that's before us, amendment A4, I also reviewed some of the background of why this was brought forward, I think, by the Member for Edmonton-Gold Bar and the references made to the Alberta Urban Municipalities Association resolutions both in 2016 and 2019 that dealt with this issue specifically, economic evictions. While the Minister of Transportation says that the Minister of Service Alberta speaks for him in this regard, he doesn't speak for the AUMA, and he doesn't speak for the town of Hinton and the town of Okotoks, that brought forward the resolutions in 2016 and again in 2019.

10:20

You can see why Hinton and Okotoks both brought this resolution forward and asked for this Legislature's support of their concerns. In the town of Hinton mobile homes form 25 per cent of the residential housing stock, and on average, they say in a document from Hinton, only 4 per cent of housing stock throughout the rest of Alberta is mobile homes. So they have a great deal of weight or overweight of mobile homes, and, as you can appreciate, they probably have many, many issues that are brought to their local council that their local council is hamstrung, that they can't deal with, because there is no legislation. It is provincial legislation that they were asking for as a result of their resolution back in '16 and '19 to come forward to deal with the issues that their residents bring forward.

The town of Okotoks, similarly, has many, many news articles stored in the Internet that talk to the challenge with one landowner in particular. I won't name that landowner, but I will say that residents were looking to their local councils for relief, and they weren't getting it. That's why the local councils started to mobilize other towns and cities in Alberta and brought that to the AUMA, where 91 per cent of the people voting in '16 at that annual general meeting supported the resolution.

Mr. Dach: Mobile.

Member Ceci: Yeah.

You know, the only thing that I was instructed – not by you, my colleague; I think it was out way down south. I can't remember. Maybe the Minister of Transportation remembers. It was adjacent to Riverbend, and I just can't remember the name of it.

Mr. McIver: South park – it's not south park. South bend.

Member Ceci: South Hill.

Mr. McIver: South Hill.

Member Ceci: South Hill mobile-home park. I used to regularly call it – and I got pulled up short many times – trailer homes, and the residents there objected mightily to that. I remember Lois Hole – she's still alive, I think; she was about this high – used to come up to me and say: we're not trailer park trash; we're living in mobile homes. But they couldn't . . .

Mr. McIver: Lois Hole was the LG.

Member Ceci: Yeah, yeah, yeah.

The Acting Chair: Carry on, sir.

Member Ceci: But, you know, the thing about mobile homes is they can't be – they're not mobile. They stay in place. I've never seen one moved unless it was dilapidated and needed to be taken out of there, not at South Hill but other places.

Anyway, the economic eviction is a real thing. It was brought forward. A great number of Alberta towns want to see something done expeditiously, and they started in '16. We were working on it and didn't get it across the finish line, admittedly, but we can do something about this today, Mr. Chair. We can put this amendment in to give some solace to not only the people who are renters of land and have their homes in those mobile-home parks, but we can also assist the councillors from across Alberta, namely in Hinton and Okotoks, that have been working on this for two years – sorry. More than two; four years.

I also was listening to my colleagues who were talking about the power differential, and that's a reality because the residential units can't go anywhere else, so they often feel beholden to address the landowner's calls for increased rents. Many people get into those situations because they want to have an affordable place to live, and they find themselves, you know, being held somewhat hostage because they can't take their mobile home anywhere else. The only thing they can do is pay up or move out.

We want to see those kinds of situations not occur in Alberta. We know this is not a perfect solution, but it is an important action to take on behalf of people who feel like they have no other recourse. That's why I am standing in support of my colleagues. That's why we want to see something done today. And as my other colleague said, you know, we've brought forward four resolutions. We have an interest in seeing improvements to this area, and I believe this is one that we can all agree would be an improvement. Though not perfect it would address what Hinton and Okotoks and their mayors have said specifically would be of help to them.

I don't think it's an unreasonable expectation to have that, you know. People who are subject to intimidation should be given some small measure of support so that they can get the issue that they brought forward to the dispute resolution service addressed before they have to deal with additional issues, namely an increase to their rent, which in many cases are to seniors' rents, who are already looking for an affordable place to live and sometimes find that affordability is taken out from under them as a result of increases to the rent, which they need, obviously, to address in a way that they can be sustained in their living situation.

I'm going to conclude, but I appreciate and I'll listen more to the mobile home kind of definition. Thank you.

The Acting Chair: Thank you very much, Member.

Are there any other members wishing to speak to amendment A4?

[Motion on amendment A4 lost]

The Acting Chair: On Bill 3 are there any members wishing to speak? The hon. Member for Athabasca-Barrhead-Westlock.

Mr. van Dijken: Thank you, Mr. Chair. Thank you for the opportunity to speak to Bill 3. I'm very happy with the bill as it's been presented by the minister and commend him on the work that's been done. I have a few comments on a few specific aspects of Bill 3, the Mobile Home Sites Tenancies Amendment Act, 2020.

The first comment being the savings to tenants and landlords in accessing the residential tenancy dispute resolution service, RTDRS as we're referring to it here this evening, accessing these dispute resolution services rather than through the courts, and secondly, the improved user experience that the RTDRS can offer Albertans. Like a number of my colleagues, I have heard concerns from residents of mobile-home communities in my constituency, and while the concerns themselves vary, a common denominator has been that access to the RTDRS would help resolve many of them. Disputes between tenants and landlords can be very difficult

to navigate. When it comes to matters of one's home, disputes such as these can become personal and often disruptive. The emotional and financial stress related to these types of disputes may worsen an already difficult situation. It can strip an individual of the security they should feel in their home.

Bill 3 is taking an important step to support the rights of mobile-home residents and mobile-home park owners across Alberta in the dispute resolution process. The Mobile Home Sites Tenancies Act, 2020, lays out the responsibilities and protections of mobile-home community tenancy and ownership. Under existing legislation mobile-home owners have many of the same rights as tenants in other residential properties like houses and apartments. These include notice requirements for the termination of tenancy or rent increases, obligations of the landlord to the tenant, and requirements for security deposits to be respected. However, when there are disputes between tenants and landlords, mobile-home tenants do not have the same access to dispute resolution services as tenants in other types of residences.

I know it has been mentioned before, but it bears repeating: being denied access to the RTDRS has meant that disputes need to be heard by the courts, which involves higher costs, longer wait times, providing a huge barrier to many who just seek a reasonable, impartial resolution. Bill 3 represents a strong step by this government to support the over 30,000 Albertans who live in mobile-home communities. My riding has several mobile-home parks, and ensuring they have access to this resource is meaningful, helpful, and practical to their lives.

10:30

The bill specifically addresses problems relating to the time-consuming, costly court system that is currently required if mobile-home tenants want to formally settle a dispute. Under the current rules mobile-home residents are required to use the court system to settle their disputes. That means that if, for example, a landlord refuses to give back a security deposit without sufficient reason, the only avenue for resolution is through the court system. That process can be expensive, Mr. Chair, with application fees of up to \$200, and the dispute is often not handled in a very timely manner. At the same time, tenants in other types of residences have been able to access the residential tenancy dispute resolution service to address these same issues with an application fee of only \$75 for either party. The dispute resolution service provides a cost-effective, fast, and less formal alternative to court disputes for complaints under \$50,000. As you can see, before a hearing has even begun, there are savings compared to relying solely on the courts. It is also possible that the RTDRS adjudicators can waive this fee in the event that an applicant has demonstrated financial hardship, removing the barrier even further for some of our more vulnerable members of society.

Mr. Chair, it is unfortunate that tenants in mobile homes do not currently have the same access to services as other tenants do, and this is an important bill to correct that standing. This inequity between mobile-home residents and other types of tenants in Alberta is a concern that mobile-home owners have raised for many years. In addition, the RTDRS is a less intimidating environment, that has less formal rules of evidence, that enables individuals to represent themselves more easily. So taken together, this often means that tenants and landlords seeking to resolve a dispute can do so in a less expensive and a less intensive manner. While the RTDRS is not the only possible venue for every dispute in this area, it is an ideal fit for many of the common problems. This is one of the main reasons that both tenants and landlords of Alberta residential properties have been willing to divert their cases to the RTDRS for resolution.

Bill 3 is making an important update to our legislation that puts Alberta in line with the policies in other provinces. The residential tenancy dispute resolution service would present mobile-home tenants with fewer barriers to access. With the service urgent disputes are heard within weeks and nonurgent disputes can be heard within a few months.

Mr. Chair, the amendments contained in this bill come as a result of listening directly to Albertans living in mobile-home communities. This service has proven its value time and time again, and it is only fair that we open it up to hear mobile-home site tenancy disputes. I thank the minister for travelling Alberta, meeting with residents and managers of mobile-home parks, and bringing this bill forward in response to what he heard. It is expected that over 500 mobile-home tenants will file with the dispute resolution service each year once Bill 3 becomes law. That matters, and they matter. That is 500 people for whom resolving their dispute will be less costly and a less stressful process.

I'd like to share a quote with you from a resident of Parkland Village in Parkland county. In response to the changes proposed by Bill 3, she said: at long last we are being treated the same as other Alberta residents; I am so encouraged to know that we'll have easier access to the dispute resolution service. I'm sure that many of the members in this Chamber would agree that this is a very powerful sentiment.

The common-sense change proposed by this bill has the ability to reduce some of the financial and also the emotional burden that the dispute resolution process has on mobile-home residents. By listening to the residents of mobile-home communities in province-wide consultations, this government is addressing ongoing concerns in these communities.

Of course, dispute resolution is not the sole concern that mobile-home residents face. As the Minister of Service Alberta has said when he hosted public consultations, other issues also arose. These serious issues still need to be addressed, and conversations will still take place, as the minister has alluded to this evening.

Bill 3 is marking an important change that will make life better for Albertans in this type of home. It affords mobile-home residents the same respect and dignity as other Albertans. I'm so pleased that this minister and this government are beginning the important work of making life better for mobile-home residents in my constituency and throughout Alberta.

Thank you, Mr. Chair.

The Acting Chair: Thank you, Member.

Are there any other members wishing to speak to the main bill, Bill 3? The hon. Member for Edmonton-West Henday.

Mr. Carson: Thank you, Mr. Chair. It's once again an honour to rise to speak to Bill 3 in Committee of the Whole and share some of my thoughts. Just a few points here. First of all, I once again would like to give my appreciation to the minister for bringing this forward. I know that it is a very important issue, and we're happy to see it come forward, especially at a time like today when we have the prospect of COVID-19, the pandemic that it is, at our door. I appreciate the timing, I suppose, while I do have some concerns about the timing, I guess, on the other hand, that I will get to here in a few moments.

First of all, I guess I would just once again point out the fact that through this process and through the budget process or the lack of a budget process with this UCP government, I was unable to bring forward my concerns as the critic for Service Alberta. It was actually the day of when we were still bouncing back and forth whether I would have the opportunity in committee to debate the Service Alberta budget with the minister. Unfortunately, I think

with an hour's notice, a couple of hours' notice at most, I was told and my constituents and the people that are concerned about issues with Service Alberta were told that they would no longer have their voices heard in the Legislature.

To be honest, Mr. Chair, as small of an issue as the minister tried to make it out in his last comments – he said something to the effect of: they're public documents, and you can go and look at them online just like any Albertan can. The fact is that it's kind of a continuation of some of the very undemocratic things that we've seen take place from this government, and it's not just during this pandemic that this picture has started to be painted of this UCP government. It started long before that. I just once again want to point out the fact that it's very concerning for us as representatives of our constituents and representatives on issues and critics on issues that are across the province to be told: oh, you'll be okay; you get to look at the documents. The fact is that I did not get an opportunity to really dig down deep.

When we look at the residential tenancy dispute resolution service, I have questions. Once again, the minister says they've staffed it enough. The Member for Edmonton-Gold Bar raised I think fair points that often we see that the estimates that are put forward are not necessarily going to be enough. Maybe that's something that we see in the next budget, but the fact is that I and my constituents and the people that I represent across the province deserve to have that opportunity to at least get an answer from this minister.

We look at programs, as the Member for Edmonton-Gold Bar laid out, like the emergency isolation benefit and how oversubscribed that program was and how the government underestimated how much that program was going to cost, and we look further to the Alberta ID system that the government used and the fact that – I'm not sure if I can say the majority, but many, many Albertans were either forced to sit on a computer 24 hours a day, and if they were lucky enough, they would get through, or they were just completely shut out of the system. Even with legitimate identification and having all of their paperwork in order, they were still denied in many circumstances for reasons that they should not have been denied. Now this minister is telling me and my constituents and the people that I represent: oh, we'll be okay; we're going to get through this. It's kind of hard for me to take him at his word on that.

It's not his fault. I understand that the systems get put in place and sometimes they just don't work. The fact is that we need to have those discussions. We need to have discussions about the minister and the ministry's targets, which are often discussed in budget deliberations, about how much of an increase he expects to the cost of this dispute resolution service. He discussed the fact that he's brought in some new ministry staff, thankfully. I mean, we just went through the process of losing, I believe, 26 IT staff in that department this year. I'm not sure how many of those he's brought back or hasn't brought back, so that's a concern for me as well.

10:40

When we look at some of the amendments, the very reasonable amendments that my NDP colleagues and myself have brought forward this evening and have been talking about since the introduction of Bill 3, the fact is that we're very concerned about the things that were missing from this legislation. My mom always told me that if you are concerned about something that does not seem right, then you should write a very strongly worded letter, Mr. Chair, and that is exactly what I did this morning. We let this minister know about our concerns. We laid out our proposed amendments for him, hoping that we could have some good-faith bargaining and discussions in this Legislature, making sure that the

UCP government did the right thing for our constituents. Unfortunately, to this point we have seen several very important amendments denied by this minister and by this government.

Once again, when the Minister of Transportation stands up and says, "Well, we don't need to talk because the Minister of Service Alberta speaks for me," Mr. Chair, with all due respect, that minister is well intentioned, and the fact that I will support Bill 3 in its entirety at this point does not dissolve my obligation to speak on behalf of my constituents. If members of the government are not going to say anything or they're going to avoid any discussion on why they won't support these reasonable amendments but will stand up on the main bill and read something that really didn't discuss any of the issues that we brought up this evening – it was very tone deaf, in my opinion. The fact is that those constituents deserve better.

When we look at, once again, some of the proposed amendments that we made, they were reasonable. They were to help people that are potentially most vulnerable or will be most affected by the pandemic and by landlords or property management companies that are heavy handed. Once again, this goes both ways. I've had discussions with these landowner companies or these mobile-home site companies that own the land, and they also want to see this put in place, specifically the RTDRS. Once again, I stand here and recognize that Bill 3 overall is a step in the right direction, but while we are here, why wouldn't we make some of these very important changes?

If I go back to my constituents and say – well, you know, I don't want to discuss amendments that are not on the floor yet, but there is a real issue in Bill 3 with the time that it will come into force. The minister said that if we vote this through, things are going to be better for these communities tomorrow. Maybe he didn't say "tomorrow," but he was very clear about in the very near future. Well, if we pass this as it's laid out today, it doesn't come into effect until the fall. How am I supposed to go back to my constituents and say, "Well, the process is kind of in place, but you can't access it for several months"? Once again, that's a massive concern for my constituents because they're dealing with these issues now, and they've been dealing with these issues for months and even years in some circumstances, potentially.

I really hope, Mr. Chair, that out of everything that we are going to put forward this evening and potentially into tomorrow, this minister makes some decisions about moving forward his timeline for this legislation. This was something before the COVID-19 pandemic came forward. The day that he announced Bill 3, I stood up in front of media, even in my own community of Westview Village, and said that this is not going to be effective if all of these people who are counting on you today, Minister, have to wait until the fall to see this legislation, to be able to access the residential tenancy dispute resolution service. Once again, I appreciate Bill 3. I appreciate the work that the minister put into bringing this forward, and I know that many people out in our communities do appreciate that as well, but there are some glaring issues here that I really wish the minister would have considered a bit further. Most important, I suppose, of the many important things that we brought forward is the timeline because these people need support and need help today.

Now, the minister discussed the fact that he's made changes to ensure that people aren't evicted over the next couple of months through this global health pandemic. Once again, as the Member for Edmonton-Gold Bar and I brought up, these people are going to have to pay that money at some point. If it's not this month, they're going to pay two, three times in a few months, and they are definitely going to need dispute resolution at that point because there is no way, after not having a job potentially for several

months, that they're all of a sudden going to be able to come up with this money.

So why aren't we looking at better supports for tenants, or not tenants specifically, necessarily, but Albertans, all Albertans? If there are people out there that need financial support, then we can support them. In turn, they can pay their rent so that we have this relationship where everyone is getting the money that they need, and then we will discuss the implications of that further. But instead, we're saying: well, you don't have to pay today, just like a mortgage deferral, but you're going to pay it at some point. In the case of mortgage deferrals, of course, that's a federal issue, but you are going to be paying it for many years to come, so that is a concern. We have to make sure that the programs we're putting in place are the right fit for Albertans as well, and in many circumstances I don't think that this UCP government has hit that mark at this point.

With that being said, Mr. Chair, I do have one more amendment that I would like to present.

The Acting Chair: Thank you, Member.

That will be amendment A5.

You can proceed as it's being handed out.

Mr. Carson: All right. Thank you, Mr. Chair. I'm okay to start here?

The Acting Chair: Absolutely. Read it out, and then proceed, sir.

Mr. Carson: I just want to make sure that I have the right one here. I have a lot of amendments here today. Okay. I move that Bill 3, Mobile Home Sites Tenancies Amendment Act, 2020, be amended in section 3 as follows: (a) in the proposed section 59.7(4) by striking out "The Dispute Resolution Service may" and substituting "Subject to subsection (4.1), the Dispute Resolution Service may"; (b) by adding the following immediately after section 59.7(4):

(4.1) The amount of a claim for damages, compensation or other relief set out in an application is not to be considered a circumstance in which the Dispute Resolution Service may, in accordance with the regulations, refuse to accept the application or refer the application to a court.

and (c) in the proposed section 59.8(d) by striking out "respecting the circumstances" and substituting "subject to section 59.7(4.1), respecting the circumstances."

Now, Mr. Chair, those are a lot of words to explain that the NDP caucus believes that we should be removing the \$50,000 cap that this minister has put in place within this legislation for cases to be heard in the dispute resolution service. This amendment makes it so that an application cannot be rejected for the claim amount. Effectively, it takes out that \$50,000 cap that's put in place in the legislation put forward by this minister. This will make it easier for key issues of infrastructure to be heard. Disputes in mobile-home communities are different than other landlord-tenant disputes, and this amendment will allow more of those disputes to be brought forward to the RTDRS.

Now, this is something that I raised as a concern at the introduction of Bill 3. The fact is that many of the concerns that people in mobile-home sites have are actually disputes with the landowner that owns the entire mobile-home site. When we look at bigger infrastructure projects, I've brought up in the Legislature concerns with massive holes in roads in these communities that could swallow trucks. We've had conversations about concerns about snow removal, or lack thereof, and safety in these communities. We've been told in many circumstances that those kinds of issues would not be able to be brought forward to the residential tenancy dispute resolution service as proposed by Bill 3, so we are very concerned about that.

Once again, many, a majority, I would say, of the concerns that people have are not necessarily with their landlord of the unit that they might be a tenant in but with the site management company or the site owner themselves, and we need to make sure that with these circumstances of infrastructure safety and infrastructure deficits or at least the perceived concern that there is an issue there – they need to be able to be heard, and the fact is that tenants, people that live in these communities, or homeowners do not have the finances to hold these site owners accountable in many circumstances.

Once again, we are working through Bill 3 to ensure that a tenant and a landlord, an owner of a mobile home, specifically the home itself, are able to go through their relationship and ensure that they have open communications without going to court. Well, we should also be ensuring that that relationship between a homeowner or tenant and the site owner is also able to be effectively managed without having to go to court.

10:50

I mean, the Member for Edmonton-Gold Bar raised the fact that these companies have a lot of money, and if they want to intimidate somebody for whatever reason, they have the financial means to do that. I'm not saying that that's necessarily the case in any circumstances or all circumstances, but the fact is that if they wanted to, they could take action to intimidate a tenant or a homeowner in these communities, whether it be because they don't think the site has been cleaned enough, a certain property has been cleaned enough, or for whatever reason it might be.

So I think that this is another common-sense amendment that I really hope the minister will support and that I hope the government caucus will support and, of course, my own colleagues as well. Thank you, Mr. Chair.

The Acting Chair: Thank you, Member.

Any other members wishing to speak to amendment A5? I see the Minister of Service Alberta. Go ahead, sir.

Mr. Glubish: Thank you, Mr. Chair. I'm happy to make some brief comments about this amendment, A5. First of all, I just want to clarify: I didn't impose a \$50,000 cap. The \$50,000 cap is what was in the RTDRS and always has been in the RTDRS. What we've been saying in Bill 3 is that we're making the existing RTDRS available to mobile-home residents. I just want to clarify that right off the bat.

More importantly, the threshold for matters that can be decided by the RTDRS is aligned with the Provincial Court, which is set at \$50,000. The division of powers between the Provincial Court and the Court of Queen's Bench is based on the Constitution Act and based on the types of decisions being made by each court. The Provincial Court limit is set at \$50,000, which is well above the \$5,000 constitutional limit, but was set in Alberta in order to reduce the caseload in the superior courts. Increasing the threshold for RTDRS beyond that of the Provincial Court would likely result in a constitutional challenge that such authority would interfere with the jurisdiction of the Court of Queen's Bench. Matters that exceed \$50,000 are substantial and typically involve ownership and maintenance of property. For this reason and to preserve the unique jurisdiction of each court, it has long been recognized that such matters should rest with the Court of Queen's Bench.

Because the Constitution Act determines the limits of what can be held at different court levels, I encourage members on all sides of this House to vote against this amendment.

The Acting Chair: Thank you, Minister.

Are there any other members wishing to speak to amendment A5? The Member for Edmonton-Gold Bar.

Mr. Schmidt: Well, thank you, Mr. Chair, and again I want to thank my friend from Edmonton-West Henday for bringing forward this amendment. I think that in spite of what the minister has said in response to this amendment, it still makes sense because, as the Member for Edmonton-West Henday laid out, the issues that mobile-home site tenants deal with are often very expensive.

We know that the RTDRS was initially set up to deal with landlord-tenant disputes in a traditional townhouse or apartment rental scenario, where the damage limit of \$50,000 seemed reasonable given the likely costs of the damages that would be in dispute, but as my friend from Edmonton-West Henday indicated, mobile-home sites are not at all like traditional apartment buildings or condominiums or townhouse units. There is significant – not common property. I don't know how properly to describe it, Mr. Chair. There is infrastructure that is the responsibility of the landlord to maintain that is very expensive. He listed a number of those items – roadways, sidewalks, waterlines, sewer lines, garbage pickup, street lights, electricity, a community league hall, a playground, anything that is out of doors that is provided to us who live in other kinds of residential neighbourhoods – that through our tax dollars as services of the municipalities are provided by or should be provided by the landlords of these mobile-home sites, and often they're not.

Anybody who has entered into a dispute with the municipality over the cost of fixing a road or an alley or the lights in the laneway or on the street or putting a park in place knows that those costs are astronomical. I think, in particular, about neighbourhoods in my constituency who have fund raised hundreds of thousands of dollars to try to build playgrounds in their neighbourhoods, right? It is the responsibility of the landlord under the Mobile Home Sites Tenancies Act to provide these kinds of facilities to their tenants, and a \$300,000 replacement cost is well beyond the limit that's placed here by the RTDRS. As we've said time and time again, mobile-home site tenants do not have the time or the resources to pursue these kinds of disputes against their landlords to get these kinds of issues dealt with fairly.

I am skeptical of the minister's response that this would somehow be unconstitutional. Certainly, we know that there are a number of other quasi-judicial bodies that don't have these kinds of limits imposed upon them, and I'm thinking right now of the Surface Rights Board. I don't think the Surface Rights Board has a limit of \$50,000. The Alberta Human Rights Commission as well is another quasi-judicial body that doesn't have these kinds of limits. So for the minister to stand up and say, "Well, we couldn't possibly lift the cap because this is the threshold that would shift something from the Provincial Court into the Court of Queen's Bench, and by doing that, this imposes on the Court of Queen's Bench jurisdiction," I mean, I don't buy it right now. The minister didn't give a very rigorous defence of his line of reasoning.

I think this speaks to the larger issue of the lack of consultation that was conducted before bringing forward this legislation. I know that the minister and members opposite have patted themselves thoroughly on the back, so hard that they'll probably have bruises tomorrow, for all of the wonderful consultation that they've done on this issue, but I want to remind all members that formal consultation is more than just going and listening to your constituents. I don't want to devalue going and listening to your constituents – that is the most important thing that we do as MLAs – but a formal consultation process allows us elected officials to go into communities and deal with these issues. Then when communities say, for example, "Hey, this \$50,000 cap won't work for us," then we can have department officials, constitutional lawyers, if need be, come in and offer their learned opinions rather than hastily bringing a bill forward and then some political staffer

writing something that sounds quasi-believable on the back of a napkin and passing it in to the minister at 11 o'clock at night. So it is really unfortunate that, you know, the minister and members opposite have conflated formal consultation with the process that they undertook, which was more of a listening tour.

If there is some constitutional problem with the amendment that we've proposed here, then surely there must be a workaround.

11:00

I know for a fact that the government has a bunch of lawyers on staff. They certainly engage in a bunch of constitutional questions related to natural resource royalties and pension payments and all of these other things. They certainly don't mind talking at length about the problems of the Constitution when it suits their purposes, but now that we have an amendment here before us that would actually do something to make the lives of mobile-home site tenants better, they use the Constitution as a shield for taking no action whatsoever, and that's not acceptable.

If the minister is correct in his analysis of this amendment, that it would be unconstitutional, then I would challenge him to at least defer this proceeding, consult with the lawyers in his department to come up with a clever workaround so that we could actually hear these kinds of issues in a quasi-judicial body and lift the cap. I am certain that with enough time and effort there is a way that we could structure the RTDRS so that it doesn't have to limit itself to hearing issues that are only worth \$50,000 or less. I certainly hope that the members opposite, if they are correct in their analysis, would at least say, "You know what? This is an idea that is worth investigating," and not just reject it out of hand with, you know, a half-baked story about the constitutional impossibilities of this amendment. Let's do this.

You know, might I remind the House that the government is not afraid to pass unconstitutional legislation when it suits them. We know that the day after they won the election they proclaimed – what is it? – the turn-off-the-taps legislation, which may or may not have been constitutional.

An Hon. Member: It was your bill.

Mr. Schmidt: Yeah. It was. It was our bill. We were very clear when we introduced that legislation, you know, that we didn't think that it would withstand a constitutional challenge. The fact is that it was still a tool that we could have used while it was being challenged in the court as to its constitutionality to put pressure on B.C. to achieve our objectives. We were completely open and honest and transparent about that.

The point is that with enough effort and enough time I am convinced that the government could come up with a clever workaround to make sure that the intent of the amendment that we have here before us right now is met, that residents of mobile-home sites have an ability to deal with these issues that are worth more than \$50,000 without having to go to the time and the expense of having the issue heard before a court.

If the government members are not prepared to vote through this amendment, then I at least challenge them to take the intent of this amendment back and bring forward something to this House that meets the intent of the amendment and put it before us for consideration. We would certainly be willing to do that. But to just reject this out of hand and wave your arms up and down and say, "Well, we can't do it because of the Constitution, and look over there; there's something else that we'd like to talk about," will not fly with my constituents. It won't fly with the constituents of other members here in this House who live in mobile-home sites.

We know that this is an urgent issue. On all sides we agree that mobile-home site tenants need to have access to the residential

dispute resolution service, but that access will be severely limited if this cap is not lifted. I really urge members opposite that if they are sincere about giving urgent access to mobile-home site tenants and landlords, they would look at some kind of workaround to meet the intent of this amendment.

The Acting Chair: Before we carry on, just on both sides of the House, even at 5 after 11 in Committee of the Whole it is still not acceptable to gesture and challenge members across the aisle. We were doing so well. Let's carry on.

Any other members wishing to speak to amendment A5? I see the Minister of Transportation.

Mr. McIver: Thank you, Mr. Chair. It's always a joy to get up when I'm invited to by the opposition in so many ways that are so much fun. I was listening to some of the debate in the last few minutes. I probably wouldn't be on my feet now except that they are determined to make my life better, so they said things that I get to respond to that will make my life better.

I was amused by the hon. member that complained that somebody over here stood up and was reading off prepared notes. Might I say that while he said that, he was reading off prepared notes. Just an observation from where I sit, Mr. Chair. I also thought that it was pretty cheeky of the previous speaker to complain about an unconstitutional piece of legislation that their party passed when they were in government. You've got to admit that that's kind of fun. I think that it was kind of fun to hear about people walking in with a piece of legislation or an amendment at 11 o'clock at night right after they walked in with an amendment at 11 o'clock at night and dropped it on the table. Just another observation.

And is just nothing richer than the NDP talking about consultation? I mean, there are many examples. I could talk about a Municipal Affairs bill that their previous government brought in and claimed it was perfect, though the website under that ministry said exactly the opposite of what the bill said. He said that the bill was perfect, and not 24 hours later he brought forward an amendment that was actually bigger than the bill after claiming that he had consulted on the bill.

And let's not forget everybody's favourite, Bill 6, which the NDP at the time said that they had consulted with farmers and ranchers and people in rural Alberta on. Then we had thousands of people out on the front steps. Essentially, that was as big a piece as anything was of them losing government the next time around, yet they would stand here and pretend to lecture us about consultation.

But what's really fun is that we, after complaining about a lack of consultation, had the good sense to vote against that bill. They trot in here talking about not consulting on Bill 12 and how terrible it is and how nobody was talked to, and they intend to vote for it, right? [interjection] I'm just saying. Sometimes – and I see that the member opposite just couldn't contain herself, had to complain about the fact of all these obvious problems with the debate we've listened to. I just thought I would remind the House tonight that if the bill is that bad, they should – I don't know. When we complained about a lack of consultation, we had the good sense to vote against the bill. They are complaining that no one was consulted, and they intend to vote for it. I don't imagine that I'm the only one here that finds that a little bit rich.

The Acting Chair: Are there any other members wishing to speak to amendment A5? The Member for Edmonton-McClung.

11:10

Mr. Dach: Thank you, Mr. Chair. I'm always pleased to rise, no matter what time of day it happens to be, in this Legislature and

give my comments to what now is amendment A5. I always like to stay within the rules of this Legislature when I speak. I try to do that, and I think I have a reputation for doing that. I'll continue with that practice as I make my comments on A5 and really try to consider exactly the context within which we all speak here tonight, and that's a time frame that is sadly very historic, where nurses four hours ago had a shift change and many of them left their families to go back to work to face danger to serve their patients and try to maintain this surge of the pandemic we all face at a level that won't overwhelm our hospitals. As we speak about this piece of legislation here, Bill 3 and the amendments thereto, it's important to keep that in mind and keep the candour of the moment respectful and within the realm of the actual, I would say, severity of the time that we happen to be living in right now.

Every moment that I speak in this Legislature during this period, when we face what are going to be some pretty tragic days ahead, I'm constantly reminded of the individual families that we know will be impacted and, no matter whether you're a renter in a mobile-home park or anywhere else, will ultimately, potentially, be facing a situation where you can't pay the rent very soon. Thousands upon thousands of people will be facing that situation, and the dispute resolution mechanism is going to be one that's obtained by a lot of folks. Hopefully, that system isn't overwhelmed and the minister's predictions are correct that only 3,000 more claims will need to be processed as a result of the pandemic and the ensuing job losses and rental crises and financial meltdowns that many families are going to face.

I hope that our focus is always going to be, over the next few months, the effort to put cash in the pockets of those individuals and families who don't know where the next bridge is going to come from; they look on a daily basis for a stepping stone. This amendment to this bill simply is one thing in the future that may assist those families who happen to be renters in mobile-home parks to achieve a resolution on a significant issue that otherwise would end up in the courts.

A \$50,000 limit on disputes between landlords and renters in mobile-home parks isn't realistic, in my judgment, is too low a limit to place on actions which can be dealt with by the dispute resolution service. I can think of many circumstances, Mr. Chair, where the tenant that I had knowledge of in a mobile-home park was faced with an infrastructure difficulty, whether it be drainage or a roadway – in particular, drainage caused serious issues for many of the tenants that I had knowledge of – and the amount of money it would take to rectify this issue in the mobile-home park, the amount of expenditure required by the landlord to solve the issue that might have been only affecting one particular renter and the lot of that renter would far exceed the \$50,000 limit.

To say that this renter would need, because the \$50,000 limit is in place – his only recourse would be to the courts would be, I think, an injury to that individual tenant. It's an unrealistic amount, an unrealistically low amount, to enshrine in the legislation and force the situation to be dealt with by the courts. I think that we've always looked towards helping the little guy in this Legislature, and it's individuals and families that we should be looking to protect when we are consulting with each other and debating legislation in this House. In this particular case, times have changed as far as the cost of infrastructure, as we all know, with members of the AUMA and the Rural Municipalities association constantly talking to government about how much infrastructure costs and how much more they need from government to make it possible to fulfill the needs of their communities.

Within a mobile-home park the same thing goes. The infrastructure costs are huge, and some are better than others at actually maintaining on a timely basis the infrastructure that the

tenants pay for by their rent and that is expected to be maintained in good working order and not put them at risk or their property at risk. In many, many cases, Mr. Chair, the \$50,000 limit is too low in this day and age to be the limit at which we set the requirement for a court application to be made.

I think it actually highlights as well something larger that, perhaps beyond this venue or beyond this piece of legislation, we should consider, and it touches on it. I wanted to bring it to light this evening so that we could at least begin to think about it for the future. We do look at the amount of money that it costs to fix infrastructure and the probability that in mobile-home parks, just like in communities and towns across the province, infrastructure deficiencies which require significant investment quite often affect more than just one tenant. There are multiple tenants that are affected by a particular problem, whether it be drainage or utilities or roadways or what have you.

Yet in most cases across the province there is no real association or group that tenants may belong to that is formally recognized and where they can attempt to bring forward an action against a landlord as a group such as one will find with a condominium association, where owners of the condominiums will be able to act as a group and take a look at defending themselves against actions or else taking actions themselves to satisfy deficiencies within the condo. Individual condo owners can look to the condo association to achieve some resolution.

What I'm looking at perhaps in the future, because of the nature of the size of the infrastructure costs and repairs and maintenance, is a means by which tenants can formally form associations and thereby seek remedies that affect multiple tenants. We don't necessarily have to limit it to mobile-home parks. Tenants in multiple-unit apartment buildings might be wondering about the same thing.

I say that as a bit of an aside and something to think about because of the fact that the \$50,000 limit is an outdated limit. We shouldn't be limiting individual tenants seeking to redress for these grievances over \$50,000 in only the residential tenancy dispute resolution service. That's something that they should be able to do even if it is over \$50,000. But, moving forward, I'd like to open a larger debate about the formalization of tenants' associations, following the pattern of condo associations, where tenants can bundle their rights together to have a stronger ability to represent themselves in dispute resolutions that will arise, and that includes mobile-home parks.

The issue at hand, though, with Bill 3 and amendment A5 is a simple provision where we seek to make sure of the rights of the individual tenants who bring an action against their landlord where the amount is over \$50,000. We want to make sure that the tenant has the right to pursue that action within the purview of the residential tenancy dispute resolution service and not have to resort to the courts.

11:20

Of course, the courts are much more expensive, they take much more time, and they are a daunting avenue for a tenant to consider. I know that, from my experience, when individual tenants are affected by, particularly, infrastructure issues in a mobile-home park, where there are significant dollars involved and there's been some hesitation or complacency or foot-dragging or wilful neglect by the landowner, it's been very, very difficult for the tenant to pursue a court action. They know that it is a lengthy procedure that they don't have the resources to fight, and they don't feel they would be successful in the challenge, so they let it be.

But that's a really sad scenario, Mr. Chair, because what happens in a lot of these cases where there is a significant amount

to the claim, it usually involves water and drainage and excavation and the level of the lot. That's an expensive thing to fix because it quite often happens over time in these mobile-home parks that the ground shifts – and homeowners will realize that as well – and that changes the water level and changes the flow of water in these mobile-home communities. If anybody has ever had to go underneath a mobile home in the springtime to do any work, you'll know that wearing a wetsuit is almost preferred equipment because they get wet underneath there, and drainage is a significant issue.

That's one of the things that concerns me about placing a \$50,000 limit on the claims that can be processed through the RTDRS. It can reach a \$50,000 limit very, very quickly when you're dealing with drainage issues and you're dealing with leveling of ground, and it could mean that you end up having to change your ditches and your roadways in the whole mobile-home community or a portion thereof. Any rural municipality or rural county councillor or reeve will tell you that it may seem like it's a rather mundane thing to consider on a budget line, but if you start playing around with the flow of water in ditches and culverts, you get into a pretty big-dollar bill in a hurry. So in order to ensure that a landowner takes responsibility, having the option to go through a process which is much cheaper to pursue and easier to engage in and much more timely is something I think we should afford a residential tenant to do, whether it be an individual or a group of tenants who might be affected by an infrastructure deficiency.

Now, don't get me wrong. I know that the majority of the landowners of the mobile-home parks are very responsible. Of course, they know, as any business person will know, that if you serve your customers well, you get repeat customers, and you get people who will come and pay a premium to buy your service or your product. The same thing goes with mobile-home communities. They vary in their attractiveness to tenants, and mobile-home parks that do serve their customers well will be able to charge a higher rent, and they'll get tenants who stay longer.

However, there are different motivations, as has been mentioned in this place, for mobile-home park ownership. They are, in fact, a very long-term form of land banking and land investment where you intend, ultimately, to have the mobile-home park be used for something else, some other form of development to take place. While you invest in the mobile-home park, you wait a number of years, and that is prescribed by the dictates of your prospectus when you're selling this land and applying to have a mobile-home park.

You situate it a certain distance, usually, from the main municipality. As a result of that, if you're guessing right with your investment, you know how many years it's going to be before that development actually gets to that mobile-home park and when you will terminate its use as a mobile-home park and then redevelop the land and probably sell it or develop it yourself at a much higher price than what you initially acquired the land for decades previous while at the same time having all your land cost and the acquisition and rezoning costs covered by the profit that you hope to make as a mobile-home park owner.

So it's a long-term proposition, and there are those involved in this business, as well as in any other business, who are motivated by the numbers only versus motivated by how well they serve their customers. It's not for the majority of the landowners that we aim legislation to protect or balance the playing field in this business with mobile-home park rentals. It's always, as usual with consumer protection legislation, to ensure that the bad apples don't end up taking advantage of people, and it's in that vein that I support this amendment, Mr. Chair. I think this amendment allows the individual tenants to pursue a remedy against a landowner, when

the cost of the remedial action is over \$50,000, by going through the residential tenancy dispute resolution service and not having to seek redress through the courts, which would in all probability in many cases cause the tenant to just not bother doing anything and to just live with the consequences, which in many cases are basically drainage issues, drainage concerns.

I've seen it in the mobile-home parks that I have sold property in or had listings in. You get somebody calling you up from a certain mobile-home park and they want to list their property, and you think, "Oh, my Lord, not that one" because you know that that particular park has got a reputation for being negligent in their maintenance, for being unresponsive to their tenants. It's reflective of a certain style of ownership that is bent on the bottom line and not caring about the individual customers because they see a demand and a market they can serve, or underserve, and get away with it, in their estimation. In the long run I think it's a losing proposition, but that type of unresponsive ownership pattern does exist in some mobile-home parks, and it's to this group of owners that we aim this piece of legislation and the amendment in particular.

If a particular landowner decides that they're not going to bother doing anything because they know that the tenant is most likely not going to be able to afford to go to the courts and probably can't garner other tenants to get together to do any kind of a joint action through the courts, they will simply just continue to let the problem seep. If it's a drainage problem, they'll let water pool every spring for months until the meltwater drains away or seeps into the ground, and each year homeowners have to suffer with a wet yard or wetness underneath their mobile home. You consequently get a mildew issue, rot. You know, mobile homes are . . .

The Acting Chair: Thank you very much, Member.

Are there any other members wishing to speak to amendment A5? The Member for Calgary-Buffalo.

Member Ceci: Thank you very much, Mr. Chair, and thank you to my colleague from Edmonton-McClung, obviously speaking to the history that he's had in his previous profession and the work he did there. It certainly was compelling and, I think, gave more weight to the importance of the amendment before us, that was brought forward by Edmonton-West Henday.

11:30

You know, I spoke earlier about the town of Hinton and the issue of having – 25 per cent of the housing types in Hinton are mobile homes. I took a quick look at their website again, and they've got a really handy little table there. It says who you can go to to resolve the problems in your mobile-home park. Several of those are: if they go beyond the landownership of the owner who has a mobile home, they're the town's responsibility, like waterlines to the property line, like roads outside of the mobile-home park.

But many, many, many of them talk about the landowner, the mobile-home park owner, as who you should go to for redress and/or who has responsibility for those, things like water- and sewer lines. Obviously, my colleague from Edmonton-McClung is quite right when he says that those go far – even opening the ground up and bringing the equipment in to deal with even one unit would go beyond \$50,000, no doubt. The water- and sewer lines: you go to the mobile-home park owner. Road maintenance and street lighting: you go to the mobile-home park owner to try and address that and get that resolved. Stormwater runoff: same thing. Miscellaneous items are many, and they include things like power poles on the site, power lines, trees, playgrounds, boundary line concerns. All, the

town helpfully points out, are the responsibility of the mobile-home owner if there's an issue there.

As you can see, infrastructure was what my colleague from Edmonton-West Henday mentioned. Generally that's what the infrastructure is. My other colleague, from Edmonton-Gold Bar, outlined those same concerns and items needing to be fixed up that I think would go outside of the bounds of the current RTDRS cap, that's \$50,000. Really, if one owner or a number of owners have that same issue, they're needing to go to, under the current system, the court system.

You know, earlier we talked about trying to see things done expeditiously and at the right level for people who have issues, and I would argue that that right level is through a dispute resolution service. If there are those kinds of problems that are affecting a number of mobile-home property owners, then why can't they go to the RTDRS to get that resolved? It's less of a conflictual relationship. It would be more like: here's the problem. You're the owner on the other side, and then there's an arbitrator in the middle, and they can help with coming to a resolution more quickly, I would argue, than going to the courts. In the courts people probably wouldn't represent themselves. They would need to hire counsel to make sure they put the best argument forward in the proper legal framework. Again, that's another expense and charge that many people would find problematic to even think about challenging.

Really, the amendment that's been put forward makes a great deal of sense. The problem is that the cap is too low at this point in time, and if the cap were kind of brought into the current times – with the costs that are exhibited by the kinds of issues that can be addressed or need to be addressed by property owners such as utilities, roadways, services in general, playgrounds, those things, drainage, they're really not subject to the amount of getting them sorted out through a resolution dispute process. But they could be, and they could be if we together identified that we need to fast-forward the amounts eligible for people to bring to the resolution dispute service and modernize that.

The modernization would – I don't know what the figure would be, but it would be higher than \$50,000 for those things to be properly addressed and expeditiously addressed and in a way that doesn't put another barrier in place for people who in some cases wouldn't feel confident going to a court process or would feel like it would be not worth their while, that they couldn't do as good a job as the mobile-home park owner, who, you know, probably could lawyer up and deal with recalcitrant tenants in that way.

I certainly want to argue that and hope that people see there's some benefit to changing the cap, lifting the cap limit, putting it under the RTDRS process, encouraging people to resolve things quickly and expeditiously in a more collegial way, with the tenant and the property owner finding a resolution that they can both live with. It's many tenants, probably, if they're experiencing roadways and other kinds of issues of infrastructure. That would be what I would hope could be done with this amendment.

I'll pass things off to my colleagues now, who perhaps will continue on with this debate and argument for the amendment, and hope that members on the other side see the benefit of this argument. Thank you.

The Acting Chair: Thank you, Member.

Other members wishing to speak to amendment A5? The Member for Edmonton-Whitemud.

Ms Pancholi: Thank you, Mr. Chair. I'm pleased to rise once again to speak in Committee of the Whole on Bill 3, Mobile Home Sites Tenancies Amendment Act, 2020, and specifically to speak to the amendment that was put forward by the hon. Member for

Edmonton-West Henday. Specifically, this amendment, as we know, is about removing the cap of \$50,000 from the applications that may be made under the proposed bill by mobile-home – and I hope I said that correctly for the Member for Edmonton-McClung – site tenants who are looking to access the residential tenancy dispute resolution service.

Now, I want to comment quickly on the – and quickly is how I typically comment, but I'm actually going to try to speak at a more Raj Pannu type pace. I've been inspired by my colleague to do so. It's difficult for me.

I want to speak to the issue that the Minister of Service Alberta raised in response to this amendment. I'm assuming there was some advice that was given to the minister, whether or not that was actually given by legal counsel within Alberta Justice or within the ministry – who gave that advice, we're not clear – but he indicated that he believed that it could potentially be unconstitutional for the residential tenancy dispute resolution service to hear applications for matters that may be above \$50,000 in potential damages or costs. I find that interesting because, as the Member for Edmonton-Gold Bar indicated, there are a number of administrative tribunals within the province that currently do have the authority to award damages, to award costs with no limit, actually. The Member for Edmonton-Gold Bar mentioned the Alberta Human Rights Commission. Yes, that's true. That's absolutely true. There's no limit with that on damages that the Alberta Human Rights Commission may award.

I suspect that the minister's opinion or the opinion that was given to him was based on the fact, of course, that within the Provincial Court there is a small claims court, who is empowered by the Provincial Court Act to hear applications below \$50,000, and they do not have the authority, that court, to award beyond \$50,000 in costs or damages. We do know that an applicant may make an application to small claims court for an amount above \$50,000, but they have to agree, once they make that application, that if the damages are awarded that are above \$50,000, they waive those, or the matter may be referred to the Alberta Court of Queen's Bench.

11:40

While it's true that small claims court within the Provincial Court division does have the authority to only award damages below \$50,000, somehow I believe that the minister's advice seems to have been confused in that it seems to indicate that that means that the small claims court has the exclusive jurisdiction to hear matters up to \$50,000 and that beyond that, all matters must go to the courts. That might be the case for the small claims court and for Alberta Court of Queen's Bench, but that does not mean that those are the only systems that may award damages above \$50,000. In fact, that limit, as noted by the Minister of Service Alberta, exists within the residential tenancy dispute resolution service act. That's the act that actually creates that \$50,000 limit. Obviously, when that limit was prescribed within the act, it was probably, presumably to align with the fact that it aligns with the small claims court.

In essence, it's set up – the residential tenancy dispute resolution service is acting like a small claims court for residential tenancy dispute matters. But that is completely subject to change by the legislation. Perhaps the minister has a formal legal opinion on the constitutionality of that matter. I can't speak to that, of course, but I would say that I'd be surprised as there are other administrative tribunals and quasi-judicial bodies that actually have the authority to award damages beyond \$50,000. I have to say that without clear evidence from the minister that a formal legal opinion was sought, it's hard to believe that that is a good justification for refusing to consider this very thoughtful amendment.

I also want to note that throughout this debate with respect to the residential tenancy dispute process – the reason we're here today is because the minister in Bill 11 last week made some changes to the Residential Tenancies Act in response to the current pandemic, which were appropriate, and the Official Opposition was pleased to support those amendments, but they didn't line up. We raised in Bill 11 – I spoke to it myself, and I said: what we've got now is a disconnect here between what's happening for residential tenancies in apartments and other tenancy arrangements and what is happening on mobile-home tenancies. So we felt it was necessary to align those things.

There have been a number of amendments that have been brought forward by the Official Opposition that are intended to make alignment between what happens on mobile-home sites and what happens in other tenancy relationships. For a lot of those other amendments that was appropriate because there was no need to treat mobile-home tenants in any way differently than any other tenant in a landlord-tenant relationship in this province. In fact, that's what we see was the motivation behind this bill. It's why stakeholders had been reaching out. It's why we proposed amendments that aligned those two.

However, I would argue that this amendment is actually a bit of an anomaly because it actually recognizes that there are unique circumstances specific to mobile-home tenancies. In particular, the uniqueness of the relationship in a mobile-home park is that the common areas for which the landlord is responsible – and I use the term “common areas” loosely – are a lot broader than we would typically see in a house that's being rented out, in an apartment building, where the common spaces might be a hallway. It might be the front entrance. It might be maybe the walkway or a courtyard area within the building.

But here we're talking about significant areas of land. We're talking about the landlord being responsible for access to the park. We're talking about things such as drainage, power lines, all of the things that in a – I shouldn't say “typical” – non mobile-home tenancy situation, where we're talking about apartments, the landlord wouldn't be responsible for. They wouldn't be responsible for making sure that drainage is appropriate. That would usually be the city or municipality that would be responsible for that or the county. All of those things that would typically fall outside of the landlord's responsibilities actually fall within the landlord's responsibility because of the ownership of the park and all of those areas in a mobile-home park that are unique to those circumstances. That means that the nature of the claims that a mobile-home tenant may be seeking to enforce will be different than those sought in an apartment building or a home. It is different, and because of that there needs to be the ability for tenants in mobile-home sites to seek to enforce the landlord's obligations through a process that, as we've already set out a number of times, is intended to be expeditious and efficient and to recognize that the typical court process not only is too long but is inaccessible for cost reasons, particularly if there is a necessity to hire a lawyer. That's simply out of the means and out of the resources of many mobile-home tenants. To be able to launch a claim against a landlord for well above \$50,000 and have to go to the courts to seek that enforcement would simply be just unimaginable for most mobile-home tenants.

Again, if the purpose of this bill is to ensure access to justice and similar access to justice as many tenants in other landlord-tenant relationships already have, then it would make sense that we would ensure that in the unique circumstances of mobile-home parks, where the landlord has control over those common areas, mobile-home tenants have access to that expeditious and effective process

that is provided through the residential tenancy dispute resolution service.

I suspect I'm failing in my endeavour to speak slowly. That's just the way I go. Raj Pannu is an inspiration, but he has not inspired, unfortunately, my ability to talk slower.

I just want to highlight that there are unique circumstances to the mobile-home sites. That is predominantly why we have a separate act for them. There are a lot of things where mobile-home tenants should be treated and have the same access and rights as residential tenants in apartment building settings, but there is a uniqueness to their circumstances which must be recognized, and that is the point of having a separate act, a separate piece of legislation. I believe it's important that we consider those unique circumstances when we are considering legislation that will apply to them, and in my mind I believe that this is a reasonable suggestion.

To say that those in mobile-home parks can only have access to the dispute resolution service if their claims are below \$50,000 may mean that their access to justice is severely affected because the matters that affect them may go well beyond the scope of \$50,000. Yet they still have a right to have their rights under the act enforced and considered and judicially reviewed by a body that is empowered and has the expertise to review those situations in an efficient manner. That is what access to justice is all about.

I do think that there is precedent for allowing administrative tribunals to change the amount of damages that may be sought before them. I note, as my colleagues have noted, that the minister has substantial power and authority right now because of the changes that were put forward to the Public Health Act last week. Actually, in my view, I'm not even a hundred per cent certain that it would be necessary to amend the Residential Tenancies Act in order to put this forward for mobile-home owners. It would simply be a matter of ensuring that it's in this legislation, which is why it's being put forward as an amendment.

I will also comment that while it was a pleasure to see the Minister of Transportation rise to speak, it's unfortunate that once again he did not speak to the contents of this bill. Actually, other than the minister, we did have the Member for Athabasca-Barrhead-Westlock rise to speak, and he spoke in favour of the bill, which is great, but he did not speak to the amendments. If he's speaking to indicate his support for tenants in mobile-home parks, I invite him and the government members to also speak to why they don't support these particular amendments that are being brought forward because the particular amendments that are being brought forward are on behalf of and in the interest of and as a result of direct feedback from mobile-home tenants. If the members opposite are in support of the bill, they're obviously interested in ensuring that those individuals who are tenants in mobile-home parks have their rights protected. Then I invite them to explain why they would not support any of the amendments that have been brought forward, which are also to further those rights.

11:50

The Minister of Transportation stood up – he seems to be eager to stand up on things other than the bill that's actually before this Assembly right now – but made absolutely no comment on the substance of this bill other than to say that he fully supports the Minister of Service Alberta speaking for him. I'm sure the members and the constituents of his riding would be pleased to know that they don't actually have an MLA who feels required to speak for them right now but that they're comfortable having the Minister of Service Alberta get up to speak.

Of course, once again, we hear lots of feedback from the other side but nobody actually rising to speak to the amendments or to the bill, which I encourage and continue to invite them to do because we know that they have constituents in their riding who are directly affected by this bill. We are putting forward amendments to support those individuals, and I'm sure they would like to get on the record on behalf of their constituents to also express their support for their rights being protected, for them to have access to justice in a meaningful way. I invite them to do that, and I look forward to hearing a fulsome debate. We've now been at it for a few hours and have not had that yet, but I am still a hopeful optimist. I'm sure that the government members will be pleased to rise to speak to the substance of the amendments as put forward before the Assembly.

Thank you very much, Mr. Chair.

The Acting Chair: Thank you, Member.

Any other members wishing to speak to amendment A5? The Member for Edmonton-Rutherford.

Mr. Feehan: Thank you very much, Mr. Chair. I appreciate this opportunity to address this latest amendment to this bill. As I've mentioned before, I enjoy the opportunity to work with the government to create good legislation for the province and to ensure that the work done here in the House is something that reflects our values as members of this Legislature, values which, of course, are deeply embedded in the traditions of this House and the work that's happened in the Legislature that has over the years brought in some important pieces of our society's social contract.

I know that when I was on the other side of the House as a minister, I enjoyed opportunities to speak to things which were fundamentally important. I know that I look back fondly on the '60s scoop apology because I thought it was a time when we did define and stand up for our values here in this House, amongst many other times, of course, but one which I took some serious pleasure in. I think that the chair also takes some pride in his part in that particular event. You know, it's another moment when, working across the House, I think some important things got done.

For me, you know, this bill, while it doesn't have the sort of gravitas of that kind of a moment or it doesn't carry with it some of the implications and seriousness of the debate we've been having around this COVID-19 health crisis in this province, it is always good to stop and reflect, when we introduce a bill, about the underlying values that we are trying to express in that bill. The point of introducing amendments of this nature is to ensure that the detail of a bill actually reflects the inherent good values that were used in coming to the bill itself.

Sometimes we get lost in some of the smaller detail, and sometimes we feel like we ran down a rabbit hole, as people like to say, and we talk about things in a way in which we lose focus on why we are here in this place in the first place. Why we would enter into the House with a bill of this nature becomes hard to kind of grasp when you're in the weeds and you're focused on the details of things, but I want to take us back to what I think is fundamentally important about this bill even though the bill itself may not be the most important thing that we're worried about this week.

Certainly, the lives of Albertans right now as defined by this COVID crisis is the important issue. The government has chosen in the midst of this crisis to ask us to return to the Legislature to deal with this bill, so clearly there is a desire, you know, to move along on this process irrespective of the fact that there is at best a tangential relationship between the crisis that's going on in this province and the type of legislation that the government has decided is important to debate. Unlike other Legislatures across the country

who have made a decision to wait for a while before they introduced nonessential emergency legislation, we find ourselves here talking about these things. Given that we are doing that, I do want to speak to what is important about this bill because now that we're here, of course, we're going to talk about the bill. Of course we're going to give it our full attention and try to derive from the efforts during this committee an end product which does reflect the values which we hold dearly in this province.

The value I had mentioned previously in conversation here in this House in this discussion in Committee of the Whole is the inherent value of having access to justice, one that I think is well worth supporting and one, of course, which is actually a value that has come up many times in our discussions about the COVID-19 crisis that is ongoing now, the reason why a government, which previously has not supported the role of government in the lives of Albertans in a way that we on our side of the House would like to see happen, suddenly has become a government that has introduced a multitude of measures to ensure the well-being of citizens, knowing that leaving it to, you know, sort of the laissez-faire capitalism strategy, which they normally employ, would be a terrible neglect of duty here this week, this month given COVID-19.

Instead, they have adopted traditionally left-wing government strategies to ensure the well-being of the citizens, not waiting for random acts out there in the community to sum up to an appropriate response but instead making declarations that this is a time when we all need to come together and protect the values that are important to us in this House and instituting rules and regulations and laws which identify the ultimate role of government in helping to create the structures of society such that all citizens benefit from those structures.

In this case it happens to be tangentially, I understand, but it happens to be a debate about the importance of ensuring access to justice, the same as, you know, we might have a conversation about ensuring that the people who have lost their employment during the COVID crisis be provided some social structural support through finances and changes of regulations. As the minister previously said, they've changed regulations around a number of things to ensure that people are not removed from their homes, that their rents don't go up, and so on, lots of intervention by this government in the circumstance to ensure the well-being of all citizens. Here we are now, again engaged in that process of ensuring the well-being because we understand that fundamentally it is government that cares about the well-being of society.

12:00

We know that, of course, there are many other institutions that are out there, such as businesses and so on, that will do many positive things for the citizens in the province. But there's a difference between allowing good things to occur out in the community and ensuring that good things occur by a government. It isn't that businesses are immoral but that they are amoral. What happens is that businesses simply choose to engage in the process of business, and they don't have to consider the issue of: what is the right thing for everyone in society? Now, the individuals within business do that all the time, of course. Human beings do that all the time, but the system doesn't need to do that. The system simply looks at: how do you make more profit?

Unfortunately, we've seen during the COVID crisis a number of people taking advantage of that very fact, buying up huge amounts of supplies and then selling them for, you know, extraordinary prices given that there is a crisis. Now, from a business point of view, that's good business. That's taking advantage of a demand in society and making some money off it.

But, of course, the rest of us in society look at that and say: that is not a morally sufficient way to behave. Instead, we ask that government steps in to bring the values that we have to the organization of our society and not simply allow this invisible hand to do whatever it will because we know it doesn't really care. It's not bad, it's not evil, it doesn't do things negatively with intention, but it just doesn't care. It takes a neutral position on the outcome of this attempt to gain profit.

Here, in this particular amendment, we are in this very interesting place again of recognizing that government has a very particular role in society, and that particular role in society is to bring the values, to bring the morality to the work that we do with our citizens. In this particular case the underpinning morality that our side of the House completely and fundamentally supports is the notion of access to justice. I think it would be really important that we take this time to recognize that that's what this is all about for us, that we are trying to find ways to ensure that access to justice is ongoing and that there are not barriers for people who wish to seek that justice and that there are not limitations on that justice, that we don't say to them: well, you can have up to this much money in justice, but you can't have this much money in justice. Why do we make a decision that you're allowed a certain amount of justice but not a full amount of justice?

That's the question that's at hand here. As such, our side of the House would really like us to see this government and to see this Legislature as a place that doesn't limit justice, that doesn't undermine the pursuit of individuals to fully seek retribution when they have been harmed and when they have been wronged. As such, along with the members of the House with us tonight, we would like to see this government consider this amendment as a signal that they, too, are interested in individual Albertans having the ability to pursue justice without the limitations that are imposed on them by the confinements of finances.

With that, Mr. Chair, I will cede the floor.

The Acting Chair: Thank you, Member.

Are there any other members wishing to speak to amendment A5? The Member for Edmonton-Highlands-Norwood.

Member Irwin: Thank you, Mr. Chair. It's an honour to rise and speak to this amendment. I've clearly not spoken to this amendment yet although I will in my remarks echo a few comments that I've made earlier. I also want to just express my appreciation for the Member for Edmonton-Rutherford's comments because I think he has a really good way of sort of raising these issues so that we can analyze them on their bigger impact.

You know, truly, every decision we make in this House sort of helps to set the direction in which we want our province to go. It's been a bit disappointing this evening to have so many reasoned amendments be defeated in the House and to not hear from many of the government members, to hear their thoughts. I don't mind admitting in the House that I'm certainly not an expert on mobile homes, on a lot of the legal issues around them, but I've taken some time to ask questions of my colleagues who I know are much more learned on this topic than I; for instance, the Member for Edmonton-West Henday, the Member for Edmonton-Gold Bar. You know, it's disheartening when we don't get to hear from members to sort of hear your rationale as to why you wouldn't support this amendment. We've had a few members speak broadly to the bill, but one of our roles as MLAs is to debate – right? – and to offer reasonable responses to each other.

I'll bring it to this amendment of lifting the \$50,000 cap. It's hard for me. As a good social studies teacher would do, being a former social studies teacher, you know, I try to look at it from many

perspectives, and I can't truly understand why this government wouldn't support lifting the cap. That's why, again, I would urge the members opposite to just try to help me to understand. Help me to understand your perspective. As I read it, when I read through the bill itself, Bill 3, and when I read through the amendment, I find this to be quite a reasonable adjustment. Again, I have no problem admitting that I'm certainly not an expert on this topic, but I hold very much in esteem not just the views of my colleagues who know a lot about this issue but the fact that they, as I noted earlier, engaged in consultation on this topic and they heard from tenants what they wanted to see in this legislation. Again, I think we should honour that.

When I see a \$50,000 cap, referring to the residential tenancy dispute resolution service, the RTDRS, you know, I worry that this will not allow key issues to be thoroughly addressed. What might be some of those key issues that would bring one over the \$50,000 cap? Things like road repairs, things like snow removal. We all know, living in the province that we do, that these are huge issues, right? There are a lot of potential issues that are not able to be addressed under how the legislation is currently written. In fact, the Member for Edmonton-West Henday spoke about the fact that he has consulted with folks and he heard from many folks in those mobile-home communities that they have difficulties driving in their communities due to poor road conditions.

God forbid it happens, but what if there's an emergency in a mobile-home park and there's a need for an emergency vehicle to access? I can say I don't have any parks in my riding, but I know the town I grew up in: sort of narrow laneways, that sort of thing. So it's really important that there's solid infrastructure in place, right? What would happen if an emergency vehicle is trying to access those mobile homes and is unable to do so due to poor road conditions? What if there's a whole heck of a lot of snow that's not been dealt with? Snow removal, again, is a common concern. I look at the Member for Edmonton-West Henday, and he's nodding. It's a common concern. Like I said earlier, we're not just pulling this out of a hat. These are real issues that folks are highlighting and want to see addressed in this legislation.

12:10

As the Member for Edmonton-Rutherford talked about, you know, we are here in the midst of a global pandemic debating this bill, and we all agree that it's important. We're certainly not questioning that at all. We know it's important. So why not get it right? I guess I'm issuing a bit of a warning to the members opposite, particularly those who have mobile homes in their ridings, of which there are many. You may think that by passing this bill in its current form, you'll gain a lot of support in those communities. But, again, from the reports of my colleagues who've talked to a number of mobile home tenants, there are a few things that they want to see, and this amendment is one of them. So please. I know that there's been a poor record tonight of seeing support for amendments. But, again, without hearing the rationale as to why this would not be supported, I think we need to move forward on this one, absolutely.

What else do I want to say about this one? Clearly the infrastructure deficiencies have been something that's been highlighted, and removing that cap will certainly give assurance to those tenants.

Now, as the Member for Edmonton-Rutherford spoke about, this does go beyond just lifting a cap. It's about what we want for these folks. Again, we don't take it lightly that we have the responsibility to bring forth our constituents' concerns in this House. Like I said, when I don't hear other folks speaking up, that concerns me. It really does. You don't have to stand up and speak for 20 minutes;

you can speak and just share your piece even briefly. Like the Member for Edmonton-Whitemud pointed out, there were a few folks speaking back at her, but they weren't willing to get those comments into *Hansard*, and I think that's important.

As I said, I mean, I can imagine that there might be a couple of people still watching, and some of those people who are watching might be those mobile-home advocates. As I noted much earlier, in my very first remarks on this bill, there's been a very active community of mobile-home tenants who've been speaking about this for many years. I want to give them a lot of credit for raising these issues. Why I mention them again, why I give them kudos is because I think we owe it to them to get this legislation right. This is our opportunity, at midnight in the midst of a global pandemic, to get it right. I'm not making a joke about it at all. These are serious concerns that are highlighted that we can get right in this legislation. I urge the members opposite to absolutely think about that.

It's unfortunate the minister had to leave, but of course he's put in a long – oh, sorry; I can't say that. It was wonderful to have some back and forth with the minister previously, and I'm hoping that perhaps someone in the House can continue our conversation, maybe just respond a little bit more on the cap. I'm kind of just putting that out there, if you could speak a little bit more to the cap. Again, I just want to understand the issue. As I've noted multiple times, I'm certainly not an expert. Please, if the members opposite could help me to understand why, you know, perhaps they won't be supporting this amendment. Perhaps they will be.

Again, it's about doing the right thing. It's about listening. I know that one of the members spoke about failure to consult. Well, we certainly didn't fail to consult on this one. We've got robust evidence to support the amendments that we've put forth. Again, I urge the members opposite to think critically about this amendment. I'm hopeful. I hear some folks chattering, so I'm hopeful that they will stand up and share those opinions with all of us.

Thank you, Mr. Chair.

The Acting Chair: Thank you.

Are there any other members wishing to speak to amendment A5?

Seeing none.

[Motion on amendment A5 lost]

The Acting Chair: Back to the main bill, Bill 3. Are there any members wishing to speak to Bill 3?

Seeing none, the hon. Minister of Transportation.

Mr. McIver: Well, thank you, Mr. Chair. We've had an interesting evening of discussion and debate. I thank all the members of this House. At this point I would move that the committee rise and report progress on Bill 3.

[Motion carried]

[Mr. Hanson in the chair]

The Acting Speaker: The Member for Athabasca-Barrhead-Westlock.

Mr. van Dijken: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following bill: Bill 3. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: Do the members concur in the report?

Hon. Members: Agreed.

The Acting Speaker: Opposed? That's carried. Thank you.
The Deputy Government House Leader.

Mr. McIver: Thank you, Mr. Speaker. At this time it's already tomorrow, and I think we've had a full day of debate and discussion.

At this point I would move that the Assembly adjourn until 9 a.m. Wednesday, April 8.

The Acting Speaker: Thank you very much.

[Motion carried; the Assembly adjourned at 12:19 a.m. on Wednesday]

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