

[Chairman: Mr. Schumacher]

[8:32 a.m.]

MR. CHAIRMAN: Members of the committee, I see a quorum, and as we have a couple of matters that will likely fill the time allotted to us this morning, I'd like to proceed.

First of all, I would like to welcome Mr. Thomas Payne, the proponent of Bill Pr. 13, the Central Western Railway Corporation Amendment Act, 1987. I would propose dealing with this matter first before moving on to Bill Pr. 19. Mr. Payne, you were here two or three years ago, and I hope the procedures of the committee haven't changed too much since that time. We propose to allow you to explain the reasons behind the Bill, and then if you are prepared to answer questions for members of the committee, we'll proceed in that way.

I'll ask our counsel to give his report on the Bill and then to administer the oath to you.

MR. M. CLEGG: Mr. Chairman, I'd just like to give my report on Bill Pr. 13, the Central Western Railway Corporation Amendment Act, 1987, pursuant to Standing Order 99.

The purpose of the Bill is to reduce the liability to carry insurance from \$20 million to \$10 million or such lesser sum as required by the Minister of Transportation and Utilities. There is no model Bill on this subject, and the Bill does not ask for powers which I consider to be unusual.

[Mr. Thomas Payne was sworn in]

MR. CHAIRMAN: Mr. Payne, perhaps I'll do more harm than good, but I'll maybe introduce the subject. As I understand the situation, two or three years ago the Central Western Railway Corporation was incorporated pursuant to a private Bill of this Legislature, the purpose being to operate a railroad between Morrin in the south and Camrose in the north, the old CN line. That operation has commenced, and you have been busy moving mainly grain along that line in the past year or so. As I understand it, you had a requirement to maintain a liability insurance policy of \$20 million, and the real purpose of this Bill is to reduce that \$20 million requirement to \$10 million or such lesser sum as may be required by the department of transportation.

Well, I guess with that introduction I'll leave it to you.

MR. T. PAYNE: Thank you, Mr. Chairman. The purpose of the Bill is to reduce our coverage. When the original Bill was heard, we were asked if we were aware of the liability coverage that had been put in place by Canadian National and Canadian Pacific which they carried in the event of freight accidents. At that time the most expensive accident I knew of was a coal train accident on Canadian Pacific's main track, and their cost of recovering that accident with a train speed of approximately 92 miles an hour was \$16 million. Our speeds on the subdivision are 20 miles an hour maximum, and we have two things which reduce our emergency stopping time. One, in the locomotives we've modified our brake system to a faster acting brake valve from the original equipment, and secondly, we're running the trains with an end of train sending unit which gives an emergency capability from the tail end of the train and which is automatically activated upon emergency application on the head end, and it reduces stopping distances of a train in an emergency by over 40 percent.

We carry no dangerous commodities on the line; there are no facilities either for loading or for transferring dangerous commodities. And with the train speeds the maximum loss we feel

we could sustain on a 157-car train, which we would not be moving at speeds of greater than 10 miles an hour, would be 25 cars at the most.

The concern we have with the placement of \$20 million worth of liability insurance is the capacity of the insurance market to place that. Reed Stenhouse, who is our broker, literally had to place little bits and pieces of the coverage all around the world. It was very difficult to place, and the cost is extremely high. Last year our insurance premiums were in excess of \$380,000, which represents a little over 32 percent of our total cash budget for the year, and considering the nature of the business, we thought it was best to apply to reduce this level of coverage.

We're not sure and Reed Stenhouse has not been able to advise us of the ability of the market to even accept a placement of \$20 million for the next operating year. It concerns me that we would have a statutory requirement to carry that level of insurance and there would be no physical market to place the coverage in. We have been advised by them that the placement of \$10 million would not be a difficulty.

MR. CHAIRMAN: Thank you very much, Mr. Payne. Mr. Musgrove.

MR. MUSGROVE: Mr. Chairman, does this \$10 million cover the insurance on the goods that you're transporting plus any damages to other people that could possibly be injured by a train accident?

MR. T. PAYNE: Yes. It covers cargo, cars, and contents.

MR. MUSGROVE: Supposing you had a train accident and some other person was injured or had some damages other than your cargo; does it cover that too?

MR. T. PAYNE: Yes.

MR. CHAIRMAN: Mr. Ady.

MR. ADY: Thank you, Mr. Chairman. My question: would your premium reduce in direct proportion to the amount of coverage? In other words, would it be cut in half?

MR. T. PAYNE: The first \$5 million coverage was \$165,000, the next \$5 million over the first \$5 million was \$60,000, and the next \$10 million over that \$10 million was the difference between that amount and \$380,000. It dropped significantly.

MR. CHAIRMAN: Mr. Downey.

MR. DOWNEY: Thank you, Mr. Chairman, through to Mr. Payne. I wonder if you could advise us: other than the CP Rail accident loss you were speaking of that amounted to \$16 million, what other criteria were used in the original determination of required liability coverage?

MR. T. PAYNE: Well, at the time when the coverage was originally set at \$20 million, the quote we'd had in the 1982-1983 insurance market for the same volume of coverage was \$89,000 for the whole \$20 million. When the actual time of operations came, November of 1986, the insurance market had changed considerably and we ended up being a taker of premiums rather than a negotiator on any terms whatsoever.

That was a consideration at the time, the dollar cost.

MR. DOWNEY: A final question, then. With your 20 mile an hour maximum speed, your stopping distances, and the fact that you haul only grain, you are confident that a potential derailment, if you like, would only lose a maximum of 25 cars and that covering the physical losses of those cars and the devalued value of the grain, you would have sufficient coverage left for liability if it . . .

MR. T. PAYNE: Yes. I'm perfectly satisfied that that would be the case. That \$10 million would be able to cover all claims and recover any damages of the accident. Above and beyond the \$10 million we maintain a policy which is specifically related to our own costs of picking up an accident as well. So this would just cover the cost of either the commodity loss or the equipment loss that's owned by other parties -- CN cars, CP cars, Wheat Board cars, government of Alberta cars -- if any were destroyed.

MR. DOWNEY: Just to clarify that, if I may, Mr. Chairman. You have additional coverage to cover the cost of cleanup. Is that what you said?

MR. T. PAYNE: Yes.

MR. MUSGROVE: Just out of curiosity, I was wondering how many main road crossings there are on that line, and do you have warning lights on the . . .

MR. T. PAYNE: There are seven provincial primary and secondary highways that cross the line, and all of these crossings have signalized lights and bells at the crossings. The rest are standard country level crossings. We have a program in place now, which is starting next week, to trim all the right-of-way trees and grasses and bushes that have grown up over the years, to improve sight lines into the right-of-way, and that program should be complete by the end of July.

MR. WRIGHT: Good morning, Mr. Payne. From where to where does your line run?

MR. T. PAYNE: The line runs from just slightly north of Drumheller to just slightly south of Camrose. We have nine towns on the line, from a place called Edberg to Morrin through Stettler.

MR. WRIGHT: Okay. And at Edberg and at the other place -- Morrin?

MR. T. PAYNE: Morrin, yes.

MR. WRIGHT: . . . Morrin, I take it the regular line, the CN line, resumes, does it?

MR. T. PAYNE: No. The interchange we have with Canadian National is approximately nine miles north of Edberg at a location known as Ferlow Junction. We have made a joint facility there for the interchange of traffic, complete with locked-open derrails and self-retarding devices to hold equipment standing on the main track at grade.

MR. WRIGHT: So your line of operation actually continues

north of Edberg to that extent?

MR. T. PAYNE: Yes.

MR. WRIGHT: And at Morrin?

MR. T. PAYNE: At Morrin there's four and a half miles worth of track that would connect to a Y at Munson but which at the present time is unused because no interchange facilities exist at the south end. So that crossing south of Morrin is on a major highway east and west, and it's unused at the present moment in time because all of our traffic moves northward.

MR. WRIGHT: And is it the company's intention to expand its operations in the foreseeable future?

MR. T. PAYNE: We are at the present moment in time under a review from the Canadian Transport Commission, of which there are 20 members on a review committee that meets locally in Stettler. The intent of the review committee is to make a recommendation to the federal minister on further abandonments, to produce an alternative to outright abandonment for the branch lines. We have to wait until the conclusion of that review, I would think, before the federal minister would allow further lines to leave the national network.

MR. WRIGHT: And what has your acceptance been to date by the farmers and the townspeople along the way?

MR. T. PAYNE: Well, we had a mail-out survey to the people in the district. We sent a mailer to a little over 2,500 people within 20 miles of each side of the line. Among the quota permit book holders in the district who are delivering to our line, we enjoyed an 80 percent response and a 40 percent response overall. And out of those responses there were five negative responses, who thought that the whole railway system was a waste of the taxpayers' money. But in the same breath they said, "We've never seen such good service on the line; keep up the work." It was kind of a curious response from these negative startups. The balance were favourable to us. And shipping is up, so we can only judge by people's deliveries.

MR. CHAIRMAN: Dr. West.

DR. WEST: Yes. Agreeing that perhaps \$10 million is enough to protect the public, is the some \$160,000 you are going to save going to protect or ensure your viability on this line? Is it an important factor, that \$160,000, to your operation?

MR. T. PAYNE: Well, all insurance coverage is an important part of our budget, and the saving of the premium that we would make by the reduction -- what we would do with that is immediately turn that into upgrading maintenance away and use that in the physical plant on the line.

DR. WEST: That would increase the safety on that line?

MR. T. PAYNE: Yes.

DR. WEST: One other point. If you expand or ask for an expansion to go to other lines, would your liability increase at that point if you were to access main lines in order to get to and from other points? Would you be then exposed at a higher level?

MR. T. PAYNE: If I can make an example, the only other subdivision that crosses the Stettler subdivision at the present moment in time is the Lacombe/Coronation sub of CP lines that runs east and west from Lacombe to Coronation. The way the cycle of the delivery time is on the line, both CN and CP from interchange, we would never have more than one train on the road at any given time operating under the *Uniform Code of Operating Rules*. So we wouldn't have a conflict of traffic, if you want to look at it that way. So we may have more track mileage, but we're not going to have any increased frequency of train service other than using our engines in more locations than one at the present moment in time. When they finish serving the Stettler subdivision, they would move on to the Lacombe and operate on the Lacombe. We would not be running on the Canadian National or Canadian Pacific main tracks, because we can't get joint running lines.

MR. M. CLEGG: Mr. Chairman, I would just like to ask Mr. Payne whether -- just to clarify the issue -- at this point in time there is any trackage on which you and CN or CP both run trains at any time.

MR. T. PAYNE: No. It's exclusively protected inside of the operating rules that there is only one train in the territory at any given particular time.

MR. CHAIRMAN: Well, if there are no further questions, if anything has come up that you would like to express by way of summing up, Mr. Payne, you're very welcome to do so.

MR. T. PAYNE: I just want to say thanks to this committee, who really are the inheritors of the original committee who passed the Bill to get us up and running, and we're tickled to death at being out in the territory.

One of the interesting things that happened to us when we started was that we went down to Big Valley. The first week we were out there, they closed the school at Big Valley, and there were 400 school kids plus half of the town and more out to meet the train, complete with a banner across the tracks. The pensioners' society in town had reopened the station and laid on a lunch and a breakfast for us. It was fantastic. I railoaded for 11 years for Canadian Pacific, and nobody ever came out to meet us when we pulled into town. We've had this kind of response all the way along the line.

The first week of January we came to a museum located at one of the towns along the line, and the train order signal was on. Well, those rules of the UCOR don't particularly apply to us; we're under a different system of operating rules inside the UCOR. The train order signal was on. You don't go past a red train order signal even though you don't use train orders, and we stopped. There were several members of the community out on the platform of the station. They were having an annual windup of their museum society and a big dinner. They said, "Well, we knew you had gone down to Morrin at the south end, so we thought we'd light up the train order signal to stop the train and see if you wanted to come to the party." So we all did. It was quite something. One thirty in the morning at the museum and there's an engine and a hundred cars and a business car, which we use for our crews, pulled up to the platform. It's been quite an experience.

MR. DOWNEY: Just as a final inquiry here, I wonder if Mr. Payne could acquaint us with the volumes he's been moving off

that line and how they compare with previous volumes.

MR. T. PAYNE: Oh sure. We have tonnage statistics that were supplied to us for the 1985 to 1986 grain year from Canadian National, which was one of the best years Canadian National had on the line. In December they moved approximately 12,000 tonnes. In three weeks of running we took off 19,800 tonnes. In January, their best January, it was approximately 45,000 tonnes; we took off 21,900. In February -- their best February was sixth -- we had three weeks' worth of running in February. There was one grain week that we couldn't get cars because of the sideswipe Canadian National had at Hinton. We were approximately double their tonnages there. We took off a little over 24,000 tonnes. We took off 1.9 times their tonnage for March. The volumes have been extraordinary. People are vowing with their feet to deliver on our line.

MR. CHAIRMAN: Thank you very much, Mr. Payne. As you know, we take this under consideration, and we'll be back to you as to what the decision is.

MR. T. PAYNE: Thank you.

MR. CHAIRMAN: Well, members of the committee, we will now proceed with the continuation of the hearings on Bill Pr. 19, Calgary Assessment of Annexed Lands Act, 1987. I would suggest we devote the first part of the meeting to those people who were unable to be here last time and who are in opposition to the Bill. I see Mr. Chisan, Mr. Macpherson, Mr. Akins, and Mr. Ross. Mr. Chisan, is there any order you would like to proceed with or . . .

MR. CHISAN: I think probably Mr. Akins would like to speak first and maybe give a little bit more historical background.

MR. CHAIRMAN: Mr. Akins.

MR. AKINS: Thank you, Mr. Chairman and hon. members. I just don't know quite where to start. First . . .

MR. CHAIRMAN: Sorry, Mr. Akins. [interjection] Yes, but you may remain seated if you wish. I neglected . . .

MR. AKINS: I really don't seem to function very well when I'm sitting.

MR. CHAIRMAN: Well, you certainly may stand, but I've forgotten the requirement for the oath. I don't think you were sworn last time.

MR. AKINS: No, I was not.

MR. CHAIRMAN: Okay. Well, we will proceed with the oath for those who were not sworn on previous occasions.

[Messrs. Leonard Akins, Brian Chisan, Gerald Ross, and Jack Macpherson were sworn in]

MR. CHAIRMAN: Thank you, Mr. Akins. Please proceed.

MR. AKINS: As I said, I just hardly know where to start here. First of all, I have been a taxpayer in the city of Calgary ever since the annexation order. I'm perhaps the only man that still

farms and lives a certain length of time on the same area in each year. I have lived under the annexation order steady for about 23 years. Now, I'd like you to know that this will eventually lead up, sir -- perhaps you'll think I'm getting away out into the boondocks -- to why we had an annexation order, and eventually lead . . .

MR. CHAIRMAN: Mr. Akins, I think I'll have to suggest that we don't care why there was an annexation order. I think I'm speaking on behalf of the committee. The fact is that there was an annexation order. I think what we're concerned about is how this annexation order and the way it has been amended affects your taxation. Now, that's really what we're interested in. We're really not interested in the history leading up to the annexation.

MR. AKINS: I will tell you that for a farmer to have to live in a city is no picnic. We have nothing in common.

But to carry on from there, we had an annexation order, and I think our city fathers know that. They know all the . . . When I said "we" -- as a person who lived there and was responsible for working with the council to inaugurate some protection for us who were being, as we thought, maybe thrown to the wolves or to the lions; these little mice need protection. In so doing, we had an annexation order. Now, in that order all these clauses of annexation were agreed to. They were agreed to; we had a deal. We the taxpayers lived up to our side of it. And, hon. members, I'd like you to note this: as taxpayers we paid our taxes; we lived up to what we were expected to do.

We expected when a deal is a deal -- is it only a deal for the taxpayer, for the small man? But the bureaucracy, their deal was to do as the annexation order dictated, but now they are -- what would you call it? They're changing the rules in the middle of the stream. We don't have that privilege. But I still think if a deal was made, approved by the municipal district [inaudible] approved by the city of Calgary and the Public Utilities Board, why is it not a deal today? There's only one word we had for what we wanted: protection. I think we got protection to the best of the ability that could be had at the time. As I said, I've lived there, and under the most adverse conditions. Livestock -- to make a long story short, we were hailed eight years out of 11, we had to have livestock and so forth to live on, we had to get out . . .

MR. CHAIRMAN: Mr. Akins, the Local Authorities Board and the Public Utilities Board made orders back in 1960 and '61. They were changed in 1985, and I guess I'd like to know what you feel was changed that adversely affects you.

MR. AKINS: That adversely affects us?

MR. CHAIRMAN: As I understand it, the orders that are in effect now -- and I think members of the committee understand it -- still provide that you are to be taxed as if your land were still in the municipal district of Rocky View, even though it's within the city limits. Is that not correct? Even though you live within the city limits of the city of Calgary, the Local Authorities Board has said you are to be taxed as though your land were within . . .

MR. AKINS: That is true. I have no complaint there. That's why I said we were protected as best we could be under that. Now the only thing is, I think we are losing. I don't want to see

us . . . We are a democratic country. To me this Bill Pr. 29, or whatever numbers you call it, to me is directed at a very small minority.

MR. CHAIRMAN: Mr. Akins, I think the committee would like to know what there is about Bill Pr. 19 that adversely affects you and your farming operation and the taxation of your land within the city of Calgary, because we understand that you're not to be taxed any higher than you would be if you were still in the MD of Rocky View.

MR. AKINS: You're perfectly correct. But can I state an opposition on a principle? The principle is, we've operated under a democratic system, sir . . .

MR. CHAIRMAN: You are opposed to what? I think that's the . . .

MR. AKINS: If Bill Pr. 19 goes through, we are losing the right to appeal. It may not affect me now, but supposing, sir, I . . .

MR. CHAIRMAN: Mr. Akins, I think there's a misunderstanding here. Bill Pr. 19 does not affect any person's right to appeal an assessment of their land from this point forward. There is an argument about people who've paid taxes, in their view incorrectly, in 1983, 1984, and 1981, and they did not exercise their rights to appeal it. This Bill purports to wipe out those late appeals. But if there's some assessment or taxation problem in 1987 relating to your land, this Bill has no effect on that. There's still a right to appeal.

MR. AKINS: Sir, there is no effect on our land. In scarning over it, I just thought we were losing a right to appeal, a right that should be ours under a democratic system.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Akins. We do have a time problem. I don't like to cut people off, but we must stay to the point of this Bill. We really must, or we're never going to finish it. I'm just sorry to have to exercise that supervision. Are there any questions from the members of the committee on this point, or do they feel that I've . . . Mr. Wright?

MR. WRIGHT: Well, I suppose one could make the observation, Mr. Chairman, that you don't have to be adversely affected yourself in order to express a point of view, particularly when you're not expressing a particular objection on behalf of anybody else but making the point that the city does seek retrospectively to affect people's rights, however fanciful we may think those rights are or however difficult, perhaps, to achieve. Nonetheless, that was the whole point of their presentation, that there is a tremendous exposure they want to protect against.

MR. CHAIRMAN: Mr. Akins, just so you don't feel that you were not heard, do I understand you're really speaking on behalf of others who feel that they have been adversely affected by Bill Pr. 19? You're not expressing a feeling of danger to yourself, but you are in opposition to others being denied access to the courts to appeal what they feel was unjust taxation in the past.

MR. AKINS: That's right, sir.

MR. YOUNIE: Question to either the city of Calgary or to Mr.

Akins, and I did . . .

MR. CHAIRMAN: Well, Mr. Younie, I would like you to confine your questioning to the opponents to the Bill. Now, the city has had a lot of opportunity to talk. I don't want to open up the floodgates and use up the time, because this time is to be devoted to the opponents of the Bill.

MR. YOUNIE: I think it's a difference in opinion between what Mr. Akins said to me at one point and the city's interpretation of it, so they may both want to respond anyway, that being the possibility that Mr. Akins' land could be subject to, by his description, in the neighbourhood of \$600,000 of frontage taxes if the city extends services along the front of his property from north to south or south to north -- depending on where you start and finish -- and that he will be judged as having services and, therefore, be billed frontage taxes even though he's a farm. Now, I want to know, Mr. Akins, if you have been given an indication that you could in fact be assessed a taxation for utilities or for frontage in the neighbourhood of \$600,000 -- \$300 a foot for 2,000 feet of frontage. Has the city given you that indication before?

MR. AKINS: The city has not. I have not had a statement from the city, but the city owns land. They're the biggest single landholder, Mr. Chairman, on the east side. They have land directly north of me and directly south of me. If they choose to put utilities to their properties and come past me, then that's when this estimated \$600,000 would become my share for frontage.

In one way, I came here for some information. I'm not too well versed in exactly how that would go, but I understand that if it passes your place under certain -- I think it is 50 percent of the value of the land surrounding it. Mr. Judd did tell me, but I am not just too sure exactly. I could be in that category where there's a \$600,000 deal and I couldn't do anything. The moment I went to get even a building permit to build a barn if I needed it, that would be taken out. I'd be taken out from under the -- am I right? Could I direct a question to Mr. Judd, Mr. Chairman? Am I right in that assumption?

MR. CHAIRMAN: Well, Mr. Judd, I hope everybody will try to keep their answers brief. But it's my understanding, Mr. Akins, that this Bill has absolutely no effect on the ordinary local improvement situation. But please, if you can give Mr. Akins some comfort, I would appreciate it.

MR. JUDD: Mr. Chairman, with respect to Mr. Akins' question, the answer is no. He would not be taxed for local improvements under that circumstance.

MR. CHAIRMAN: That circumstance being the city running services from its own property to the north of him to its own property to the south of him.

MR. JUDD: And then for a building permit for a barn, we would doubtless go into an endeavour to assist the program. That would mean that if they tied into the local improvements, then they would be required to pay.

MR. FACEY: A building permit for a barn will not take him out of the order.

MR. CHAIRMAN: I beg your pardon?

MR. FACEY: A building permit for a barn will not take him out of the order.

MR. CHAIRMAN: Thank you. Next? Mr. Macpherson?

MR. MACPHERSON: Yes, Mr. Chairman. Mr. Chairman and hon. members, my name is Jack Macpherson. I'm a private citizen and a ratepayer in the city of Calgary. I will try to be brief. However, if I were to include all I wanted to discuss -- and this is primarily a discussion, Mr. Chairman -- we may have to carry this discussion additional days, and I know you would like to have it concluded as expeditiously as possible. I will touch on a few concerns I have been mentioned in the previous preambles that were conducted on April 29 of this year and on May 6.

First of all, I am violently opposed to Bill Pr. 19, sponsored by Mr. Fred Stewart, drafted and composed by the city of Calgary. Mr. Chairman, the city called it a quieting piece of legislation. I call it a gag Bill, and one that smacks of totalitarianism common to some banana republics, dictatorships, and so on. We have in this country a highly respected judicial system. Although it is expensive and perhaps more beneficial to more affluent people than my colleagues and I, it is nevertheless the only route that an individual could take to ensure justice. This Bill does not give that, in my estimation.

Mr. Chairman, another reason we are here today and on the previous day of April 29, '87, is because of changes to the public utilities order 25860, which was engineered by the city of Calgary, approved by the Local Authorities Board, and subsequently approved by government in council. On the surface, Mr. Chairman and hon. members, it would appear to be an ideal situation. The trigger mechanism that was developed would appear to be the answer to all our woes. But -- this is a big "but" -- there is a third trigger, which is somewhat camouflaged. And you could refer to page 46 of Hansard, which says, and I quote: "NOTWITHSTANDING ANY OTHER PROVISION IN THIS [PUB] ORDER . . . [upon] reassessment by the MD of Rocky View . . . the order [may] no longer apply." It is my understanding. And Mr. G. [Anderson] interjected at that particular time and stated, "We're not prepared to respond to that."

Further, Mr. Chairman, in going through Hansard dated May 6, '87, reference was made -- and I quote this from Hansard -- regarding the body of adjudicators, namely the court of revision: I have a great deal of concern when this body is labeled as independent. Mr. Chairman, how can it be, when the members are selected from a short list provided by the administration, and they are paid by the city and, finally, are in most cases rubber-stamped by our elected officials?

I have a letter from a former alderman, and I'd like to read this into the record, if I may, Mr. Chairman. It states:

Dear Jack,

From my last involvement, as a newly elected alderman in 1983, observing the "Rubber Stamping of members" to Court of Revision it became apparent that something wasn't right.

Observing how the appointments were made, names presented to us (the Council) by City Administration from a shortlist prepared by the City Assessment Office led me to wonder just how much administrative pressure could be put on those receiving the appointments.

Over a period of time it became apparent that the

average taxpayer was at a disadvantage as they could not receive help, guidance or instruction without heavy financial outlay and long periods of personal time away from his or her . . . occupation.

The court's allegiance, it appears, is not to the present interpretation of the Municipal Taxation Act as specified, rather as how the City of Calgary's assessment department wants it interpreted.

If the Provincial Government, through new legislation, cuts off further rights of appeal, then bureaucracy has been able to wear down the rights of the taxpayer through the sheer stalling power of their position, and stall and delay is a vital bureaucratic tool.

As a former Alderman I have seen the system abuse, misuse and attempt to intimidate the taxpayer. Do not let bureaucracy dictate the rules that the Court of Revision must follow. The Legislature must protect individual rights of its citizens and taxpayers.

Yours truly,
L.E. Pears, Esq.

That, Mr. Chairman, is a letter from a former alderman who has had a very vital insight over the past three years. It was mentioned in the parameters from former respondents to this body. I want to further carry on. I have some more things that I'd like to say, Mr. Chairman, at your will.

MR. CHAIRMAN: Well, I think we can devote two or three or four more minutes, Mr. Macpherson, but we . . .

MR. MACPHERSON: That will about wind it up, Mr. Chairman.

Mr. Chairman, another observation was that the court of revision refused to hear my complaint. There was some indication at these hearings -- and I believe it appears on page 66 -- that no, this never happened. My complaint that I am referring to occurred on October 3, 1983. The notice typed "refused to hear." I have it with me. So again the city have more or less endeavoured to muddy the waters. A letter signed by Mrs. A.C. VanStanden-Gregor dated September 1, 1983, tells the story as well.

Mr. Chairman, my last comment. I would like to make a reference to comments by Mr. G. Anderson regarding companies he maintains have a vested interest. I would venture to say that all of us here in this Chamber today that are concerned have a vested interest. I have a vested interest in this, in protesting this Bill Pr. 19. My interest, Mr. Chairman, is in the direction this province may go, or is going, if this gag Bill is passed into law. My previous comments clearly state my position.

In conclusion, Mr. Chairman, I pray that the hon. members of this committee reject this Bill for what it stands for, and if necessary, let the city have their day in court.

Thank you very much, sir.

MR. CHAIRMAN: Thank you, Mr. Macpherson.

MRS. HEWES: Mr. Macpherson, I understand that you're speaking in opposition to the principle of the Bill. Can you tell us if in fact you consider yourself personally aggrieved by the Bill?

MR. MACPHERSON: Madam, I would think that I would be. I referred previously to that clause that says "notwithstanding." I firmly believe that I would be in jeopardy if, for instance, the

city would annex perhaps an area out around the Shepard area, if you know Calgary. I would feel that perhaps I would be aggrieved in that regard.

MRS. HEWES: Thank you. Mr. Macpherson, could you tell me how.

MR. MACPHERSON: Well, I'd be taken out of this so-called protection that has been envisaged regarding it, the one that replaced the order 25860.

MRS. HEWES: I see. Thanks, Mr. Chairman.

MR. CHAIRMAN: Mr. Ross, did you wish to address the committee?

MR. ROSS: Yes, thank you, Mr. Chairman.

Ladies and gentlemen, my name is Gerald Ross, and I, along with my father, brother, sister, and brother-in-law, operate Mountain View Nursery and Greenhouse Ltd. on lands covered by order 25860. I wish on behalf of my family and myself to protest Bill Pr. 19 before this committee for the following reasons.

One, if our growing operations had been located a mile and a half east of our present situation, we'd be in the MD of Rocky View and would be assessed at agricultural rates. Establishment at our present 40-acre site was due to the same taxation base prevailing which has been assessed by the MD of Rocky View. There are of course other considerations, such as an irrigation canal adjoining the property for an abundance of agricultural water, natural gas availability, and closeness to market.

Two, other growing operations located in the MD of Rocky View and other MDs will have a tax advantage over us which in our tight market could be detrimental, as they are our competitors; i.e., Calgary Tree Farm, [inaudible] nursery, Rabb Greenhouses, Greenview Nurseries, and Prairie Sun Greenhouses. The latter already operates under an unfair advantage, their greenhouses having been built from money earned by a gas transportation company under a monopoly granted by the Public Utilities Board.

Three, when the order 25860 annexing the lands in question by the city of Calgary was made, it was done so on the basis that those operations engaged in the production of crops would be taxed in a like manner had they been residing in the MD of Rocky View. Specifically, clauses 2 and 3 were included in the order to give the agricultural operations exemption from taxes assessed for utility installations and carriageway upgrading, which would be for the purpose of nonagricultural operations. That being the intent of the clauses in the said order, we object to the deletion of clause 3 as the order was amended.

Four, we have paid over the years a large investment in our power lines, natural gas lines, water supply, septic fields, and storm sewer lines, and they have not been assessed on any other lands. We are assessed for other people's improvements. Who will compensate us for our existing large investments in these facilities?

We are secure in the protection provided by board order 25860 if it were maintained in its original form. Let me explain. We need to replace a gasoline engine for irrigation purposes, because it is worn out. I wish to replace it with an electrical pump. To do so, I will have to construct a small building to house the electrical controls. As I would like to have, say, a building of 10 by 10 on a cement pad, I must apply for a devel-

opment permit. Under the terms of the present city strategies I must sign a deferred services agreement wherein I have to waive my rights under the board order 25860.

Let me read a portion of this agreement to you, the deferred services agreement. We'll go to clause 3:

3. The owner shall pay the city \$100 upon his execution of this agreement.
4. The owner hereby acknowledges that he is aware of section 4(2) and section 4(3) of the Public Utilities Board Order 25860, outlining his rights with respect to the use of availability of utilities and his rights pertaining to assessments for local improvements. Notwithstanding, the owner hereby waives all said rights outlined in section 4(2) and section 4(3) of the said order 25860. The owner further agrees that any use of available utilities and any assessments for local improvements shall conform to the normal policies and regulations of the city.

To me that means I'll be assessed for the installation of utilities adjoining the properties. Do you think this is fair? Do you think this is right? Is this the city of Calgary's way of coercing signatures out of bona fide farm operations?

Further, do you know that as soon as I am granted the permit to build our irrigation house, we are out of the order as amended and can be taxed on all our operations? Do you know that the city of Calgary, without my permission, knowledge, or counsel, changed the land designation of our nursery operation to I4, and now we cannot even apply for such a permit? What do you think I should do? Ladies and gentlemen, what would you do if you were in our position?

Do you think things are great financially for many small businesses like our farming operation? Well, let me tell you, they are not. We employ about 30 people in our growing operations, and it won't take too much more overhead and we'll be all unemployed. Is this what the city would like? Is this what the province would like? Mr. Shaben, it was reported in the *Calgary Herald*, would like to have a greenhouse vegetable grower who has employed 150 people in Calgary stay in Calgary and may be willing to give a grant of \$3.5 million to help them stay. All I ask to maintain our greenhouse operation and keep 30 people employed is that the city of Calgary live up to its agreement regarding agricultural operations. I am sure our provincial government will see it that way, and I ask the members of this committee to please assist in setting the city of Calgary straight.

Do you think that the city of Calgary is fair and reasonable? Let me tell you how fair they are. Last fall the city of Calgary sent out an assessor to update the assessment on Mountain View property. I met with the assessor and went over the land and operations with him. I explained that block 2 of our land contained a Quonset building 40 by 80, about three acres of trees and shrubs, and residences occupied by my sister and her husband, who are both employed and shareholders of the operation, and therefore the buildings and land fall within the order 25860. When we received our tax bill, the lands were taxed and the residential amounted to \$3,233.68. I have the bill.

Ladies and gentlemen, every year we file a city of Calgary farm operation statement listing each parcel of land and our income from them. So why would they assess us incorrectly? Do you know that this type of antagonism has been going on since the '60s? I have copies of letters here whereby I had to submit my accounting financial statement to the appeal board. Is this harassment? What do you think?

Ladies and gentlemen, I am in the busiest part of our spring

digging and potting season, and does the city care? No. They give no notice of these proceedings, and they even hold them, on a Calgary problem, in Edmonton.

MR. CHAIRMAN: Mr. Ross, that is not a matter for the city to decide. That is a matter for this committee to decide. The city had absolutely nothing to do with the place and time of these meetings.

MR. ROSS: Okay. I just wondered whether we had any meeting room in Calgary.

Please straighten this matter out. May I have your questions?

MR. CHAIRMAN: Thank you, Mr. Ross.

MR. MUSGREAVE: Mr. Ross, you asked me what you would do if you were us. I would suggest you go and meet with Mr. Facey, because I noticed him shaking his head. He didn't agree with many of the things you were saying.

My question, though, is: was this operation of yours established before the land was taken in by the city of Calgary?

MR. ROSS: No, sir. It was just after the land was annexed.

MR. MUSGREAVE: So you in effect were setting up your operation within the city boundaries. You were not like a farm operation that was taken over.

MR. ROSS: We chose the location, as I pointed out, sir, because of the board order 25860. It would not be detrimental for us to locate within the city of Calgary, because it was truly closer to the market, which is an advantage, had the benefits of the same taxation as the MD, and has an irrigation canal, which is very reasonable water. These were the advantages. We analyzed the situation and decided to establish there, and now these advantages seem to be disappearing. In fact, they will become disadvantages to a great degree if 25860, which has been changed . . . From what I understand, if this Bill goes through and reassessments are made, our entire operation would be assessed not as a growing operation but as a normal business. Again, as I pointed out, there are many competitors, and they don't have to face these extra charges for a mile and a half difference.

MR. MUSGREAVE: Are they within the city of Calgary?

MR. ROSS: No, they're not. They're within the MDs, both Foothills and Rocky View, and they're both nurseries and greenhouses. They both ship to the same markets we do.

MR. MUSGREAVE: Have you made appeals each year on your assessments?

MR. ROSS: As I've stated, I've made appeals, and I can submit to you the letters which I've given to the city of Calgary stating what our revenues were from the property. And again I state, every year I file a statement. It's a city of Calgary form that says "Give us this information" so clearly that they won't be misguided in assessing the lands.

MR. MUSGREAVE: Did the appeal board grant you a reduction each year?

MR. ROSS: It did in the '60s, yes.

MR. MUSGREAVE: In the '60s, but . . .

MR. ROSS: I've appealed the tax assessments again now.

MR. MUSGREAVE: But what about '86, '85, '84, '83?

MR. ROSS: I didn't appeal '85. The tax on the parcel was \$800, which went to \$3200. I didn't appeal that particular one. I should have, because it was in excess of what it should have been, but I didn't. You know, ladies and gentlemen, I think largely -- you feel that you've filed the necessary statements, and these people should take these into consideration. You get very busy. Sometimes your assessment changes and you don't really review that until it's too late.

MR. MUSGREAVE: Mr. Ross, would you object to the assessed value of this electrical installation you're talking about being put in, be it the same as the district of Rocky View?

MR. ROSS: No, not at all, sir. In fact, what concerns me is any development. We're in this growing business of a greenhouse and nursery. Anything related to that . . . If we take out a permit, from what I understand, there's a trigger device that'll take us out of the board order. Mr. Akins pointed out if he builds a barn on his 115 acres, technically speaking, he's out of the order.

MR. CHAIRMAN: He may have stated that, Mr. Ross, but the city categorically said he would not be out of the order for building.

MR. ROSS: How about buildings related to our operation, Mr. Chairman?

MR. G. ANDERSON: Mr. Chairman, if you so wish, the city can respond to the concerns of Mr. Ross as to . . .

MR. CHAIRMAN: We'll finish with the members' questions first.

MR. MUSGREAVE: Just one last question, Mr. Ross. You don't object, I hope, to being taxed on improvements to your land, do you?

MR. ROSS: Not if they're on the same basis of what the MDs tax, which was the original basis of this order. That was the protection Mr. Akins was mentioning that came under this order and the city is trying to take away, in our observation.

MR. MUSGREAVE: Okay. Thank you.

MR. MUSGROVE: First off, I have to assume that you're still assessed as agricultural land.

MR. ROSS: That's true, other than the block 2, which is not agricultural land, plus there is a portion of the property that we have leased and is not assessed as agriculture. There are four acres out of 40. So we have the large portion assessed as agriculture.

MR. MUSGROVE: What would be on block 2?

MR. ROSS: Pardon me?

MR. MUSGROVE: You say you have block 2 that's not assessed as agricultural land. What . . .

MR. ROSS: The land is not assessed as agriculture and . . .

MR. CHAIRMAN: But the question was, Mr. Ross: what's on block 2?

MR. ROSS: It's used for part of the tree operation, and we have a Quonset building on that block, plus the residence.

MR. MUSGROVE: Okay. You were considering that part of your agriculture operation, then. Did you appeal that assessment?

MR. ROSS: Sir, this year, yes.

MR. MUSGROVE: And you haven't had a response yet from the . . .

MR. ROSS: No, not yet. But the point being again, when you file your statements and go over it with the assessor, does it seem they're always trying to trick you? Are they always being sly? This Bill itself, what does it mean? We've always held our meetings in Calgary, and they said they're going to try and change the order and this is why, and everybody has come down. There's a lot of people that would go ahead and speak on this if it was held in Calgary and they had the opportunity. I've only had just a very short opportunity.

MR. CHAIRMAN: Mr. Ross, I'm sorry to interrupt here, but I think there's a misunderstanding somewhere. I don't think -- in fact, I know -- that this Bill has no effect on the existing board orders, and it will have no effect on the existing board orders.

MR. CHISAN: With all due respect, Mr. Chairman, the very first section deals with the board orders. What it does is entrench the amendments. As you know very well, there has been an appeal before the Court of Appeal. That's what brings this into a private Bill by the city.

MR. CHAIRMAN: Well, all right. So as I understand it, you're not happy with the amendments to the board orders.

MR. CHISAN: Absolutely not. That's why it was appealed by the due process and the remedy prescribed in statute.

MR. CHAIRMAN: Mr. Gibeault.

MR. GIBEAULT: Yes, a question to Mr. Ross. Did I understand you to say, sir, that your current tax bill is about \$3,000 on your 40 acres?

MR. ROSS: No. This is on the five-acre parcel. It's comprised of approximately 40 acres. This is the north parcel, which is \$3,200.

MR. GIBEAULT: And that has been . . .

MR. ROSS: The balance of the parcel has been assessed as agricultural land, and the buildings were exempt from taxation,

with the exception of the portion which was rented -- four acres.

MR. GIBEAULT: For that portion that is some \$3,000, is that much different than it has been for some time?

MR. ROSS: Yes, sir. It was \$800. Actually, I think the agricultural taxes for about five acres would be in the order of \$32. For a five-acre parcel of agricultural land used for growing purposes, I believe it would be approximately \$32.

MR. CHAIRMAN: Mr. Younie.

MR. YOUNIE: Thank you. Mr. Ross, from what you've said, it seems that almost every year you have to appeal your assessment, which is done on the same basis as the previous year's assessment that you successfully appealed in many cases. Is my perception of what you said accurate there?

MR. ROSS: I wouldn't say every year, sir, but the point I tried to make was that the city of Calgary changed the zoning of our land, knowing full well that we're conducting an agricultural operation on it. They changed it to I4. This makes us nonconforming. We can't take out a permit to even go ahead and build a house for the irrigation pump, because it's nonconforming. You have to be industrial, and it's nonindustrial; it's agriculture. We can't even do that. Now, is that right?

They said they sent us notice in the mail. We go down there and talk to them and say, "Look gentlemen, can't we discuss this?" "No. Send us a cheque for \$4,000, and we'll consider an application to change it back to agricultural." I would like the land to be zoned back to agricultural. See, these are my concerns. If you could sit down and say, "Okay, here are my concerns and problems. What's reasonable?" We've made a whole lifetime investment in that operation, and the city -- as I pointed out, it's not easy. Extra taxes, which in my opinion again -- and I would like to stand corrected on it that the city won't be able to assess taxes on our greenhouses and growing operation with any new assessment. I'd like that assurance. I have it in the board order. I don't have it, I don't believe. So if you gentlemen can sort it out . . . I can't get the information. I can't get the co-operation. I can't get what's reasonable, in my opinion.

MR. CHAIRMAN: I'm going to ask at this time if Mr. Facey could attempt to clarify this situation for us in the interests of time.

MR. FACEY: With regard to development permits, we specifically included in the board orders a provision that if the development permit was for an agricultural use, it would not take the land out of the order. In addition, at the time of the LAB hearings we did make an offer that if people's land had been rezoned by the city and, as a result of that rezoning, they were going to be adversely affected, the city would at their expense rezone that land back to agricultural urban reserve.

Now, I think we could still make that offer open to Mr. Ross if this is a real concern to him.

MR. ROSS: Could you point that condition out in the amendment, Mr. Facey?

MR. FACEY: That's assuming the use of the land is such that it is appropriate to go back . . . Sorry. I didn't hear the question.

MR. ROSS: Yes. Could you point out where it appears in the amendment?

MR. FACEY: It's not part of the amendment. It is a statement we made at the hearings.

MR. ROSS: A statement at the hearings, sir? Could you recall the statement at the hearings that said anybody that didn't want their land to be zoned other than agriculture could have it rezoned back? I approached you and asked you if that could be done. You said, "Sorry. You're out of luck. You have to submit a \$4,000 cheque and have your land looked at." Do you remember that, sir?

MR. FACEY: It depends on your use. If you were going to be adversely affected by the change to the orders -- and I don't believe you were adversely affected. But we made the offer, and if you can show us you are adversely affected, then that offer's still open.

MR. ROSS: You see, gentlemen? Here we have something in writing, board order 25860. It's a good order. It protects us. Mr. Akins pointed that out. All the promises and all the very fine words don't mean anything after this is adjourned.

MR. WRIGHT: I believe it probable that Mr. Facey wishes to make a further explanation of points, or was that it?

MR. FACEY: I think that's pretty well it. The sum of Mr. Ross' property is not agricultural. It's being used as an auto wrecker's -- his two southern properties -- and they could not come out of the order anyway. In fact, I think they're out of the order by virtue of that use.

MR. WRIGHT: What's in the Quonset hut?

MR. FACEY: Mr. Judd would have to answer that.

MR. JUDD: Mr. Chairman, I cannot answer that question completely. I know the Quonset hut and the house lie to the north of the greenhouses. My staff were researching that. I'm afraid I don't have the answers.

MR. CHAIRMAN: Mr. Judd, maybe Mr. Ross can tell us what's in the Quonset hut. He's here.

MR. ROSS: What was the question?

MR. CHAIRMAN: What is the Quonset used for?

MR. ROSS: What we use it for is spring potting up -- digging plants and potting up in there to get them out of the wind and the sun and so on -- and storage of tractors and related nursery products, greenhouse products, pots.

MR. FACEY: The other point, Mr. Chairman, is that that deferred services agreement, which was quoted, I believe to be obsolete. The clauses to which it related are no longer in the agreement or have been amended.

MR. CHAIRMAN: Mr. Younie.

MR. YOUNIE: Yes, I still have a couple of questions. What it

amounts to, from what Mr. Ross and Mr. Facey said, is that if Mr. Ross wants to apply to have the zoning changed back, he has to pay. I don't know if the figure he mentioned of \$4,000 is accurate for what he'd have to pay, but you said it would be at his expense. Then it may or may not be rezoned, depending on whether or not he can convince the city that he's adversely affected.

MR. FACEY: That's not quite correct, Mr. Younie. What I said was that if he can show he has been adversely affected by the amendments to the annexation orders as a result of the zoning the city put on it, then the city would rezone that back at the city's expense. However, at the time of the LAB orders, because he is a continued agricultural operation for that part of his property which is agriculture, it wouldn't be affected by the amendments to the orders, so there's no point in doing a rezoning. The city isn't going to spend the money to do it if it isn't going to change anything. If Mr. Ross can really show us that he would be better off without it, I'm sure we would give it favourable consideration.

MR. YOUNIE: One more question, and it's a general one on the effect of section 2 of this, in that that amendment will make assessments made for the 1985 year incontestable and accurate. Whether or not in fact they were accurate under the LAB orders is immaterial; they would be judged as having been proper. Now, I'm wondering, if you assessed in 1988 or '89 according to exactly the same process you did in '85, would that affect the person's ability to appeal in the '88 or '89 assessment, because this made the '85 assessment incontestable?

MR. JUDD: No, sir, it would not.

MR. YOUNIE: So in other words, if you were following exactly the same procedure in '85, a person might successfully appeal that procedure in '89 even though he would no longer have a legal right to appeal it for '85?

MR. JUDD: As I understand the Bill, he has the full right of appeal in 1987-88 and so on in the future.

MR. WRIGHT: Now, you will agree, I take it, that insofar as he is conducting a horticultural operation, or truck gardening or whatever it's called, it falls within the original terms of board order 25860.

MR. JUDD: I agree that -- I believe it is seven parcels that Mr. Ross has in a row on that particular . . .

MR. ROSS: Eight parcels.

MR. JUDD: Eight parcels is it, Mr. Ross? Of the eight, there are five which I believe are agricultural at this time. The southerly two are an auto wrecking operation and have been assessed accordingly. The northerly one apparently is in dispute. I don't have the information with me on that particular one. I am quite prepared to review that property, and if it fits within the conditions of the order, we will certainly put it back there for 1987. There's no question about that.

MR. WRIGHT: Is it the city's position that this Bill will alter nothing or confirm nothing in respect to the zoning?

MR. FACEY: This Bill won't affect Mr. Ross one iota, as far as we can perceive.

MR. WRIGHT: Except in the same way it affects everybody else, that any appeal he might wish to launch out of time on the basis of the Charter of Rights or some other unusual approach would be barred.

MR. FACEY: That's correct.

MR. CHAIRMAN: Mr. Chisan. We have a few minutes left.

MR. CHISAN: I'd just like to get a distribution . . .

MR. WRIGHT: I'm sorry, I do have another question for Mr. Ross, please. Mr. Ross, how did you find out about this Bill?

MR. ROSS: I was contacted by Mr. Chisan.

MR. WRIGHT: Did you notice the notice in the newspaper when it was published on the three occasions that it was published?

MR. ROSS: No, I didn't happen . . .

MR. WRIGHT: Have you ever seen that notice?

MR. ROSS: No, I read the newspaper quite thoroughly, but I wouldn't normally pay attention to a private Bill by the city of Calgary. There are great, huge pages of information by the city of Calgary, and I don't go through them. It didn't strike me as being appropriate to my interests.

MR. WRIGHT: Have you met anyone in your area that noticed that notice?

MR. ROSS: No, sir. As a matter of fact, I happened to call a couple of other people. They were totally unaware of it, and I think they're like myself, really not sure what the ramifications are. But our operation is such that it's an ongoing thing, and many other people are not in a state of development such as we are. You can appreciate it's a family operation; we won't say young, but relatively young. And everything that it seems to do seems to be complicated because of the changes in the order. We could go through that order -- I don't think that's appropriate, but if the committee members, ladies and gentlemen, would go through that original order and determine in their own minds what protection was given in that original order for operations such as ours, I think they would see that we have legitimate concerns. When you have a document in writing which is a favourable document to your type of operation, you're very reluctant to see it just pass by.

MR. WRIGHT: Okay. I understand that, Mr. Ross. Thank you very much.

MR. ROSS: Thank you.

MR. CHAIRMAN: Now, Mr. Chisan, you have distributed some documents here. I guess we're only going to have time for you to explain what they mean, if we have that time. We have until 10 a.m. and the clock is up there, so I guess I'll ask you to try to make the best use of that time.

MR. CHISAN: Okay. The first page is assessment of properties for the years 1980-86, and I distributed this so you can really get down to some particulars, see what has happened, and then be able to ask some very precise questions. On the second page, there's a little map up at the top that shows the location of my property, how it's arranged. You'll see there's one parcel, lots 1 to 9, and then below it across a laneway -- a laneway that's on the instrument but is not really there in fact -- there are six more lots, 19 to 24. Below that we have a section of the public utility order 25860 that applies to any parcel of land under 20 acres in size.

Let me go back to the first page, the assessments of properties for the years 1980 and '86. What is interesting about this particular piece of land is that the land has stayed constant. There has been no change to the land whatsoever. Up at the top, as I indicated, on this land there are no improvements and no services, and there never have been any improvements or any services. All available records show that the farmland rate applied for all years up to 1981. The city unilaterally changed the zoning to urban reserve on or about March 1980, and that zoning now allows for those uses indicated, being public services, extensive agriculture, parks, residences, and utilities. However, the land use is restricted, because the size of the land itself does not meet the minimum requirements. Therefore, although as indicated there are repeated applications to build on that piece of land, those have been denied because of the size. And for all years appeal notices were submitted to the city assessor for the court of revision and the Alberta Assessment Appeal Board. So if you look at 1980, going down you'll see the assessments there for that first part, which is under an acre in size, .87 of an acre. That was assessed at \$200, and the taxes were \$30 and a few cents. The second parcel, which is nine lots, was assessed at \$440.

Now, commencing in 1981, the first column is the city assessment. The second column is the appeal, and what I mean there by "appeal" is the appeal to the Alberta Assessment Appeal Board. So in 1981 the \$200 figure went up to \$64,470. Again, there's been no change to the land. What did happen is that the MD of Rocky View did a reassessment, but the rules as far as taxation and the regulations stayed relatively constant and the land stayed constant. So the question becomes: why did this change occur? Now it is 1987, and I found out just the other day, when I was up here on April 29, why it changed. The city said they deemed it so. For the other parcel, we went from \$440 to \$96,330. What is also interesting in this year is that although it did go to the court of revision, when I tried to appeal it to the Alberta Assessment Appeal Board, the city assessor re-

jected my appeal for both cases.

The last time I noticed there were some comments from the members that they couldn't quite believe the court of revision refused to decide. Here we have a case where the city assessor refuses to accept the appeal. He claims that it was out of date and that I didn't receive the notice, because in that year there was a mail strike and he mailed it shortly after the mail strike ended. Anyway, in 1981 there was no appeal.

In 1982, again, no changes in the land, no change in the law. We had the same assessment by the city, but when it went to appeal for the second parcel, the \$96,000 was reduced to \$400, which is the farmland rate. However, notwithstanding that the Municipal Taxation Act says "Those changes shall be forthwith made to the assessment role," in 1983 that assessment then went back up to \$120,240. Again, the law stays constant and the land stays constant. How can this possibly happen? And when you ask my associates here how they are affected, it is impossible to know in the city of Calgary how you're going to be affected, because it is not the land and it's not the Municipal Taxation Act or the regulations that determine assessment. It is what the assessor deems to be, and he's made that clear and it's in Hansard. In the case of Mr. Klippert's land, I'll quote: "They assumed certain things."

MR. CHAIRMAN: Mr. Chisan, I regret to have to interrupt -- it isn't with any joy at all -- but it is now past 10 a.m., and the Public Accounts Committee has a commitment to meet here. We just have to stop.

MR. CHISAN: Well, Mr. Chairman, I have quite a number of further things to say here. This is categorically, unequivocally, absolutely -- this is fact.

MR. CHAIRMAN: But, Mr. Chisan, we cannot hear you, and that is the problem. And I regret it, as I said. I do not like having to do this, but this is just a fact of life. We must adjourn, and I'm going to ask for such a motion. Mr. Ady. It's moved that we adjourn. All those in favour, please raise your hands.

MR. WRIGHT: Just one other point. I take it that Mr. Chisan will have the floor on . . .

MR. CHAIRMAN: If, as, and when we resume this hearing, he will have the floor, yes. All those in favour of the motion? Opposed? Carried.

[The committee adjourned at 10:01 a.m.]

