



Province of Alberta

The 30th Legislature
Third Session

Alberta Hansard

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Day 27

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta
The 30th Legislature
Third Session

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Legislative Assembly of Alberta

7:30 p.m.

Monday, May 2, 2022

[Mr. Milliken in the chair]

The Acting Speaker: Hon. members, please be seated.

Government Bills and Orders Second Reading

Bill 19

Condominium Property Amendment Act, 2022

[Adjourned debate April 28: Member Irwin]

The Acting Speaker: I believe I see the hon. Member for Edmonton-Highlands-Norwood, with about four minutes remaining post adjournment last time.

Member Irwin: Thank you. Thank you. You know, Mr. Speaker, I have to just share a little bit about this very auspicious occasion, and I'm certain that many people are watching, especially given the hockey game tonight. I'm positive that we have at least two or three people watching tonight.

Mr. Speaker informed me that this will be the first time that the person who adjourned debate was actually in the Chamber and able to start – well, not that that was a point of order, but you know what I mean. Yeah. This is a big deal. I wasn't planning to speak first, but I really wanted to maximize those four minutes. I wanted the Speaker to be able to share this tonight perhaps with his family and others.

Anyways. I'm sure I only have three minutes left now, and I didn't draw a point of order on that. Just before – I actually did speak a fair bit on this bill, I know, in previous days, and I may have a chance to speak again. I know in my comments on Bill 19, which is the Condominium Property Amendment Act, 2022, I really wanted to just highlight the fact that, you know, we've seen multiple times already in this session with this government that they've had an opportunity to introduce transformative legislation on areas of concern to Albertans.

I think about continuing care, Bill 11. The Continuing Care Act is the name of the bill. You'd think: wow, what an opportunity to really listen to the dire concerns of stakeholders and patients when it comes to continuing care, but of course this government chose not to. I could name the same with multiple other pieces of legislation this session, including Bill 19.

I talked about the fact that we are not certain who, in fact, was consulted on this proposed piece of legislation. I talked about the fact that, you know, in some of the consultation that we did on this bill, we heard a lot of concerns, and we had stakeholders raise a lot of questions, particularly around the tribunal process and why there's no tribunal included in this bill. Condo insurance: wow. We could talk about and we have talked a lot about the rising costs on Albertans in so many areas: auto insurance, tuition, park fees, school fees. The list goes on.

You know, I know in the last time we debated this bill, like, a few of my colleagues shared some of the concerns that they've heard from condo owners in their ridings about rising condo insurance fees. Again, the point being here that this government had an opportunity to address some of the real concerns that we're hearing from our constituents around condominiums, and they chose not to.

What I ended on in my last speech on this bill was the fact that housing remains a huge concern, and that is an issue. I admitted that I haven't heard a lot about condos from my constituents, but I have

heard a lot about housing, and it's one of the top issues I hear in my riding. Every day I witness unhoused folks, and I interact with unhoused folks. We know that the number of unhoused folks on the streets of Edmonton and across the province, as my colleague from Edmonton-Strathcona raised in question period – in fact, she asked the Premier about the lack of housing and housing supports in Calgary, and the answer was quite shameful. The answer talked about shelters, and the Premier did not talk about the need for investing in housing, particularly permanent supportive housing.

With that, I will end my remarks and hope that we will get some answers from this government on this bill. Thank you very much.

The Acting Speaker: Thank you, hon. member.

I see the hon. Member for Edmonton-City Centre has risen to join debate.

Mr. Shepherd: Thank you, Mr. Speaker. I appreciate the opportunity to stand and speak to Bill 19, the Condominium Property Amendment Act, 2022. Edmonton-City Centre is, of course, home to a lot of condominiums. It is a big portion of the constituency I represent, and it certainly affords some unique challenges. It's much more challenging to do door-knocking in a good part of the constituency outside of election periods, and there are a number of other things that come with it. Certainly, with that also comes a high interest in government legislation around condominiums. Indeed, since we were in government in 2015 and inherited the condominium work that had been done by the previous PC government but not proclaimed, there was a lot of extensive work that had to be done to bring that forward. Some of that indeed went on long enough that it was inherited by this government and brought forward, but it's certainly something in that process that I've heard from a lot of constituents about.

Indeed, I have been a condominium owner. I have been on the condominium board. I have been the president of such boards. Certainly, I have seen that they are a dynamic form of democracy, Mr. Speaker. Folks may comment at times about the temperature in the Legislature and the kinds of disorder that they might see during question period. At times I would say that pales in comparison to some condominium board meetings.

Now, I think we all here do believe in grassroots democracy, but certainly it's a challenging one when it comes to condominium boards because so much of it is left to the boards themselves and the individuals involved to police. There is no Speaker, Mr. Speaker, at your average condominium board meeting. You have the chair, of course, but there is perhaps limited knowledge of *Robert's Rules*.

There are a number of factors involved. Certainly, condominium legislation can be complex. It can be difficult. Indeed, I've been in experiences, and not that long ago, where new ownership was coming in, buying a certain number of units, creating complications, and the board felt that we actually had to have a lawyer at several meetings to try to determine which way things were going to go.

So these things can be very complex, but certainly the objective of government in terms of governing this and trying to set out these processes should be to try to make it as easy and as smooth as possible for these meetings to take place and, secondly, to make it as easy and smooth as possible to try to resolve these disputes because, again, the complexities that can be involved in some of these questions and indeed the level of emotion and personality conflict that can be involved make these situations difficult.

If the only available resolution is to go to court, Mr. Speaker, that creates an even bigger challenge. It certainly does little to try to calm the situations. It certainly does little to make them smoother or easier. Indeed, it increases expense for everyone involved and

can make it far more challenging. It can deeply disadvantage individuals who do not have the kinds of financial resources to be able to hire a lawyer and take these things to court.

We have to recognize that in certain situations a condo board themselves can have a lot of power. They have control over the purse strings. They have control over those resources, and if a condo board chooses to act in a way that perhaps is not quite ethical, it can be very challenging for an individual owner to push back against. Again, I can speak from experience in situations where I've seen presidents or other members of condo boards who worked with property managers who themselves were willing to look somewhat askance at what the actual rules and legislation might say to attempt to intimidate owners with fines that were not actually legal or take other steps that they did not actually have the authority to take.

Now, what we have in this bill are a few different changes. Certainly, I have no objection to the change that the minister is proposing here in terms of allowing certain votes to be done simply by one owner, one vote as opposed to unit factors. Indeed, I have spent my own time, Mr. Speaker, at times when we felt that we needed to take action to make changes on the condo board, going around, figuring out how many owners we need and how many unit factors that person has in order for us to be able to win this vote, et cetera. Certainly, that was one of the early things that first got me interested in a career in politics. But I recognize that when it comes to things like simply approving the agenda for the meeting, why not just have that be able to be just by a simple show of hands from the owners present? That seems reasonable.

7:40

Now, I'll look forward, of course, to the regulations, where we'll get further definition on some of these things, but on this piece I do not have a difficult time trusting the minister that there are going to be some of these sort of small adjustments to try to make for an easier flow.

However, I do have some concerns with the proposal that the minister is putting forward regarding chargebacks. Now, indeed, I have had folks on condo boards at condo buildings here in my constituency reach out to me on the issue of chargebacks. They have indeed said, you know, that they felt that the process that was in place made it too difficult for them to be able to recoup costs in situations where there is damage done to common property. That's reasonable. We want to be able to find a way, I guess, for those things to be achieved. Certainly, I recognize that costs can – when there is damage to common property, then that falls on everybody. Then it's all owners that have to pay that indeed.

As the minister himself said, these costs add up. The only way to pay for these costs is to increase condo fees. That means every condo owner, even if you're a good actor that's never caused any damage, had to bear the cost of those. Certainly, that's a reason to have concern, Mr. Speaker.

I would also note that I've heard from many people who were very concerned about the fact that this government removed the cap on insurance, which, in turn, has also had precisely that effect, driven up the costs for the building and therefore every single owner's condo fees. But that is not the subject of this bill.

It does concern me, Mr. Speaker, again, as I have seen and certainly as I have heard from other constituents, that it is possible for a board to be, shall we say, disingenuous, to choose to target a particular owner. What this change would do is that it would make it more difficult for an individual owner to be able to appeal that.

Again, the only option that they would currently have is to go back to the courts, and that, as I said, can be a very insurmountable obstacle for some. It's a very difficult position to be in when you have put your life savings, you have put a sizable investment into a

condominium, particularly in a market right now, Mr. Speaker, where it is very difficult to resell and recoup your investment.

Now, I understand that the minister said that he is going to set some of these things out in regulation and that in regulations he's going to require that condo boards will need strong and compelling evidence for charging for damages as well as a fair way for owners to appeal decisions. On that, Mr. Speaker, I am a bit more hesitant about simply trusting this to the regulations, particularly because there has been work under way for a number of years that began and was first hinted at in the legislation that was passed by the PC government, was worked on by our government during the four years we put work towards it, and was indeed promised by this government and continued until now to create a condo tribunal.

Now, the existence of a condo tribunal would certainly make this an easier change to accept, that owners would have an option outside of having to go directly to the court system or depend potentially on the goodwill of the board as to having a fair appeals process.

Certainly, Mr. Speaker, we can keep in mind what this government had attempted to put forward in terms of an appeals process when it came to traffic tickets and some other things in the courts here, where individuals would have indeed had to pay out of pocket and would have been judged more or less as guilty until they proved themselves innocent and had to pay for the privilege of doing so.

I think we have some reason to be a bit hesitant, a bit skeptical about what the government is going to put in place to ensure that owners who are put in this position, where they are judged to have done that damage and they are levelled these charges – that there will be a really, truly fair option of appeal. I can tell you, Mr. Speaker, that is one of the things I have heard about most. I said that I've heard from a few folks about the chargebacks. I've heard from many, many, many more about the need for the tribunal.

I can tell you that during the time that we were in government, I repeatedly was reaching out to our Minister of Service Alberta and asking about progress on that point. We saw other pieces move forward, other pieces of the regulation, but that was one that, you know, did stall out. It turned out to be perhaps complex. To be honest, I was never quite clear exactly on all the pieces that were involved there, but I do know that we are coming up now on potentially five, six years that this has been in process. This was something that this government said they were going to get done, and now they are effectively saying, "No, we are not," without a lot of clarity on why.

We know that this exists in other provinces. B.C. has a Civil Resolution Tribunal to resolve condo disputes of any amount. It handles other issues in B.C. that are under \$5,000. It issues fees and fines, deals with condominium bylaws that are arbitrary or unfair. So it provides a much-needed check and balance, Mr. Speaker, on what is essentially an honour system, again, unless owners can afford to actually go to court and go through that process.

Mr. Speaker, we also know the state of our court system right now. It is under enormous pressure. We know that there are cases at risk of not being able to proceed for having exceeded the statutes that have been set out. We know that our Crown prosecutors – and I was thankful to hear today that they will not have to go on strike but that indeed they have the opportunity to sit down now and enter into a negotiation with the government to address their issues. Certainly, we are hearing from defence lawyers now, who are also asking questions about: okay; if there's going to be a change for them, is there going to be a change for us?

Overall, what we know is that our court system is already under enormous pressure, and indeed that was part of why the government was originally justifying the somewhat troubling and lopsided approach they were looking at taking with traffic courts and traffic tickets, which they have walked back. But the fact is that we still

have enormous pressure in that system, and to say at this point, then, that we are still going to leave these kinds of disputes to our court system to resolve is just going to add more to that pressure.

So it would be my hope that a government that has said, you know, that they are dedicated to eliminating red tape, making processes flow more smoothly, giving Albertans more access to grassroots democracy would have prioritized a condominium tribunal, would have put real work and effort into achieving that. Unfortunately, we have not seen that, and that is not in this bill.

Ontario also has the Condominium Authority of Ontario, arm's length from government, which has tribunal authority, so a condominium authority tribunal. They have a \$50 levy that goes for all condos and then fees for some of the services. It is administered online, and it offers opportunities for negotiation, mediation, and adjudication. Nova Scotia has a condominium dispute officer condominium arbitration process.

Mr. Speaker, there are clearly models that we could be looking at in other provinces. There are certainly opportunities for us to be bringing this forward. I would be interested to hear from the Minister of Service Alberta a bit more about what the obstacles have been to moving this forward in Alberta and why the decision has been made at this point that they are simply setting that aside, that that is not a priority.

I can say, again, that for folks in my constituency it continues to be a priority, and it continues to be a concern, particularly when we are talking about housing issues and challenges for people to own their homes. I think most municipalities are looking for opportunities to increase their density, certainly for urban living and more opportunities. We have seen a significant growth in the number of people that are living in Edmonton's downtown, and that then has economic benefits and also has good benefits for the city in helping to curb urban sprawl.

But the fact is that when we're increasing that kind of density, a lot of that ownership is going to be in condominiums, so we really need to be thinking very carefully about how we can make this a better system, with more accountability and more protection for individual owners as well as for condominium boards. Let me be clear, Mr. Speaker. I know I have spoken about boards that act badly or are disingenuous or may target owners – and those exist – but certainly I have also been in the position to work with a number of people who were very dedicated on their boards and dealing with very difficult situations like building-wide bedbug infestations or indeed folks doing damage to property or other things that can occur. I recognize that that can be very thankless work and that it is done by volunteers, for the large part.

By no means do I want to disrespect the folks that step forward or indeed the folks that have advocated for this particular change from the minister in regard to chargebacks. I think it is very important for us, particularly as legislators, that we are thinking carefully about the impacts this could have on individual owners.

That said, I think I'm nearing the end of my time. This is my first opportunity to debate the bill, and I imagine there will be more. I look forward to perhaps hearing from the minister on some of these questions.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to join? I see the hon. Member for Calgary-Mountain View has risen.

7:50

Ms Ganley: Thank you very much, Mr. Speaker. I have a great deal to say about this particular act, but to begin with, I am rising to move an amendment. I'll just wait for that to reach you.

The Acting Speaker: Thank you, hon. member.

This, for the purposes of debate, will be referred to as REF1. As is the normal course of the procedure, if you would like a copy of the amendment, please put up your hand, and one will be delivered. There will also be copies at the table. There will also be copies available in the peace lounge should you be looking for one there.

Hon. Member for Calgary-Mountain View, please continue.

Ms Ganley: Thank you very much, Mr. Speaker. I move that the motion for second reading of Bill 19, Condominium Property Amendment Act, 2022, be amended by deleting all of the words after "that" and substituting the following:

Bill 19, Condominium Property Amendment Act, 2022, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Families and Communities in accordance with Standing Order 74.2.

Mr. Speaker, this is an amendment which is commonly referred to as a referral because it refers the substance of the bill to a committee, and I actually think that that is a good thing to do with this particular bill. Now, I'm not suggesting that all of the changes in here are bad, but I think there are a few details left to be worked out.

Obviously, one of the things the bill doesn't do is establish a tribunal to deal with these matters. That's certainly something that I heard about an enormous amount in government. I've heard about it an enormous amount since we've been in opposition. Probably the main ask that I hear from anyone who wants to talk about this act is: when will the tribunal be established? The reason for that is that court processes take a very long time. They're extremely costly. The procedures can seem quite difficult and arcane. It can be difficult for people to understand what the steps are they have to take or how to argue it or how to move something forward or how to get it resolved. The idea would be to bring in this tribunal to help with that.

I think, of course, of the residential tenancies dispute board, which does handle matters, disputes under the Residential Tenancies Act significantly more quickly in a lot of cases. People find that incredibly helpful. Yeah, I would say that the primary ask I get from people representing condo boards, from people representing condo owners, from just people generally is about this sort of resolution mechanism. I think that it would be extremely helpful here because things are often more complicated than they appear.

I mean, the really nice part about alternate dispute resolution is that if you're doing it right, it's not just sort of two parties who go in and fight and one wins and one loses. If you're doing it right, what happens is that everyone comes together, and they sort of explain what their feelings are around the situation, what they think happened, and kind of what they would like to have resolved going forward. It can actually result in better resolutions. Rather than one side or the other side, rather than, like, very sort of clunky orders that can be provided from the court, it can often be the case that people will sort of negotiate to a resolution that isn't something that ever would have come out of a court decision but is something that is better for all of the participants involved. It can happen faster, with a lot less sort of stress and turmoil and cost for everyone involved.

I really think that that is something that should be moved forward to. I know this government had committed to that in the last election. I'm sad to see they didn't move forward with that. They moved forward with a lot of commitments I don't agree with, and it just so happens I guess the one that I did agree with they didn't, so there we go.

The other, I think, concern here – and my hon. colleague who spoke before me raised it as well – is the chargeback system without

an obvious mechanism to create that accountability. I think it's worth sort of starting with a story, because, you know, these situations can be incredibly complicated when you come right down to it, right? A lot of condos, for instance, are rented out, so it can sort of create a complicated scenario. In this scenario you have a tenant, and the tenant has received notice that there's some sort of leak from the washer. It's believed that the pipe is backing up or something like that. They ought not use the washer in the interim. That's fine.

Now, the property manager will only speak to the owner of the unit, because, well, some property managers are very good and others are not very good, and the one in this story is pretty abysmal. So the property manager sends a plumber. The plumber comes. The plumber talks to the tenant, says: "The pipe is backed up. It's full of built-up laundry detergent gunk, just a bunch of gunk. It needs to be snaked. It can't work until it's snaked." Okay. Fine. Then the property manager, because they know that it is a condo which is inhabited by a tenant, just really doesn't bother to getting around to having the plumber come back. They don't have to deal with the tenant, so of course not their problem.

Roughly somewhere between five and six weeks elapse, and the landlord, feeling a sense of obligation because he's a decent fellow, comes and does it himself, snakes the pipe himself, and says to the tenant: "Okay. Great. The problem that the plumber identified has been solved. You may now run the washing machine," which the tenant does. Well, it turns out that that never was the problem. It's not really clear what happened. Perhaps the plumber was mistaken. Who knows? Anyway, that's what happens. The result is that the thing leaks again. It turns out that the actual problem is that there's a hole in the pipe, but the pipe is behind a wall.

Considering this an emergency, the condo manager person, who, of course, will not talk to the tenant who now inhabits the property, sends someone in who drills a giant hole in the wall and leaves a big mess and doesn't check for asbestos, and it's just generally extremely problematic. The tenant, obviously, reaches out to the landlord and says, "I would like some assurances that this, like, giant pile of mess that's been left for me to clean up is not, in fact, full of asbestos," and no one is able to provide that assurance, so it goes round and round and round and round.

This has never been resolved, to the best of my knowledge – I guess I haven't been involved in the situation in a while – but the point is that if the condo corporation, on the word of this manager, chooses to charge back the unit owner, or the tenant in that case, there is very little ability for those people to defend themselves despite the fact that I think that from the story it's fairly clear who is in the wrong, and it is the manager. But the manager isn't going to tell the condo board that they're in the wrong, is he? It just creates a situation where potentially people are being charged with something and now they have to pay an enormous amount to defend themselves in court, which can be a lengthy process, and the money can be in dispute for a long time.

This is, in my view, not an ideal situation, and this could apply to any situation. The way this legislation is drafted – this is amending legislation. It repeals and replaces section 39. Subsection (2) allows the chargeback to be levied for damage. Subsection (3) says that it must be "actual costs." Sub (4) says: costs or the deductible from the insurance. That is a whole different issue. Subsection (5) says: can dispute "in accordance with the regulations." Well, I don't really think that's good enough.

If you're that tenant – you know, this is the other thing. A lot of people who are tenants in condo buildings, who are potentially subject to this, who are potentially being charged with this by these

condo corporations, may be young, right? They may be students. They don't have a lot of money. They don't necessarily know how to seek legal advice. They could be people who are new to the country, with English as a second language. It just puts them at a disadvantage. It puts them in a position where they are essentially guilty by way of charge from the condo owner until they prove themselves innocent. I think that that is a problematic way to go about it.

8:00

Now, I certainly have heard that there are concerns around the process now. It is very hard. If someone is wilfully causing damage or wilfully being problematic, it's incredibly hard to go after that person for a condo board, and that's problematic. It's difficult to get people to serve on condo boards for a number of reasons. It's not compensated, and it's a lot of headache if you have some finicky people who are disagreeable, which, you know, is sometimes the case. It can be an unpaid, sort of headachy problem.

Certainly, this is a problem that needs a solution. I'm just not sure that this solution is the best solution. The reason is that instead of putting a condo board in a position where it has this real big problem, where it has to, like, go after someone and it's procedurally onerous, now you have either the owner or the tenant in that position, where they're charged until such time as they can prove it wasn't them, and now they're having to go through a procedurally onerous situation.

Now, this government says: don't worry; there'll be lots of protections in the regulation. I mean, it's worrisome, right? It's worrisome, obviously, because we've heard this a lot, you know – "Don't worry; public health care guarantee: don't worry" – and it often isn't the case. It's very easy to promise up front and not follow through. This government has a long and demonstrated history, I would say, of promising things up front and not following through.

This amendment gives us the opportunity to take the time to do the due diligence and the due consideration, because I think, you know, "They can dispute it in accordance with the regulations" isn't quite enough. It's not enough protection to make clear what's going to happen. Again, yes, these changes needed to be made because currently the system is unfair to the condo board. I feel that this solution, rather than balancing things, just shifts that unfairness to the other party, and that's not the right way forward either.

What could happen at a committee like this is that, you know, people who have been through these situations could come forward. Lawyers who are familiar with the area, people who are familiar with condo governance could come forward, and everyone could sort of explain what problem we're trying to solve and come up with a better solution, because I think there are better solutions than this. Yes, I guess I would say that this is a problem. It needs a solution. I don't particularly like this solution. I think we ought to go to a committee and sort of discuss what a better solution might be. I think, Mr. Speaker, that a better solution might itself hang on the tribunal that has not been implemented because I think that that is the system that could make everything a lot faster. It could adjudicate rights and interests.

We have this concept in administrative law that the sort of level of procedure to which you are entitled is proportionate to your interest in the matter. I actually think this is a really good principle. I think it should flow throughout the entire court system. You know, the idea that oftentimes, functionally, someone who is fired from their job has basically sort of – I mean, they can go to employment centres, but that only gets you the minimum, which is quite low in many cases. Functionally, there isn't much they can do through the court system, so functionally they can't challenge that. Meanwhile

if you get a \$75 speeding ticket, you get sort of the full-court press for that.

I don't know if that's the best way to do those things. I think a tribunal might solve some of those problems. It might make it the case that we can kind of deal with these issues faster and with the amount of procedure that is necessary to handle what it is that is coming forward, so what the particular dispute is in this particular instance. That is why I think it should be referred to a committee. I think that the committee can do the difficult work of assessing exactly what a better solution to this – you know, genuinely giving the government credit here – problem that needs solving is.

I guess the other thing I would say about this bill is that it really does need that tribunal attached to it. I think that, yeah, that's probably the number one ask. Yeah. I don't think I've ever heard a different number one ask from anyone involved in condos in any sort of position or in any way. That would definitely be a good thing. Potentially the two things are linked, you know? Potentially the one thing goes with the other.

It would be interesting if the minister could tell us a little bit more about the regulation. You know, they're saying: don't worry; it'll be in the regulations. That's fine. I feel like I could use a little more information about what would be in the regulations, a little more information here in this place on the record so that there would be sort of a record and an accountability there, an accountability to ensure that those things were followed through and to reassure the concerns of the opposition.

Yeah. I mean, I think it's pretty normal in this place for people to ask these sorts of questions, to ask for more details, to ask for that sort of thing, and I think it's not unreasonable for a minister to come forward and provide those additional details to make sure that everyone is understanding, I guess, where we are and how we're going to proceed forward. You know, it certainly has been the case, at least in a few instances . . . [Ms Ganley's speaking time expired]

Thank you.

The Acting Speaker: Thank you, hon. member.

We are on REF1 if there is another. I see the hon. Member for Edmonton-McClung has risen to debate.

Mr. Dach: Thank you, Mr. Speaker. I'm pleased to rise this evening to speak about REF1, the referral amendment, to the Condominium Property Amendment Act, 2022. I'm always interested in delving into real estate matters in this House when questions of changes to legislation regarding the sale or regulations around the ownership of real estate are considered, and of course this piece of legislation is no exception.

I do agree wholeheartedly, Mr. Speaker, with my colleague the Member for Calgary-Mountain View, who just spoke now about the reasonableness of having this piece of legislation referred to committee so that many unanswered questions can be addressed by committee members and perhaps those who the committee could call before it. I know the Member for Calgary-Mountain View was quite detailed in her approach to the legislation and the need for having a committee consider it.

I hope to add to some of her arguments with a few observations of my own, Mr. Speaker, some of them coming from numerous years selling real estate and also acting as a real estate broker and sales manager, having to face the ire of buyers and sellers who would be phoning me to help resolve disputes that they may be having with their unit after the fact or upon inspection and finding out that there were issues of concern that they were now being stuck with that they didn't feel they should be held responsible for.

Of course, I speak about the concern that many condo owners have had and some continue to have regarding the windows and

doors and the weatherproofness of them. We've gone through a period of time within the last decade and two decades, perhaps, where there was a problem with the so-called leaky condos, Mr. Speaker. It wasn't something that was limited to British Columbia, where indeed they have more rainfall on the coast – and it was a widespread concern and costly issue that arose there – but it was right across the country and, for that matter, throughout North America.

It arose because of faulty workmanship and/or design in the condominium doors and windows in particular; not so much the roof, but sometimes that roof cap was also the culprit as well. I'll refer specifically to the condominium windows and doors for my comments on this topic because what the legislation does, Mr. Speaker, is move the definition of windows and doors from regulations into legislation.

8:10

I understand, I think, the motivation of the minister for doing this. It is an extremely contentious thing to a condominium owner who is faced with the prospect of a major bill to repair damage in their own unit or a unit that happens to be directly below them as a result of water leaking from their unit to the next unit but also between a condo unit owner and perhaps the tenant of that condo unit owner and the condo corporation itself because common property may have been damaged.

Mr. Speaker, one may think that perhaps fire is the worst cause of damage claims to property and the worst threat to property, but realistically water is by far a more insidious and sometimes silent destroyer of property. It can happen slowly and over time and be imperceptible for months, in fact for years, until, for some reason, mould is discovered or a weakness in the structure is discovered. It's an insidious invader of property, particularly where wood is involved but in any case where water can penetrate the surface of the building material, stay for a while in proper temperatures and proper conditions, and grow into a mouldy condition. It can be unbelievably expensive to fix, requiring, in some cases, near total reconstruction. In some cases we've heard about, particularly houses on acreages recently just west of town, around the Spruce Grove-Stony Plain area, the houses were condemned as a result of mould. That can happen if it's not addressed. It's a really difficult issue and a really difficult problem.

I'm concerned that the legislation requires that – the definition of responsibility for windows and doors has been relegated to legislation from regulations. I'd like to hear more in committee, should the referral amendment be successful, about the reasoning why the minister thought that this would be a good methodology to correct any lack of clarity around responsibility for damages caused by leaking windows and doors.

It is a rather rigid tool to have the definition of something as minute as the door trims and casings versus the window trim on a constructed opening embedded in legislation rather than in regulations, which would be, by and large, more flexible should things change or should there be developments in case law, which suggests an alteration in the regulations would be wise to do. Yet here, of course, should that case law arise, it would require opening up the act to start playing around with definitions of, you know, windowsills and window doors and balcony trims versus fascia versus the casing.

I just don't quite understand the need to embed all of that definition, that minutiae, into legislation when, in fact, it probably would have been a bit more nimble to have altered the regulations and made it clear that, you know, notwithstanding what a condominium corporation may have said, if indeed they're undefined, then the regulations would define the openings or the

windows and doors, what responsibility was whose in any particular case. That question, I think, we deserve a satisfactory answer to in committee, should the referral amendment be successful, because the issue is not tiny.

We have had millions and millions and millions of dollars of claims and counterclaims because of leaky windows and doors in condominiums in Alberta and throughout the country. They're very, very difficult situations to be in, where you would have had, in some cases, condominium corporations do a cash call; in other words, a charge to every unitholder to rectify faulty windows and doors that were either a design flaw or perhaps workmanship issues when the building was constructed. Of course, they usually weren't discovered until the responsibility of the builder and the designer and the architect was long since expired, so it became part of the responsibility of the owners to combine their resources and fix them themselves. In many cases the condominium corporation itself was responsible because there would have been common-area doors and common-area windows that would've suffered the same design flaws or shoddy workmanship and had to have been repaired as well.

The idea of embedding the minute definitions of windows and doors into legislation rather than allowing them to stand within regulation is something that I still don't quite see the need for. I'd love to hear more from those individuals who have been directly affected by a situation where they had to face the onerous cost of replacing or repairing windows and doors in their unit or in a common area of a condo. They could come before the committee and explain exactly why they think it would be beneficial to have this definition embedded in the legislation versus maintaining it in regulations.

I know that you'll have quite often, Mr. Speaker, a contiguous line of people suing each other when it comes to a rented property and the tenant is perhaps responsible for damage. Particularly, as I said, water is the number one, but there could be a number of different damages. The insurance industry is replete with circumstances that would be beyond belief unless they actually happened to you. There are any number of circumstances that can happen when an individual is living in a condominium and they have a pet or they have a child's science experiment go wrong, or it can simply be water damage or perhaps a small fire. I know that there are situations where even in some of our public-owned housing the tenants are being evicted for having caused a fire. That is something that concerns me.

In this particular case a tenant responsible for damage quite often in the rental agreement will be required to provide proof of a policy of insurance to a certain amount for certain insurable losses. I'm not sure if the legislation before us contemplates that requirement. Of course, mortgage companies require that a property be insured so that, of course, the mortgage company insists that it be in first place to receive the payout of that insurance, and that's part of the mortgage contract. That's something that we can also discuss in committee, Mr. Speaker, that in the event of losses from an unintentional but insurable loss or consequence the tenant, in fact, could be required by their landlord to have insurance which would protect against as much of a potential liability as possible.

Not only that, of course. You'd look at that being in the condo bylaws, but the owners would, hopefully, also be required by the condominium corporation bylaws to protect themselves with adequate insurance against chargebacks that might happen as a result of their liabilities towards a condominium corporation in the event of water damage or something that the condo claims is damage caused by the condominium owner in that particular complex. In that particular case, of course, that there's a tenant

involved, there may be a suit back through to the tenant from the condominium association.

It can be a true minefield of pain and agony if indeed it gets to a situation where individuals are suing one another and attacking one another in court to recover their perceived damages. That's all the more reason, Mr. Speaker, why it's important to consider having this legislation considered in committee, because of the responsibility, I think, of this Legislature to make sure we avoid the courts, the onerous costs and time liabilities imposed upon condominium owners in this case if they have to go to court to resolve disputes.

8:20

The other big, big issue that we've heard many members comment on from our side of the House, especially – the issue that we have with this legislation is the dispute resolution void, let's say. There's no opportunity for an owner to actually avoid the courts because their tribunal wasn't brought forward. It was contemplated in the regulations that we brought forward when we were government, when we had the act open, and the UCP, current government, did not follow through with it and, unfortunately, in this version of their attempt at changing the legislation for the better has not seen fit to bring forward a tribunal that would allow condo owners, tenants to avoid going to the courts to seek redress.

What it does, in my view, is empower a condo corporation who will have more resources and therefore more power to pursue their interest in court. It gives them an advantage versus the individual owner of a particular condo unit, and, as a result, you will see perhaps unitholders not wanting to engage in court action and just simply suffering a loss or perhaps claiming bankruptcy. That's one option that a person doesn't see as a far-fetched thing to pursue when you're owning a condominium and it may be \$200,000 or \$300,000 or \$400,000 and you're ending up facing a claim from your condo association in the same amount. It may be pretty unreasonable to proceed with anything other than a tribunal.

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to join? I see the hon. Member for Calgary-Buffalo has risen.

Member Ceci: Thank you very much, Mr. Speaker. On the referral motion I do wish to join debate and follow my colleague from Edmonton-McClung and, similarly, agree that I believe that we should not read this bill a second time but refer it to the Standing Committee on Families and Communities in accordance with Standing Order 74.2.

You know, standing up and following my colleague from Edmonton-McClung, I think from earlier debates I understood that he's worked in the real estate industry for 30 years now and seen his fair share of both positive experiences – no doubt more positive experiences than negative – but certainly can't have a 30-year tenure in real estate and serving Albertans with their sale and resale and the challenges that some of those have with regard to their purchases or tenure in their properties that they bought through this individual being a real estate agent. With lots of experience on his side in previous debates he's talked about some of the challenges that we have before us as a result of this bill coming forward and the way it has come forward.

My colleague from Calgary-Mountain View is proposing that we refer to a committee for the opportunity to hear more from people who have seen this bill and perhaps judge it in a wanting way. I know the Member for Grande Prairie, I think, in introducing this bill for the second time, perhaps on behalf of the Minister of Service Alberta, talked about how there were regular meetings with groups

of dedicated representatives throughout 2020 and 2021 that Service Alberta held. Just thinking of some of those individuals, whether they be representatives from community groups, representing condo owners or boards or managers of condos, lawyers: all of that would be a really useful group of individuals to hear more from and to kind of understand their views with regard to what came forward in Bill 19 and what is left up to regulation.

Just thinking about the growth of condominium ownership also in Alberta, one of the documents I was looking at from CMHC said that from 2011 to 2016 there was a significant growth in condo ownership in Alberta at that time. I'm just thinking back to what those years were like. It was prior to the world crash and the price of oil in late 2014, 2015. There was a lot of positive growth, positive feelings, positive GDP.

An Hon. Member: Vibes.

Member Irwin: Good vibes.

Member Ceci: Good vibes in the province.

There was a huge percentage of homes built in those days that were condos. If I think back in terms of a story, though I have owned two principal residences in my time, currently in the second one for about 36 years, there was a time when my spouse and I owned a condo just not very far from here as she was working up here at the U of A and wasn't comfortable renting somewhere, wanted to be in a place that we could call our own and lock the door. It was a nice place. Some of the challenges that we had as condo owners were around the common property. Though she felt totally fine being in the place, you know, from time to time the elevator didn't work, and she didn't feel comfortable in some of the hallways that she had to go through to get to the unit.

Mr. Dach: Did you use a realtor?

Member Ceci: Did we use a realtor?

The other thing that I just wanted to say with regard to all of that is that there were challenges with the ownership. Particularly, we weren't there that much. She wasn't there that much, but there were disputes.

I recognize that what we're dealing with and hoping for is that it'll go to committee and there'll be an opportunity to talk more about why the tribunals did not get into this bill, though it was very much the plan back in 2015 to 2019 when we were government and we were working and opened up the condo act twice when we were government. There won't be a million different times to open up this act, and hopefully, you know, together we can get it right and it can service condominium owners for many years in the future, but it means that we need to get this right, and that's another reason to consider going to, hopefully, a referral to this committee that I'm talking about.

I just wanted to talk about a few other things. In terms of the referral to this committee, you know, as I said, it was very much the NDP government's plan to make sure this act worked for the long term, and the tribunal was something we heard about. Unfortunately, when the new government came in, like many things, there was a desire not to move forward with some of the common-sense approaches that we as the NDP were trying to put into legislation.

For example – and it's just a quick example – the two investor tax credits that we brought in as a result of chambers of commerce throughout the province, notably Calgary, making that recommendation and saying that it would attract capital from Alberta investors, and it did. It was a really good thing, and it was unfortunately killed by this UCP government when they became

government, but they saw the wisdom of changing that, about two years after it was killed, to bring in their own. It's very much the same thing that was in place, so delaying for two years the ability of Alberta investors to get credits for their investments and continue to drive forward the economy in this province at a time when we were in the COVID times seems like a bad thing to have happened in Alberta.

8:30

Just another example of what I think needs to happen is that we need to take good ideas from wherever they come and work together to make them happen for Albertans.

I think, Mr. Speaker, I understand that I should be looking towards adjourning in a second, and I'll take my place but hope that members of this House will give good thought to and consideration to the referral that we're talking about here.

With that said, Mr. Speaker, I would like to adjourn debate on the referral amendment that's been brought forward by the Member for Calgary-Mountain View. Thank you.

[Motion to adjourn debate carried]

Bill 11 Continuing Care Act

Ms Gray moved that the motion for second reading of Bill 11, Continuing Care Act, be amended by deleting all of the words after "that" and substituting the following:

Bill 11, Continuing Care Act, be not now read a second time because the Assembly is of the view that the government has not carried out sufficient consultations on the contents of the bill with families whose loved ones lost their lives from COVID-19 while in continuing care.

[Debate adjourned on the amendment April 27: Mr. Williams speaking]

The Acting Speaker: Thank you, hon. members. Are there any members looking to join debate on Bill 11, Continuing Care Act? We are on REF1. I see the hon. Member for Edmonton-Glenora has risen.

Ms Hoffman: Thank you very much, Mr. Speaker and to my colleagues for the debate so far this evening. Interesting, respectful, good questions posed, I think, so far, so I'll do my best to continue in that thread. The bill that we are considering at this point is Bill 11, the Continuing Care Act. I have to start by saying that I am quite familiar with the legislation that governed continuing care and presently still governs continuing care in this province, and I know that there are a number of different pieces and that this bill appears to be bringing it all under the same umbrella.

What I want to say is that not all care is equal in this province and for good reason. There is a differentiation in terms of the needs of patients. Often we're thinking about seniors, but it's not just seniors. There are certainly many folks with significant illnesses who can no longer stay safely independently living at a certain point. I can't help but think of the number of young people in this province, many who live in congregated sites and in some type of continuing care, and the fact that one of the things when we were in government that I was proud to bring forward was a bill to ensure resident and family councils at all facilities that were providing health care services of some sort.

It really came from feedback from many folks throughout the province that there were some exceptional operators that were doing a very good job of making sure that the residents' voices were heard, that family members had an opportunity to engage and to

give feedback and to be advisory to the operators of the facilities that their loved ones were living in. The operators that were engaging in that space were doing so out of probably a reading of evidence that showed that people have a higher quality of satisfaction in life when they feel like they are involved in making decisions about their home and also out of the goodness of their hearts, really.

There was no legal requirement for them to ensure that – sometimes these people were incredibly young, young adults, and sometimes they were quite elderly, but everyone deserves an opportunity to give feedback on their home, to make sure that their home is a place where they can feel a sense of pride and comfort and belonging. So I was proud that that bill came forward, and I believe that it ended up with support from – at that time there were multiple parties in this place, I think four, and I believe all parties did indeed support that bill. Of course, this is one of the questions that we continue to have: with the alignment of all these pieces that presently govern continuing care, are we actually going to see an erosion of some of those additional pieces that were put in place to ensure that the voices of folks who live in congregated care have an opportunity to give timely, ongoing feedback to the operators of their facility?

Some examples I'll share from my lived experience as a granddaughter of somebody who was in long-term care not far from here, the Edmonton General hospital. When my grandma moved into the General, it was a very, very difficult time for her and in turn for our family, because she was one of the toughest women you could ever meet. She was widowed in her 50s and continued to live on the farm independently. When my gido, my grandfather, went into hospital and was clearly palliative, that's when she said: "Well, I better get a driver's licence because I'm going to need to get in and out of Westlock to go visit him. I'm going to need to be able to continue to live on the farm." She wasn't going to let the fact of her life circumstances and that his life was coming to an end hamper her independence. You know, that, at that time, was not common for a lot of women, to have their driver's licence and be able to have that level of independence.

Then he did pass, and she continued to live on the farm and run the business of farming for many, many years. In fact, I believe she lived there for more years as a widow than she did as a wife, and to move from the farm into the city was a big adjustment for her. Thank goodness she had some time to adjust to condo living – I'm thinking about the last bill – but still was living independently. Then, of course, at a point she wasn't able to cook for herself in the way that she once did, and we needed to rely on the community supports of things like Meals on Wheels to ensure that she could have regular, timely meals, because not all of us were able to check in on her as frequently as she should have.

But there hit a point where both her body – it was really her body. She had Parkinson's, and she wasn't able to live independently in her own condo, so she moved into a lodge, right? This is sort of a natural step that – for those of us who are lucky enough to live well into our 90s, which my baba did, this is often the progression of care. But there hit a point even in the lodge – there was cleaning; there was cooking; home care came in to make sure she was taking her medication and to help her with morning and evening routines – where she couldn't get up on her own. She couldn't actually transition from bed to the walker to the dining room. I think there was one week where the ambulance was there every day and multiple times one day. It was very clear that it wasn't something that could be sustained because, of course, in lodges there aren't people who can provide that medical assessment and make sure that you haven't injured yourself.

She spent months in the hospital, and this, again, was when I was quite a bit younger. Well, I was an adult, but I was not the Health minister at the time. She spent time in hospital and eventually transitioned to transitional housing through Norwood and then eventually to the General, a difficult journey for a woman who spent most of her life living alone, continuing to farm, and caring for others, a very humbling experience.

When she did move to the General – and I want to say that the staff there, I think, worked very hard to, number one, care for the people and make sure that they're safe and that they're not being put at risk and also to make sure that they have an opportunity to continue to live there. I remember my grandmother saying to one of the care workers: I'm not here to die; I'm here to live. That was a really difficult day, I think, for all of us because so often when people end up in that highest level of care, highest level of continuing care, their time in those facilities isn't very long. But my baba persevered, and she continued to fight and lived quite many years. I think she was there five years at the end.

One of the things that I think helped her keep going is the fact that she knew that my mom and I were going to the resident and family council meetings, and this, again, was one of those facilities that was an exception, that didn't follow a rule but had set this up because they have hundreds of residents, and it was a way to help streamline feedback and shared processes.

8:40

There were simple things that she wanted us to communicate, like she didn't want them to bleach her blouses – right? – like simple things about laundry, something that she'd done for her whole life and taken pride in. She wanted to make sure that less harsh chemicals were used on her nicer pieces of clothing. She didn't want to have to downgrade her wardrobe because of the laundry provisions there. These are the kinds of things that – right now under the Resident and Family Councils Act we have an obligation for people to receive that feedback. In turn, we came up with a system where we'd have two different laundry hampers, and there was one that my mom and I would take home and the other one that the facility would deal with. We could problem solve some of these situations.

Also, there were many residents who lived there on the fifth floor who were Chinese and had Chinese news, Chinese television, and they wanted quality Chinese food in their long-term care, in the residence for the long term. They wanted to have good-quality Chinese food that was prepared locally. So giving feedback on the congee, giving feedback on the other dietary options that were available or not available was incredibly important to them.

Not everyone was a family member who would go. There were some people who were quite young, who had conditions like MS and weren't able to live independently anymore, who would go and talk about the types of quality social activities they wanted to have. Bingo wasn't high on their list of desirable activities, but there were other fun, more youth-focused socializing activities that they wanted to have available. So they were able to communicate that collectively through these spaces.

Some of my nervousness around this provision, one act to govern all care facilities, exists because of the severe needs that we see in long-term care and in dementia care specifically as well, that we are going to be governing under this blanket legislation that will probably bring things to one standard as opposed to differentiated care.

One of the things that – right now long-term care is essentially a hospital. It's governed by the Hospitals Act in a large way, and there are provisions for hospital care that the residents of long-term care are entitled to. For example, you do not pay for your medication.

It's part of the Canada Health Act umbrella of services that's available to you when you're in a hospital. So those who are living in long-term care have their medications fully covered while they are living there. That's not the case in other levels of care. Even if you're a senior and you're on the seniors drug plan, you pay \$25 per prescription to receive the medication that you need to stay alive and to stay well.

Another big difference is that in long-term care there's a requirement for a registered nurse, essentially a charge nurse who must be a registered nurse, to be in charge of the provision of care. In large centres like the General there might only be one for hundreds of patients, but there is at least one because of how they are governed and how they are legally required to provide that level of professionalism and care, but it is not the requirement in other lower levels of care necessarily, Mr. Speaker.

Making sure that – I get that we want to have one bill to govern them all, but the challenge is that not everyone's needs are the same. Somebody who is in a level 3 facility technically needs to have a lower level of care and lower level of supervision and guidance. Making sure that we have legislation that differentiates for patient needs and those who are living in a higher level of care being entitled to the provision of medication and the provision of a registered nurse, I think, is important.

I fear, because most of this detail, the minister and others might say, will be ironed out, the fine details will be created through regulation, which means the government is saying: just trust us; trust us that we will make decisions on all the details that relate to this bill behind closed doors. I have to say that there is an incredibly low level of trust right now between Albertans and their Premier, between Albertans and the governing party, and this request to trust just isn't there. As members of Her Majesty's Loyal Official Opposition we have a responsibility to push for verification, because we do want to be able to trust, but it has been so significantly damaged by many decisions that the current government has made over the last three years.

Of course, health care has highlighted the lack of respect the current government has shown to health care workers as well as to those patients who rely so significantly on daily care, especially towards the end of life. I think about the number of people who have died in Alberta directly because of COVID-19, not even to think about all the indirect fatalities but directly because they had COVID-19, knowing that about half of those lived in buildings that will be governed by this legislation. About 1,600 continuing care residents, tragically, passed away from COVID-19.

At the very beginning you saw a significant call to action, and the government even did make some slight changes. For example, it took months, but eventually they said: yes, you should only be working in one facility; you shouldn't be working in multiple facilities. Of course, anyone who understands disease infection and how airborne diseases that are highly contagious spread – of course staff should only be working with one group of patients. They shouldn't be moving from facility to facility to facility. But because of the way so much privatization has taken place under Conservative governments, we saw that there were many staff, the vast majority of staff, working in multiple facilities.

The Acting Speaker: Thank you, hon. member.

I am looking for anybody to join debate on RA1. I see the hon. Member for Edmonton-City Centre. Thank you for that.

Mr. Shepherd: Thank you, Mr. Speaker. I appreciate the opportunity to stand and speak to RA1 on Bill 11, the Continuing Care Act. I'm going to pull up that reasoned amendment here just

to give myself a bit of a refresher on the specifics to which I am speaking. That the bill

be not now read a second time because the Assembly is of the view that the government has not carried out sufficient consultations on the contents of the bill with families whose loved ones lost their lives from COVID-19 while in continuing care.

Now, certainly, Mr. Speaker, I appreciate that Bill 11, as has been presented, is largely an administrative piece of legislation focused on consolidating bills and regulations, making a few administrative updates, taking what's been spread across a number of different acts and combining it into one. My colleague from Edmonton-Glenora spoke to that, raised a few concerns potentially with what could impact from that. Certainly, I would agree with her that we need to be careful that in consolidating legislation, we are not making assumptions that all kinds of care that are captured here under this act, this new act that's being created, should it pass this Assembly – indeed, we recognize that there are very significant differences between the different levels of care and certainly the needs of the individuals in between each.

Now, certainly, I recognize the importance, Mr. Speaker, of laying out a framework, making sure you get that framework right, laying your foundation before you begin to build. An excellent quote that I ran across just recently appealed to me very much, from a guy that's very much a systems thinker, author James Clear, from his book *Atomic Habits*: “You do not rise to the level of your goals. You fall to the level of your systems.” It is really important to get frameworks right, to get your systems right if you want to achieve your end goals. That is one of the things we have continued to hear, I think, from a number of Albertans and, in particular, in referring to RA1 here, where we're talking about the impacts on families who lost loved ones during COVID-19. Certainly, we need to think very carefully about the results we are getting and, based on those results, what the concerns are with the systems that are bringing us there.

8:50

Certainly, that was the focus of the review that went into this and the work that was done by government and the report that has come forward, making a number of recommendations on changes that need to happen within our continuing care system, the facility-based continuing care review report that came forward. Certainly, when we are specifically talking about families who lost loved ones during COVID-19, there are some very specific recommendations that came forward as part of the FBCC review that indeed are not represented in this legislation but that I think have a significant impact on the work we need to do to improve these systems.

Many of those, as my colleague from Edmonton-Glenora was speaking about towards the end of her remarks, have to do with staffing. Amongst the opportunities for improvement that were listed in the FBCC review was increasing the direct hours of care for nurses, health care aides, HCAs, therapy staff. Certainly, something I have heard from many, many people who have come to me with concerns about the care that their loved ones have received or situations that have arisen within the continuing care system are concerns about the number of hours of actual care that are going to individual residents and that in numerous situations, due to short-staffing for various reasons, whether that's due to some facilities that were looking to cut corners or save dollars or just whether that was due to pressures with, unfortunately, staff being ill and not being able to keep a full staffing complement, they found there were situations where indeed proper care was not being provided. There were not enough hours being provided for people to be toileted, for them to be helped with getting their meals, being

helped with eating their meals, and that led to concerning situations for their loved ones.

Some of the other opportunities for improvement that are listed: improving mental health and wellness supports for staffing; increasing the level of full-time employment opportunities for some positions; enhancing the working conditions for staff, wages, benefits, workplace supports, training opportunities, and empowerment. That speaks directly, Mr. Speaker, to the topic of this referral amendment, which is saying that what we have learned from the COVID-19 pandemic and the effect it has had on the loved ones of many families in Alberta is that these have been some of the most significant factors and were exacerbated, highlighted during the COVID-19 pandemic.

Increasing the level of full-time employment opportunities for some positions. Indeed, Mr. Speaker, we know that during the COVID-19 pandemic one of the biggest issues was that staff, as we've talked about many times in this House, who work in continuing care facilities often are unable to get enough hours or earn enough at a single job due to low wages, due to an unwillingness of some of the facilities to offer full-time hours. Then you're able to save money because you don't have to pay benefits. But that creates, in a situation like a pandemic, a problem because you do not want people working in multiple facilities when you have a virulent infection spreading in the populace. That's a very quick way for it to hopscotch, jump its way, between one facility and another, and indeed we saw that happen.

So steps had to be taken by the government. Certainly, it was an issue that we raised as an opposition a while before the government took action. It took some time for that to be implemented and put in place, but eventually that was one of the things that was arrived at, and as part of that, there was work that had to be done, then, to try to determine: well, how do we make these workers whole? If they have someone who has been working three part-time jobs and now they're going to be restricted to a single facility, how do we ensure that, in fact, they are going to continue to have the hours they need to be able to earn a living? Certainly, I think that is a very real concern, something that deserves to be considered, something that deserves action but something of which we see no mention in Bill 11. Indeed, at this time we have no indication of what the government intends to do in that regard or what steps they might take.

Now, the minister says that those are things that would take place in the regulations, and indeed the former Minister of Health talked about that being a process that would take place over the summer and would be coming back in the fall. We don't have much information on what the plan is there, Mr. Speaker, which is one of the reasons for the referral, to take the opportunity to better get a sense of what action the government intends to take on that particular point as it impacts very directly the experiences of families who lost loved ones during the COVID-19 pandemic and who are very invested now in seeing real improvements to the system so that others do not find themselves in the same position.

Improving mental health and wellness supports for the staff and enhancing their working conditions: two pieces that are very closely related, Mr. Speaker. Now, certainly, we know that these are very real and pressing concerns throughout our health care system, which continues to be under enormous pressure. Health care workers in general in our hospitals, emergency rooms, and ICUs across the system and our nurses, our doctors, our various care providers are exhausted after multiple waves of the pandemic and, unfortunately, many decisions by this government which pushed them to their absolute limits, the continual choice to act last and act least and the very real impact that has had on their mental health, their physical health, indeed leading to the critical staffing

shortages we continue to experience across the system, including at times in continuing care.

Again, we're talking about this referral, saying that we believe that this should be set aside for a time and not proceed through second reading because there is missing here that consideration of these impacts for the families who have lost loved ones due to COVID-19 and indeed their advocacy for improvements in the system so that we can achieve the goals that we say we have set. Certainly, amongst them needs to be looking very closely at increasing the level of full-time employment opportunities, improving the mental health and wellness supports for those staff and indeed their access more broadly to benefits, which is closely related to the level of full-time employment opportunities and indeed wages.

Mr. Speaker, I recognize, of course, that this government has, you know, made great efforts to try to grind down wages for many health care workers. Certainly, we saw that with nurses going into the fourth wave, where the government was demanding 5 per cent wage rollbacks. Certainly, we've seen their position now with HSAA – respiratory therapists, paramedics, a number of others – demanding wage rollbacks of up to 11 per cent, but a failure to understand what is, in fact, here in their own FBCC review. I think it, again, pertains to this referral amendment. The fact is that if we are lowballing the wages of health care workers while at the same time grinding them down with the conditions, that is going to have a direct impact on the quality of care provided.

These are definitely, I think, serious considerations, and I think Albertans deserve an opportunity to have some discussion of that as we have Bill 11 here in the Legislature. Despite the fact that it is largely an administrative piece of legislation, I think Albertans are looking for a little more meat on the bone.

Again, we have promises of what's going to take place during the regulation, but I think that, as I and my colleagues have noted on many occasions, this is a government that has burned an awful lot of trust, particularly when it comes to the health care system. Mr. Speaker, I can tell you that when I'm knocking on doors, when I'm making phone calls, both here in my constituency and in many in Calgary and other parts of the province, this is a top concern for folks. When they tell me they do not have trust or faith in this Premier or this government, health care is at the top of the list.

I think we are simply doing our due diligence as an opposition here in putting forward this referral amendment and noting that there is work that needs to be done to earn the trust of Albertans, that the actions this government intends to take on, ostensibly improving the continuing care system, are indeed going to be substantive and are going to address these very real concerns that go to the heart of the issues in the system.

9:00

In general I would say that the treatment of health care workers in this province over the last three years under this government has been absolutely shameful. From doctors, who certainly are able to earn a reasonably good living and are in a position to be able to advocate for themselves – and they certainly have; they've spoken up loud and clear, you know, in terms of their concerns with this government – through nurses and other assistants down to these folks who in many respects, Mr. Speaker, are at the bottom of the system, have the least strength in terms of advocacy, have been the ones who have been least likely to have their voices heard. Indeed, many of them come from marginalized communities, many of them racialized workers, indeed, many of them of the sort who were misunderstood at times and blamed for the spread of COVID-19 amongst their communities when the fact is that they were put in a far more vulnerable position because of these many exact factors

that were listed in the FBCC review report: the fact that they were precariously employed, that they were low waged, they had no benefits, were unable to get full-time hours.

Indeed, Mr. Speaker, if we had a collection of race-based data here in the province of Alberta, we would have more evidence on that front about what those impacts were, as they have had from Ontario, for example, where they have passed such legislation. But the fact is that even without that concrete data, we are well aware, from speaking with those individuals, from speaking with the folks who are elected to represent them in labour, about what these impacts have been and what the need is. Indeed, it's right here in this report, but it is not anywhere to be seen in Bill 11.

I think what Albertans are looking for is the government to be very clear, as it pretended to be with the Premier's public health guarantee, as it pretended to be in a number of very bold promises but has utterly failed to follow through on in terms of being truly accountable and truly invested in actual work to support the entirety of our public health care system.

With that said, I think there will be much more opportunity for debate on Bill 11, and I look forward to more opportunities to rise.

The Acting Speaker: Thank you, hon. member.

Are there any members looking to join on RA1? I see the hon. Member for Calgary-Buffalo has risen.

Member Ceci: Thank you very much, Mr. Speaker, for this opportunity. Just to remind, I guess, myself and other members of the Legislature, RA1 reads:

Bill 11, Continuing Care Act, be not now read a second time because the Assembly is of the view that the government has not carried out sufficient consultations on the contents of the bill with families whose loved ones lost their lives from COVID-19 while in continuing care.

I certainly support this RA1, this referral, for that purpose, because it's important that we learn from those who have lost their loved ones, those who saw early on. We know that there's coming up to about 1,700 Albertans have lost their lives, have passed in continuing care, and the first and second waves of that pandemic in this province, not unlike its effect in other provinces, were devastating to those many individuals in continuing care. Mr. Speaker, that should be reason alone for learning more about what loved ones or residents believe should go into the Continuing Care Act, Bill 11, and to make sure that it has the agency and efficacy to ensure that the lives of people who are in those facilities are as good as possible and protected as much as possible.

In Alberta right now, Mr. Speaker, there are more than 33,000 supportive living spaces, more than 15,000 long-term care spaces, and there are more than 127,000 Albertans receiving home care each year. We know the ripple effects of lives impacted in Alberta and elsewhere by the act that's before us, that it will be bringing together several other acts and putting them in one place. We know that the lives impacted across Alberta of those 127,000 Albertans receiving home care, 33,000 in supportive living spaces and more than 15,000 in long-term care spaces – you know, it spreads out from there. Those individuals, I think we are arguing, would have a great deal to say about this act at this time and why they should be included in a further review of the results of the government pulling together and trying to modernize, to some extent, and trying to streamline and improve what's currently in several very dated acts.

The facility-based review of continuing care final report, we know, came forward on May 31, 2021, so approximately 11 months ago, Mr. Speaker. That review included – it, of course, had consultation as a step in the process to completing its report, but it also had 42 recommendations that would, as I said, transform and

modernize Alberta's facility-based continuing care facilities. It would be useful to not only ask Albertans who have experienced first-hand the devastation of COVID-19 on their loved ones, but it would be useful to ask Albertans, now that the bill is before us: does it have the appropriate transparency, and does it have the appropriate legislation identified in it that will address the needs that Albertans know too well from their experiences with their loved ones?

You know, the impact of COVID on this province and the people of this province: some medical practitioners and others are saying that there's going to be a significant portion of Albertans who now experience long COVID as a result of their contracting COVID and having it in the first place. What will be the impact on our continuing care system? What will be the impact on our supportive living spaces and, of course, receiving home-care needs going forward? My suspicion is that there'll be more Albertans who go to those facilities or are treated at home for long COVID. That's another reason I think, Mr. Speaker, that we should have the opportunity to allow Albertans to come together to look at this bill in greater depth with legislators to make sure that we're getting this right the first time, because Albertans' health is too important to leave continually to updates or amendments or changes to the act.

We can deal with it – one of the challenges, of course, with the current bill before us is that much of it will be addressed in regulations down the road. I think that's a problem, as my colleagues have talked about already, that saying, "We're going to get this right" is not a transparent way of governing, Mr. Speaker. Saying, "Trust us; we'll go into the backroom, essentially work with bureaucrats and others to develop regulations that'll then come to the minister for sign-off or go through cabinet committee to get sign-off" is not an upfront way of dealing with probably the most significant issue that has hit this province on a health perspective ever.

9:10

I can't remember – well, you know I'm not old enough to know about the Spanish flu. That was in the early 1910s . . .

Member Irwin: You're not old enough?

Member Ceci: Yeah. Okay. You don't need to chime in about that one.

I've been in this province for 42 years, and there's not been a pandemic before in this province, so to kind of point out that we can't leave this to the backroom and decisions being made is, you know, just reality, Mr. Speaker. We need the opportunity for Albertans who have suffered greatly to talk about it, to work through it in terms of this bill and what it will do for future pandemics.

I don't know any province that has taken the opportunity to listen to their citizens around the impact of the pandemic on their loved ones and the ones who were lost. I think that's an oversight that needs to be rectified and can be rectified with this RA1 referral before us, Mr. Speaker, because "trust us; we'll get it right and everything will be better going down the road and we'll head off future pandemics by the new regulations that get put in place" is too much an ask for Albertans who, frankly, are concerned with some of the actions of this government. We know that, you know, steps were taken by this government to ensure that moving forward on a privatized agenda could take place.

A really critical person in the health care of Albertans was the CEO of AHS, and that person is no longer here. Right in the middle of a massive health issue that all Albertans and Canadians have dealt with and indeed, go farther, you know, a person who helped guide and address the needs of a significant area of our government, of over \$22 billion, \$23 billion expenditure, is no longer there to

guide that ship. The government saying, “We’ll create the regulations about continuing care” and all those other things while Albertans have seen people like that kind of be shown the door is something that undermines trust, Mr. Speaker.

I think that Albertans are right to say that people need to be held accountable for these things, particularly in the long-term continuing care situation. What we saw was that residents and the families of residents aren’t able to take steps to do that as a result of actions of this government in terms of a previous bill that was brought in. To say the least, I think the government has failed residents of continuing care. We have brought up many reasons why we think this should be looked at in greater detail, but there’s been no interest, I would argue, from the other side of looking more deeply into that.

You know, the home-care situation is a very good one as well. Not only will there likely be greater home-care needs as a result of long COVID going into the future, but this government more than a year ago talked about putting more time and expenditures towards that. I certainly think that that’s the low-hanging fruit, Mr. Speaker, in terms of health care for Albertans. Well, prevention is obviously the lowest hanging fruit, making sure that Albertans know that they should look after their health care, go to see primary care doctors on a regular basis, take care of their dental, their other . . . [interjection] Yeah. Yeah. Just in kind of a holistic way look after their own health – that’s the best thing that can happen – and then follow that up when home care is required, that there be adequate home care to cover the needs of Albertans so they don’t have to go into more acute care. That’s something I think Albertans should have the opportunity to weigh in on as well and why this should go to a committee to have more sufficient consultation.

The number of hours residents receive in continuing care facilities and supportive living facilities is another thing the government talked about which I’m not aware, in this bill, actually takes place. We have to wait till regulations again. My colleague from Edmonton-City Centre talked a great deal about the situation with regard to staff working in continuing care or indeed across the health care spectrum and how the proportion of staff working full-time was, is, has been dismal in terms of continuing care, and it’s not only here; it’s across the system. I think you could probably say it’s systemic, and that needs to change, Mr. Speaker. The federal government provided some support to help that to take place.

I will, I think, get ready to take my seat and listen to other debate on this referral amendment.

The Acting Speaker: Thank you, hon. member.

Are there any members looking to join debate on RA1? I see the hon. Minister of Municipal Affairs has risen.

Mr. McIver: I’ll be brief, Mr. Speaker. I just was listening to the last speech and am a little bit dumbfounded. The folks across the aisle through the whole time of COVID argued against essentially every single decision that the government made, like everything that was done in the health care system was wrong. Then we just heard one of them stand up and talk about the former chair of AHS, who is a fine person, like they never did anything wrong in their life. I don’t know if that person did ever do anything wrong with their life, but the fact is that the same folks that complained about every single health care action and decision for two straight years now stand up, incredibly hypocritical, and talk about the person leading the effort on the health care side like they were perfect.

[The Speaker in the chair]

Well, Mr. Speaker, no one’s perfect, and the person leading Alberta health care at the time is a fine, good, and decent human

being, and we should all thank her for her service, and we do. I just had to point out the incredible hypocrisy we just heard here after two years of complaining about everything that AHS did and then standing up here and complaining that the person leading that effort isn’t there any more. The hypocrisy is just way too obvious to ignore.

The Speaker: Are there others on amendment RA1? The hon. Member for Edmonton-Highlands-Norwood.

Member Irwin: I’m not certain I can follow the Minister of Municipal Affairs’ eloquent, lengthy comments on that bill, you know, but I do have to say that it is – I believe this is the second or third time that I’ve spoken to Bill 11, and my colleagues have raised some very thoughtful questions in this Chamber.

9:20

I recall, actually, the Member for Calgary-Mountain View: her introductory comments on this were quite thoughtful, and she’d actually done a very thorough analysis of the bill. You know, it’s possible that I missed the responses, but I don’t think we’ve gotten to hear from the members opposite on this bill, and I don’t think we’ve heard much in the way of answers to the many thoughtful questions that have been posed. Always the optimist; hopefully, we will get some more government members rising in this Chamber and sharing their thoughts, because as I said in my previous remarks on Bill 11, continuing care and the health care system more broadly continue to be one of the top issues that I hear about.

You know, I know we’ve said this many times in this Chamber, and we will continue to say it, but we pride ourselves on talking to our constituents and voter contacting and connecting with our constituents at their doors and on the phones and, as my colleague from Edmonton-City Centre pointed out, not just from our own ridings, although we all are spending a whole lot of time in our own ridings, but around the province as well.

I’ve spoken about how I’ve had the chance to knock on doors in Calgary quite a bit, and I’ll be back there on Saturday as well, talking to the fine folks of Calgary-East, I believe, and I’m certain that health care will be a top concern of folks there. It’s quite interesting. While our riding demographics might differ – I think of the time I spent door-knocking in Strathcona-Sherwood Park not that long ago or Morinville-St. Albert as well. You know, quite different demographics than much of my riding in Edmonton-Highlands-Norwood, yet the common issues transcend our ridings. Health care is certainly one, and I can absolutely say that continuing care has been something that’s come up at the doors, not as much as health care broadly or education, particularly curriculum, as I look at the Member for Edmonton-Glenora – I know we’ve heard that one a lot – but continuing care has come up.

As I talked about in my previous remarks on this bill, I’ve not had the opportunity as much lately, you know, given the pandemic and wanting to be safe with my constituents – I haven’t visited as many seniors homes as I would like, and I do miss that. I really do. I’ve always really loved connecting with seniors, and just some of – yeah. I just can recall, from not long after being elected, some of the great folks that I met in seniors homes, in particular seniors residents that I represent.

I shared, you know, quite recently that there have been continuing care facilities in my own riding of Edmonton-Highlands-Norwood, gosh, where the impacts of COVID have been really, really stark, including in the Chinatown care centre in my riding. I was actually just in the area not too long ago. I was at the Chinese Elders Mansion. If you’ve been in the area in Chinatown, the area I’m so proud to represent, there’re a few facilities there. They’re not all run

by the same organization, but they're all in close proximity. I was there not long ago and just chatting – I actually just dropped off an Alberta flag because their old Alberta flag was quite tattered, so I was happy to do that – with them about how things were going there, and they said: yeah, it's been tough, right? It's been hard on residents not being able to see family as much and just the loss in the Chinatown care centre, in particular significant loss of residents. They have a lot of quite older folks, in their 80s and 90s, who we lost to COVID.

I can share similar stories from some of the other folks that I've chatted with throughout my riding. You know, the people that we lost in the area that I represent are just some of the over 1,600 continuing care residents that have passed from COVID-19. I've got those numbers from the end of March, so I would hazard a guess that those numbers are even higher now. This is why – I should mention, before I forget, to make it clear to the Speaker – we're calling on this government to take our advice and accept our amendment on Bill 11, the Continuing Care Act, which will ask for Bill 11 not to be read a second time.

Our biggest concern about this bill, as has been well delineated by my colleagues in the Chamber tonight, is the lack of consultation on this bill and particularly the lack of consultation on the contents of the bill with families whose loved ones lost their lives. I would urge this government to go to some of the continuing care facilities in my riding in particular, you know, perhaps the Minister of Seniors and Housing. She was in Chinatown just – oh, gosh, time is confusing. When was that?

Mr. Shepherd: Yesterday.

Member Irwin: That was yesterday. Thanks, Edmonton-City Centre. Thanks for that. That was yesterday. My brain.

It was great to host her in my riding. We were at Dynasty Century Palace, and she was there from the UCP, and myself and my colleagues from Edmonton-City Centre and Edmonton-Whitemud were there from the NDP. You know, there were quite a few elderly Chinese members of our community there. I can imagine that many of them do live in some of the housing that I mentioned earlier, particularly the elders mansion, the Chinatown care centre, as a few examples.

As I said, again, we're always so happy to support Chinatown and to listen to our constituents. I've said this in the House a few times. A lot of the folks who own businesses and whatnot in Chinatown might live in other areas, but some of them do have elderly parents and whatnot who are in some of those facilities. I was mentioning not too long ago that I chatted with someone who'd lost her grandfather in the Chinatown care centre. She'd pointed out that, you know, yeah, he was old – I need to remember how old he was; I believe she said in his 90s – but he was healthy, and he didn't need to die. But COVID really swept through the care centre. I say all that context because I don't think she was consulted, and I don't think a whole lot of family members who lost loved ones to COVID were consulted.

We can see that in a few other pieces of this bill, and that's why we're urging this government to truly heed our advice. I've said this, you know, in my previous comments, that this government had an opportunity. I was talking with someone, actually, earlier who works with health care in this province, Friends of Medicare, in fact. I'm sure he won't mind me mentioning that I was chatting with him about a few health care issues.

Ms Hoffman: Say his name.

Member Irwin: His name is Chris Gallaway. He's the new executive director of Friends of Medicare, and he's doing a great

job in that role. He's got a lot on his plate, I must tell you. He truly does. He came into that job with a whole lot to deal with. We were just chatting – important stakeholder meeting, of course – about some of the legislation in front of us today, and I pointed out that, you know, there are so many things that this government could be doing. They could be taking very much transformative action to improve our health care system, to address the funding gaps in education, to improve the continuing care system. Sadly, instead of doing that with this piece of legislation, it's very much a lot of administrative work that's been done. Oh, I just had the bill with me. But, you know, even just the title of the bill, the Continuing Care Act: someone might think that a lot is being done, but it's certainly not.

9:30

We're disappointed that when presented with the opportunity to bring about substantial change and to really, you know, transform a system that countless Albertans are telling this government needs improvement, they've chosen not to. That's incredibly disheartening. It's disheartening to us as the opposition, who've heard from families who've lost loved ones in continuing care. It's disheartening to health care workers in continuing care facilities.

I really appreciated – I always appreciate his comments because they're always so thoughtful – the Member for Edmonton-City Centre's point that, you know, many of these workers do come from marginalized communities. There's a large percentage of continuing care workers who are racialized women, many of whom would tell you, if they had the opportunity without fear of reprisal, that their working conditions are just dreadful in a lot of these facilities.

You know, this bill doesn't even – it doesn't even – fulfill the UCP's own promises from a year ago, which were quite a few, among which were increasing home care, increasing the amount of hours of care that residents receive, and increasing the proportion of full-time staff. It fails – it fails – to make substantive and meaningful changes when it could have done so.

The other big concern – we've touched on this a lot. As I've said many times in this Chamber, trust and lack thereof is becoming a consistent theme with this government. What this government is doing with Bill 11, the Continuing Care Act, is that they're going to leave a whole heck of a lot to regulations, and they're asking Albertans – they're asking us, the opposition, but I'm more worried about Albertans – to just trust them that, you know, the changes that they want to make are going to be happening in the spring of '23 and that they're going to make the right decisions through regulations. We've heard that on countless bills already. I mean, I've only been an MLA since 2019, but the number of times where we've been told that things will be settled, figured out in regulations is quite troubling. So we cannot – we cannot – trust this government to just leave things to regulations.

Now, I know I don't have a lot of time here left, but I just want to quickly, you know, touch on the fact that there was – again, I remember my colleague from Calgary-Mountain View digging into this quite deeply, so for those of you watching at home, again, of which I know there are many, especially with that Oilers game raging on, do look back in *Hansard* and read some of the comments.

One of the big concerns was around the fact that this government has not acted on the recommendations in the facility-based continuing care review. We've asked multiple times – again, we've not heard answers, or at least I've not heard answers when I've been here in the Chamber – why they're not acting on those recommendations such as increasing the amount of home care provided; improving the working conditions, as we talked about, the often quite challenging working conditions, particularly in the

midst of a pandemic, that those working in continuing care are experiencing; and increasing the amount of full-time staff. Hiring more people isn't necessarily going to fix all those working conditions, but it sure would help, especially for those continuing care workers who we are hearing from, who are just beyond exhausted – right? – and working unbelievable hours and, you know, multiple shifts.

We're asking this government. Will they – and this is why we'd suggest that they very much delay this piece of legislation. We're asking them to share the consultation report. What specifically is being supported by stakeholders? We've got a lot of questions, but we're not getting a lot of answers.

Thank you, Mr. Speaker. With that, I would like to adjourn debate.

The Speaker: Oh.

Member Irwin: That's fine.

The Speaker: We'll say the tie goes to the runner in this case.

[Motion to adjourn debate carried]

Bill 16 Insurance Amendment Act, 2022

[Adjourned debate April 27: Member Irwin]

The Speaker: Are there others? The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Mr. Speaker. I am pleased to rise and speak to Bill 16, which is the Insurance Amendment Act, 2022. I think it is worth specifying because we've had actually quite a lot of insurance-related amendment acts in this last little while.

What is this bill about? It solves a problem, according to the government, that actually does exist, and I think they are correct in this. I am not in any way challenging this proposition. The government says that it's challenging for certain companies in Alberta to obtain reinsurance, and this is due in part, I think, to oil sands companies being unable to obtain this type of insurance because of climate change. Now, this sounds a bit odd, but actually reinsurance – companies will buy insurance for a loss. They'll buy potentially excess insurance for losses over a certain point, and then they will buy reinsurance. The reinsurance is kind of the third level. Something really, really vague, really, really bad, really very expensive has to happen to get to the point where you're dealing with reinsurance. The challenge, as I understand it, is essentially that because potential damages arising from climate change could be so large, depending on sort of which way things fall out, it's difficult for these companies to obtain the insurance that they need. It is a real problem, and I am glad to see the government moving forward to solve it. I think that this is overall a good bill insofar as it goes. I don't think there are any major concerns.

Essentially, what the bill does is three things. It allows Alberta-based companies who have a captive insurance company outside of Canada to bring them home. So if a company that resides here has a subsidiary that does insurance but it's located elsewhere for various reasons, they can bring them home with no interruption in coverage, which I believe is called redomestication. So far riveting. Riveting.

It also allows Alberta to license stand-alone reinsurance companies. I don't think anybody really knows if this is going to work, but it is actually what I would say is sort of a genuine good-faith attempt to do this on the part of the government. I don't give them a lot of credit for good faith, so I guess I'll take the opportunity

where it presents itself and list it here. Essentially, what it would do is allow a stand-alone reinsurance company to be created in Alberta, I think the hope there being that because it is primarily oil and gas companies that are having difficulty obtaining this insurance, that because there's a lot of capital floating around, they might bring that together and create a company. I would need to do a lot more research to say whether or not I would even want to hazard a guess about whether it'll work, but I think it is a genuine attempt to solve a real problem on behalf of the government, so good for them.

The third thing it does: it allows Alberta companies to access unlicensed insurance. The reason certain insurance is not licensed in Alberta is essentially because, depending on where the insurance company is located, if the insured were to have to sue the company because they decided just not to pay out even though they were liable for whatever reason, it would be very, very difficult to obtain such a judgment. Essentially, it's just sort of highlighting that an unlicensed insurer is unlicensed because the body here in Alberta doesn't believe there's sort of a really good way to force the company to pay out. It's not ideal insurance, but when you cannot obtain anything else in the market, it is something at least.

9:40

Previously the tax rate paid on premiums for that sort of insurance was 50 per cent, which is pretty high. This would reduce it to 10 per cent. So the idea behind charging taxes on those premiums is to sort of disincentivize the behaviour, to incentivize companies to use a normal insurance company if they can manage to do that. I think the 10 per cent is probably still sufficient to disincentivize taking unlicensed insurance over licensed insurance, so it's probably a good move again.

Again, most of what's in this bill itself, I would say, is a good move. It solves a genuine problem. I anticipate supporting it, but I would love to see the government approach the struggles of everyday Albertans with the same sense of urgency that they approach the struggles of large, profitable corporations. You know, this isn't the first bill we've had that deals with this sort of insurance. It's not that anything in the bill is bad; it's just that it's a really interesting signal of priorities. We have this coming through after previous bills that were sort of aimed at similar problems.

Meanwhile, you know, we have the government wanting to act on or claiming – claiming – that it wants to act on skyrocketing utility rates for consumers. The government announced a rebate on natural gas. As it turns out, that rebate wasn't coming forward for – well, at the time it was announced, it was months. It doesn't come in until this coming fall, so October. At the time it was announced, it didn't appear that the prices were going to actually reach the level that had been set. As it turns out, world events have intervened, and in fact gas prices have come up. There was some musing on behalf of one – it might have been the Premier; it might have been one of the ministers – about having that come sooner, and then someone else contradicted the musing, so apparently we're not going to see it until fall. It's a very slow approach.

Then we have the electricity rebate. The government announced it was going to do this, and then crickets; for weeks and weeks and weeks crickets. After those weeks and weeks and weeks of crickets we finally had an announcement. A bill was brought before the House, and as the bill was dropped, the minister said that Albertans wouldn't see the money in their pockets until June or July. The Official Opposition acted quickly. We drafted amendments to put a timeline in there to make sure that that money was getting to Albertans in a timely fashion, because it was an urgent situation for them. The government not only rejected our amendments, but the minister now likes to claim the fact that six days' – he said it today in the House, "six business days" – worth of delay is what caused

the months and months and months of delay. I think that's pretty transparently absurd, but it is a little funny side note.

I guess my point here is that I would love to see this government approach the concerns of the voters in this province with the speed with which it addresses the concerns of large and profitable corporations. We also saw the government sort of race out the door right in its first term a tax cut to large, profitable corporations, and then it rushed that. In the first year, which was pre-pandemic, Alberta lost net jobs in that time frame. Not only did the proposed solution fail to solve the problem; things, in fact, got considerably worse. Having demonstrated that their initiative failed entirely, the government rushed to speed it up and did a 3 per cent drop in one year, which also failed to create any jobs.

In the meantime they cut a series of programs under the NDP that had sort of demonstrated histories of helping: the Alberta investor tax credit, some specific tax credits around the tech sector. Now, subsequently they actually brought some of those back while not having actually verbally admitted that it was wrong. I would consider that an admission that the strategy was incorrect.

But the point is that while all of this rush happened, we have them rushing to move tax rates for regular people but not in the same direction, so they will see an additional billion dollars from bracket creep, which is something the current Premier actually used to rail against in opposition in the federal government. I guess – well, that's some comment on what principles are worth to him. I think the general problem here, again, is not with the bill. The bill itself doesn't do anything wrong. I've said this about a number of bills. The problem is that it just sort of signals a set of priorities that I just don't think are the priorities of Albertans. I think that this government has a really big hurry to help those who have a lot of money, and they need to be in a bigger hurry to help those who don't.

With that, I think I will take my seat. I will say that we'll be generally supporting this bill.

The Speaker: Hon. members, are there others? The hon. Member for Edmonton-Glenora has the call.

Ms Hoffman: Thank you very much, Mr. Speaker and to my colleagues for the opportunity to engage in debate regarding Bill 16, Insurance Amendment Act, 2022. I want to take a second here. I'm going to directly connect this to debate, celebrate that we're tied up at 3-3 right now, and just say how grateful I am that Darnell Nurse was well enough to be back in the game tonight and, of course, has already got at least one assist.

How it connects to insurance, Mr. Speaker . . .

The Speaker: He had injury insurance.

Ms Hoffman: Thank you for that.

Yesterday's media coverage says, quote, as insurance the Oilers recalled Broberg from the AHL. But, of course, tonight he doesn't need to play because Darnell Nurse is back in. This is one of the reasons why it's so important to have insurance. It's not that you're planning on needing Broberg, but there are times where you might have to lean on a junior from the AHL to step up and fill that backlog.

I'm going to take a minute just to also share a story about insurance. We were talking about this with – of course, financial literacy is something I've been advocating for greater improvement in the curriculum for many, many years, Mr. Speaker, including the time when I was on the Edmonton public school board, so I try to take opportunities with the young people in my life to talk about components that relate back to financial literacy.

Mr. McIver: This just in.

Ms Hoffman: Pardon me?

Mr. McIver: This just in.

Ms Hoffman: Hmm. I'll look at it later.

I have to say that the conversation I was having with my niece and nephew – this was probably a year ago – around insurance: we talked about how you want to buy insurance for things that you can't afford to replace like your house, usually the biggest investment that most people make, your vehicle. Of course, related to that is injury insurance and the fact that you might be in an accident with another vehicle. Then we talked about life insurance, and immediately my niece said: "What does that mean? If my dad dies, I get another dad?" Of course, if your house burns down, you get another house; if your vehicle gets totalled, you get another vehicle. Then we talked about how, of course, no, she wouldn't get another dad, but we talked about the earning potential that he would have to contribute to his family over his working years and how that was something that they would need to ensure was there for them and their family to provide for their future if something bad happened to one of her parents.

I have to say that I think, as the colleague who spoke just prior to me has mentioned, there aren't a significant number of red flags in this bill, and that, for a change, makes us inclined to probably support it.

The government has taken many opportunities to – I think the only piece of legislation, which I will refer to it as, that's been changed more than insurance: well, for sure the standing orders have been changed far more times than insurance. They've been changed more in this sitting of the Legislature than, I imagine, probably the last five or 10 combined, so it's interesting that we continue to see additional changes to the standing orders and proposals around that.

Now, here tonight we are considering additional changes to insurance. I would say that one of the big things when people talk to me about insurance that they want to see, though, is that their bills become more affordable and more predictable. I can't help but be reminded of a conversation – actually, I think he just spoke earlier today. But prior to that the last time the now Member for Fort McMurray-Conklin – is that the name of the riding now?

The Speaker: Lac La Biche.

9:50

Ms Hoffman: Fort McMurray-Lac La Biche. Thank you very much, Mr. Speaker.

The last time prior to this recent iteration of re-election that the Member for Fort McMurray-Lac La Biche spoke in this place, I believe his final exchange in question period was related to insurance and the fact that the policies weren't consistent for residents in Fort McMurray, but there were many different types of insurance packages, and sometimes neighbours living side by side who both lost their homes had very different coverage, and they weren't aware of the fact that their policies were that divergent.

What I would love to see in terms of insurance in this place – and I imagine the Member for Fort McMurray-Lac La Biche and others would probably agree – is more focus on affordability, more focus on comprehension and having consistent packages of services available for those who might need them as it relates to automobile, home, life insurance, and other major insurance products. Those are some of the things I would love for this Assembly to focus its time on, things that actually directly impact affordability and ways to make life better for everyday Albertans.

I don't think that this bill is problematic, but it definitely doesn't give me the kind of enthusiasm that I would have if we were actually addressing some of those significant root problems that people regularly talk to me about throughout the province of Alberta when it comes to what can be done to address insurance as we move forward.

Thank you very much, Mr. Speaker.

The Speaker: Hon. members, are there others? The hon. Official Opposition House Leader.

Ms Gray: Thank you very much, Mr. Speaker. I'm pleased to rise to speak to Bill 16, Insurance Amendment Act, 2022, in second reading, my first opportunity to address this piece of legislation. The bill primarily does three things: making changes to captive insurance companies, building off the changes that the government passed last year; it makes changes to allow Alberta to license stand-alone reinsurance companies; and it makes it easier for Alberta companies to access unlicensed insurance. Based off the debate that we've had so far, based off the support from the energy sector that we've seen for this piece of legislation, and based off the remarks and the research I've had the opportunity to do, it's my intention to support Bill 16 at second reading because of the three things that it is doing and the need for that given that Alberta is in a hard insurance market and that this change will bring Alberta more in line with other provinces and make sure that we can get viable insurance products easier for industry.

That being said, Mr. Speaker, I cannot rise in this place and speak about insurance in Alberta without talking a little bit about what I'm hearing from my constituents in Mill Woods, who are more and more struggling with the rising cost of living and the rising cost of their own personal insurance items. Now, in seeing the Insurance Amendment Act introduced and in considering it at second reading, which is looking at kind of the high level of this piece of legislation, I'm very disappointed that this bill does not do more to address what have been some very serious and expensive to Alberta families changes that have come about since the UCP removed the rate cap. We have talked about the cost of insurance rising and the impact on families in this place a number of times. In fact, it comes up during question period quite frequently, and it's certainly not something that the government is unaware of. When the Insurance Amendment Act for 2022 was introduced, I genuinely hoped that we would see more support for Albertans, and unfortunately it does not exist in this piece of legislation. What is missing – that support for drivers, that support for homeowners on their home insurance policies – is really incredibly important.

Now, we know that the government just recently released the superintendent of insurance 2020 annual report. It found that the car insurance industry was charging Alberta drivers \$385 million more in premiums in 2022 than they did in 2019 during a time period where drivers were actually spending less time on the road. I would have liked to have seen in Bill 16, the Insurance Amendment Act, something to address this – across Canada other jurisdictions were actually providing rebates to drivers – and to Albertans to help offset potential costs and to acknowledge that during a pandemic people in many cases used their vehicles less. Certainly, that wasn't universal to all experiences during the pandemic, but for many, many people it was true.

Here in Alberta, rather than providing rebates, we saw Alberta companies collect \$1.3 billion more in premiums than they paid out in claims, boosting their profit margins and expanding their gross margins. Not surprisingly, this report was delayed, delayed, not released. We were told it was unimportant, that the information was available elsewhere. It was not. Then the report was dropped late

on a Thursday before a four-day long weekend, which is a sure sign that the government is not that interested in Albertans noticing it. Unfortunately for the government, Albertans did notice that report. In fact, I was door-knocking just the week after – that weekend, actually – the report was dropped, and people were bringing it up to me on the doors, that they had seen this was happening.

Certainly, when I'm out talking to constituents and talking to Albertans in other parts of this province, affordability issues are absolutely the number one concern that is impacting their pocketbooks. We have talked about this as well, Mr. Speaker, in this House, but just recently we saw a report that said that Albertans say they're \$200 away from being unable to meet their monthly financial obligations, one of the highest rates in the country. I think we need to think about that incredibly seriously, so the Official Opposition has called for a one-year freeze on car insurance premiums, something that would save Albertans \$360 million on their insurance bills and take action to help fight rising cost of living. The government disagrees as we do not see that type of policy in Bill 16, the Insurance Amendment Act, where it would have certainly been most welcome.

In fact, instead, we see last year's rates skyrocketing, in some cases up by 30 per cent. Even just this month alone, Mr. Speaker, we've seen five rate hikes, with Premier Insurance company going up by 5 per cent, the Dominion of Canada General Insurance Company going up by 5 per cent, Aviva Insurance Company of Canada going up by 5 per cent – that's just this month – on top of the previous increases that we've seen. While Bill 16 does not address rising car insurance costs – I wish it did – costs are going up for Alberta families as we speak in this very Chamber. So I'm disappointed that Bill 16 doesn't do more to address the very real concerns that Albertans are talking about at the doorstep and that the concerns of large companies, to my colleague from Calgary-Mountain View, seem to rate as a higher priority than the concerns of average, everyday Albertans, that the profits of insurance companies are ahead of the budgets of everyday working families.

We've recently seen numbers even in the budget documents, where based on the projections for revenue growth on the Alberta government's tax on car insurance premiums, Budget 2020 projects that Albertans are going to pay \$891 million more over the next three years. That's accounting for inflation and population growth. That's a lot, Mr. Speaker, and that's on top of an Alberta public that – already so many of them say that they're \$200 away from being unable to meet their monthly financial obligations.

These are serious topics, Mr. Speaker, and while I support Bill 16, the Insurance Amendment Act, for the three things that it does do, I am incredibly disappointed for all of the things that it does not do. It does not support Alberta families. It does not address the problem that the UCP themselves introduced when they raised the cap on insurance prices that was put in to protect consumers. They say that insurance companies were leaving, except none had. They were about to leave, except none did.

10:00

Instead, we have Alberta families that are paying more and more and more each and every day, on top of, of course, the affordability crisis that we have with electricity and utility costs going up, food and gas prices with the inflation that we've seen, tuition – oh, my gosh; tuition is going up hugely – school fees, over and over and over, park fees. Each and every one of these things that I've named is a policy that the UCP government has changed that is making life more expensive for Alberta families. I haven't even talked about the insidious bracket creep tax changes that they've put in or Friends of Medicare and the important work that they are doing to advocate for Alberta families, because, of course, our health care

system is being underfunded in so many ways, and our health care workers are stressed and have been carrying so much weight throughout the pandemic.

On this important Bill 16 piece I will be voting in support of the Insurance Amendment Act, but I had to use my brief time at second reading to express my disappointment in all of the things that the Insurance Amendment Act does not do. Again, to be entirely clear, Mr. Speaker, because this is what I'm hearing when I talk to families when I knock on their doors, it's a very real concern each and every day, and while Bill 16 is doing three very good things and it has the support of the energy sector and the voluntary reinsurance task force, it doesn't take action on what's most important to Alberta families. As a member of the Official Opposition I really just needed

to make sure that I represented the voices that I've been hearing and the constituents that I represent.

Thank you, Mr. Speaker, for this time to address Bill 16.

The Speaker: Hon. members, are there others wishing to join in the debate?

Seeing none, I am prepared to call the question.

[Motion carried; Bill 16 read a second time]

Ms Issik: Mr. Speaker, I move that the Assembly be adjourned until tomorrow, Tuesday, May 3, at 10 a.m.

[Motion carried; the Assembly adjourned at 10:03 p.m.]

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