

[Chairman: Mr. Schumacher]

[8:35 a.m.]

MR. CHAIRMAN: Ladies and gentlemen, I see a quorum, and seeing that we have three Bills to deal with this morning, I think we should try to get under way. I would like to welcome all the petitioners for Bills Pr. 17, Pr. 19, and Pr. 20 to our meeting this morning.

Our procedure with respect to each Bill is to have Parliamentary Counsel give his report with regard to the Bill, followed by the persons who are going to give evidence in support of each Bill being sworn. Then the petitioner or the counsel for the petitioner may make a statement as to the need for the legislation and then give the evidence in support of that need. This will be followed by questions from the committee, and then there will be an opportunity to make a final statement if it's deemed necessary. Then we'll move on to the next Bill, and the whole matter of the committee's consideration will be deferred. The committee likes to wait until the *Hansard* for this meeting is prepared before we take a final position as to what we'll recommend to the Assembly.

So with that, I'll ask Parliamentary Counsel to give his report with respect to Bill Pr. 17.

MR. M. CLEGG: Mr. Chairman, this is my report on Bill Pr. 17, St. Vladimir's Ukrainian Orthodox Congregation at Calgary Tax Exemption Act. The purpose of this Bill is to provide exemption from municipal taxes for three properties which are listed in the Bill. The Bill does not contain any further provision.

MR. CHAIRMAN: I might say that with regard to Bill Pr. 17, Mr. Paul Tolley of the city of Calgary is here intervening, I believe, against the Bill. With that, I'd like to welcome the petitioners for Bill Pr. 17, and Mr. Clegg will administer the oath to those who will be giving evidence.

[Messrs. Hetmanczuk and Papish were sworn in]

MR. CHAIRMAN: Mr. Papish, will you begin?

MR. PAPISH: Yes.

MR. CHAIRMAN: Okay. Fine.

MR. PAPISH: Mr. Chairman, hon. members of the Private Bills Committee, my name is Nestor Papish, and I am president of St. Vladimir's Ukrainian Orthodox Congregation in Calgary, Alberta. My colleague is Victor Hetmanczuk, chairman of the church audit committee. We are representing our church congregation and are applying to you for a tax exemption for the remaining 60 percent assessment and taxation of our Ukrainian Orthodox Cultural Centre. The other 40 percent has already been exempt as a religious institution; the land is 100 percent exempt as well. This centre is attached to our church and is 100 percent owned by the Ukrainian Orthodox Congregation of Calgary.

At this time I will present to you a brief background of our church and our activities, and then Victor Hetmanczuk will outline the various legal steps that were taken prior to our application to this committee. St. Vladimir's Ukrainian Orthodox Congregation was incorporated in 1938 under the religious societies Act of the province of Alberta, RSA 1922. We are a member church of the Ukrainian Orthodox Church of Canada, incorpo-

rated federally in 1917. In 1938 our congregation built a church for its spiritual needs. The church basement was utilized for our lay organizations to carry out the religious, educational, and cultural work of the church. These lay organizations included our men's, ladies', youths', and seniors' groups. The congregation also established its own library and museum in this basement.

The Ukrainian Orthodox Divine Liturgy is conducted in the Ukrainian language, and the liturgy is steeped in Ukrainian tradition. These Ukrainian customs and traditions which make up our culture are an integral and indivisible part of the Ukrainian Orthodox faith. In this regard, a church building is needed for the actual worship on Sundays, patron saints' days, weddings, baptisms, funerals, and anniversary services. Other building space is required in which the religious customs and traditions, namely our culture, are taught to our youth and are practised by our congregation and its affiliated lay organizations. Most weddings, baptisms, and funerals are followed by the traditional receptions and meals in the church hall or basement.

We are the only Ukrainian Orthodox church in Calgary. In order to accommodate our expanding membership, our congregation built a new church hall in 1977 and called it the Ukrainian Orthodox Cultural Centre. In 1985 we also demolished the old church and built a large church attached to this cultural centre. Photos have been distributed. These new buildings were sufficient to accommodate the congregation's needs as well as to allow our member organizations to conduct programs which are, of course, accessible to the rest of the public in Calgary.

Our centre is not a club status. We do not carry a liquor licence, nor do we lease our office space or any of our facilities on a commercial basis. Our congregation members and the public may rent our halls for banquets, money which we use to offset our utilities and operating costs. There is no membership to our cultural centre, only memberships to our congregation or to our member organizations, which are open to the Ukrainian and non-Ukrainian public. We have many orthodox members in our church congregation who are not Ukrainian.

As a congregation we did not pay taxes between 1938 and 1983. In 1977 and '81 our congregation qualified for MRC funding to offset costs of building our Ukrainian Orthodox Cultural Centre. We received \$288,000 and \$150,000, respectively, in those years, and we were not taxed during that time. In the 1983-84 tax year the city taxed our cultural centre for approximately \$6,700 in addition to local improvement taxes. The city assessment department is taxing our church hall building as 60 percent used for cultural purposes. They are exempting only 40 percent of the building as religious. We maintain that the entire cultural centre is needed and used for religious or religious educational purposes the majority of the time. The remainder of the time the building could stay, empty except that we choose to make that space available to the Calgary public. Our church congregation as owners of the land and buildings is expressing an unfairness in this \$6,700 a year tax. We feel that our building should be exempt from taxation.

Mr. Hetmanczuk will now inform you of the steps that we have taken to exempt ourselves prior to presenting our case to this Private Bills Committee.

MR. HETMANCZUK: Thank you, Nestor.

As chairman of the church audit committee I was requested by the executive in November of 1985 to review the entire tax status position of all the church properties. I proceeded in the

1986 taxation year to appeal five different properties. Four of those were granted tax exemption under various Acts. For example, we had three parking lots which were being taxed and for which we then got a tax exemption through the pertinent tax Act; I believe it's the Municipal Taxation Act, 24(1)(c). So we have no issue on those, and that was settled to our satisfaction.

The last issue was the taxation of the cultural centre. We went through the appeal process for assessment. We then went to the court of revision. The court of revision felt that it was not within their jurisdiction to rule on such a thing. So we appealed it. We went through to the Local Authorities Board, and we applied under the Municipal Tax Exemption Act, specifically clause 3. We filed that application in July of 1986. A hearing was held on September 23, 1986. At that time the city of Calgary passed a motion in council not objecting to the application. I have tabled with the secretary the correspondence that we received from the city at that time, supporting our status for tax exemption before the Local Authorities Board.

The Local Authorities Board ruled that it was also not within their jurisdiction to give us the tax exemption and suggested that the only avenue left for us was through a private member's Bill. So we are now taking this route to try to get the remaining 60 percent of our assessment on the cultural centre for tax exemption.

Thank you.

MR. CHAIRMAN: Thank you. Members of the committee, I'm going to ask our secretary to administer the oath to Mr. Tolley. He is a solicitor, but he's also here as the only representative of the city of Calgary and may be giving some evidence. So just to cover that situation, we'll proceed on that basis.

[Mr. Tolley was sworn in]

MR. CHAIRMAN: Mr. Tolley, would you like to ask any questions of the petitioners at this time or make any statement?

MR. TOLLEY: No, Mr. Chairman. I just have a brief submission that I would like to present to you. I don't have any questions for the petitioners.

MR. CHAIRMAN: You may proceed then.

MR. TOLLEY: All right. Fine.

Thank you, Mr. Chairman. My name is Paul Tolley. I'm a solicitor with the city of Calgary law department. I will be very brief in my remarks as to why the city opposes this Bill before you today. To give you just a brief history of this matter, Mr. Chairman, the matter of the applicant's private member's Bill exempting it from municipal taxation was discussed by our city council on April 25 of this year. The motion that was passed by council relating to this matter stated in part as follows:

That in relation to requests for exemptions from Municipal Taxation, from not for profit Ethnic, Cultural, Social and Veteran Groups, the Council of the City of Calgary has decided:

- (i) That the tax base, revenue requirements and taxation powers of the City . . . and the School Boards are not sufficient to permit the City to absorb the revenue losses which would be occasioned should these requests be granted by the City of Calgary without assistance;
- (ii) That the Province of Alberta should give due consideration to the development of a comprehensive, Province-wide program to alleviate the operating difficulties faced by the [above] groups . . . and others like them.

Subsequent to the passage of this motion, a letter from His Worship Mayor Klein, dated May 3, 1988, was directed to the Premier and the Minister of Municipal Affairs, requesting that the government of the province of Alberta assess the appropriateness of establishing a consistent provincewide program to assist these types of organizations in meeting their municipal tax obligations.

As a matter of interest, Mr. Chairman, our assessment department has identified 11 organizations within the city of Calgary which could be identified as purely ethnocultural. For 1987 these organizations accounted for approximately \$209,000 in property taxes per year. In addition, there are 37 similar organizations of an ethnocultural nature leasing property. If municipal tax exemption were extended to these organizations, the additional loss in property taxes would be far greater than \$209,000 per year. In addition, there have been identified eight Legions and veterans' clubs in the city who pay a combined yearly property tax of \$184,000. The city of Calgary's position in the application before you, Mr. Chairman, is that this applicant represents only one of many who may come before you seeking municipal tax exemption in the future with the potential to seriously erode the tax base of the city.

In summary, Mr. Chairman, while the city is sympathetic to the financial plight of the applicant, the city's position is simply that it is not in a position to absorb any loss in revenue or increases in the mill rate which could be occasioned by granting the requested exemption with possibly similar applications waiting in the wings to be lodged at a future time. As a result, the city opposes this application.

MR. CHAIRMAN: Thank you, Mr. Tolley.

Mr. Papish, did you have any questions of Mr. Tolley as a result of . . .

MR. PAPISSH: Yes, we do. I think at this point we might want to point out, as Mr. Hetmanczuk submitted on page 18 of the issue before you, that the finance and budget committee brought forward our application, and city council voted against their own finance and budget committee and agreed, as a city council, to uphold and allow us to proceed with tax exemption. In other words, they weren't standing in our way to seek tax exemption at a higher level. I think that what my worthy opponent has read out may be appropriate to other situations but not to religious organizations such as ourselves.

MR. CHAIRMAN: Mr. Tolley.

MR. TOLLEY: I'm not quite sure what the applicant is referring to, Mr. Chairman. I can indicate that in the motion that was passed by council, this organization, St. Vladimir's, was specifically referenced in the motion, which I read to you, in terms of the city not being able to absorb the revenue loss that would occasion. So I'm not exactly certain what he's referring to, Mr. Chairman.

MR. HETMANCZUK: Well, on September 15, 1986, there was a motion passed in city council. It's referring to financial budget committee reference FB86-91, which we've tabled in the House. The motion read:

Moved by Alderman Hartman, seconded by Alderman Pears, that with respect to Clause FB86-91 of the Report of the Standing Policy Committee on Finance and Budget, dated 1986 September 8, Re: Application to the Local Authorities Board, The Municipal Tax Exemption Act, St. Vladimir's Ukrainian Or-

thodox Church, Roll Number 068-00011-6, that Council not object to the application to the Local Authorities Board for exemption from assessment and taxation by St. Vladimir's Ukrainian Orthodox Church.

So it now appears that council is two years later, without advising the petitioners -- have they now rescinded that motion?

MR. TOLLEY: Well, perhaps I could simply explain that to you, if I might, Mr. Chairman. That resolution that was passed by council was with respect to the application by St. Vladimir's before the Local Authorities Board for municipal tax exemption under section 3 of the Municipal Tax Exemption Act, and that happened in 1986. The most recent matters that have come before council were that St. Vladimir's and three or four other organizations came before council and wished council's approval for their private member's Bill. Council has declined to give that approval with respect to this application before you. So the matter in 1986 is really essentially water under the bridge, I would suggest.

MR. HETMANCZUK: But, Mr. Chairman, we did not go to the city council seeking support for our private member's Bill.

MR. CHAIRMAN: Just for the record, gentlemen, this is a private Bill. The Legislature has a procedure for private member's Bills, but this is not one of them. This is called the Private Bills Committee, and it's dealt with in an entirely different way than private member's Bills. It doesn't make any difference to you, but we may as well keep on the right track as to the name of the procedure we're operating under here.

All right. Mrs. Hewes, followed by Mr. Wright.

MRS. HEWES: Thanks, Mr. Chairman. I'm having difficulty from the information submitted, Mr. Papish or Mr. Hetmanczuk, determining -- are these lots that are being applied for here, these lands, contiguous?

MR. HETMANCZUK: Yes, they are.

MRS. HEWES: Do they all have improvements on them at this point?

MR. HETMANCZUK: Yes, they do.

MRS. HEWES: The improvements are the sanctuary and the cultural centre?

MR. HETMANCZUK: Correct.

MRS. HEWES: Are there any parts of those properties that are vacant that have other plans for them: housing or other activities?

MR. HETMANCZUK: No. Right now it's all been zoned for our church, this cultural centre, and the parking lots, and nothing will be built on them.

MRS. HEWES: There is no possibility of any use other than the church use?

MR. HETMANCZUK: Well, short of demolishing the whole thing and starting all over again.

MRS. HEWES: Thank you very much.

MR. CHAIRMAN: Thank you.  
Mr. Wright.

MR. WRIGHT: Yes. Mr. Hetmanczuk, you told us that the board -- I'm talking about the Local Authorities Board -- on the petitioner's application under the Municipal Tax Exemption Act, felt that it was without jurisdiction. Can you explain why?

MR. HETMANCZUK: Well, I believe the discussion we had with the board at that time was that there were possibly 40 other people who would be seeking exemption under the cultural centre Act. We're saying that really we're not a cultural centre. We're not appearing before you as a cultural centre group; we're here as a church congregation. Therefore, under clause 3 we believe we fit all those criteria, being a religious, benevolent, charitable group. Therefore, we don't understand, you know, why we were being grouped with the other, say, 40 petitioners at that time that the board indicated. They were fearful that once the Local Authorities Board gave us the precedent, then all of a sudden the other 40 people would use that thing. So they felt it was really the Legislature that would be the proper forum -- i.e., through a private Bill -- to get tax exemption.

Everywhere up the line they've been saying, "Fine; you've got a good case, but it's not within our jurisdiction to do it." So we're here as the final step in the procedure.

MR. WRIGHT: Mr. Hetmanczuk, are you telling us on your oath that they ruled that they were without jurisdiction, because if you succeeded in your application, 40 others might?

MR. HETMANCZUK: I believe that is my interpretation of the advice that I got.

MR. WRIGHT: Well, did they give their reasons in writing, Mr. Hetmanczuk?

MR. HETMANCZUK: No, I didn't get any answer in writing. All I got was a verbal . . .

MR. WRIGHT: Was their decision recorded in some way?

MR. HETMANCZUK: I believe that in their minute book it would be recorded. I believe the city at that time also was intervening, and we got into a discussion as to the definition of community. The city hauled out *Black's* legal book of definitions, and there is a very specific definition there of what a community is. The impression I got was that they convinced the board that our community did not really, shall we say, fall within that strict legal definition of community; therefore, we could not qualify.

MR. WRIGHT: Are you talking about section 3 of the Municipal Tax Exemption Act? The word "community" does not appear in that section.

MR. HETMANCZUK: That is correct. Yet the whole debate revolved around the community and the amount of service we provide to the community.

MR. WRIGHT: All right. So what we're getting to is an argument under section 3(b) of the Municipal Tax Exemption Act: whether the property is used chiefly for a

charitable, educational, religious, benevolent or welfare purpose that is to be the general public advantage or benefit. That was the argument, wasn't it? It wasn't an argument about jurisdiction.

MR. HETMANCZUK: It may be that the word "jurisdiction" is my interpretation of -- yes.

MR. WRIGHT: It was an argument about whether you fit within section 3(b) of the Act, which is necessary for you to qualify. Right?

MR. HETMANCZUK: Yes.

MR. WRIGHT: That's a bit different, Mr. Hetmanczuk, but perhaps you didn't know the difference between just not qualifying under the Act and their not having jurisdiction.

At any rate, you told us that the city did not object to your application to the Local Authorities Board. Are you suggesting that they were prepared to consent to your being given tax-free status?

MR. HETMANCZUK: Yeah, I have documentation in front of the House here, as the motion read in 1986.

MR. WRIGHT: That's just simply not objecting to an application, but it says nothing about whether they're objecting to your being granted tax-free status, does it?

MR. CHAIRMAN: Mr. Wright, I don't understand how the city has anything to do with whether or not anybody makes an application to the Local Authorities Board.

MR. WRIGHT: Yes.

MR. CHAIRMAN: It seems to me a fruitless motion if that's what . . .

MR. WRIGHT: So what we're really down to is their assessment that for whatever reason your property was not used chiefly for a

charitable, educational, religious [et cetera] purpose that is to be the general public advantage or benefit.

In effect, you're asking us to give you the status.

MR. HETMANCZUK: For the last 60 percent. The city has granted us exemption on the first 40 percent.

MR. WRIGHT: Yes, well, to give your hall the tax-free status notwithstanding their findings. So either you're asking us to do it because you don't really fit within that but for some reason should be given the tax-free status or you're saying that the board was wrong. Which is it?

MR. HETMANCZUK: You're referring now to clause 3 of the Municipal Taxation Act? Whether we fit into that or not? We are a nonprofit organization, we own the property, and by our corporate bylaws we are a charitable, religious, benevolent organization. Therefore, I don't see why we're 40 percent one way but not 100 percent. That's our basic argument: we feel we qualify under clause 3 totally. So we don't understand how you can make us 40 percent and not 100 percent.

MR. WRIGHT: Yes, but then you've omitted the final words "or welfare purpose that is to be the general public advantage or benefit." I infer from your brief description of the discussion that they felt that perhaps your centre was not to the general public advantage or benefit.

MR. HETMANCZUK: Well, we could get into a debate as to . . . And that's what we did in defining the word "community."

MR. WRIGHT: But my problem and perhaps the problem of others here which you could help us with, perhaps, is why we should second guess the decision of the Local Authorities Board.

MR. HETMANCZUK: I can't give you any advice on that. Our claim is that we feel we qualify as a religious group. Okay?

MR. WRIGHT: I presume that they felt you didn't under that section.

MR. HETMANCZUK: Particularly for this section of what they call the cultural centre, yes.

MR. WRIGHT: Yes. But there's no difficulty about that because part of the property, you will agree, can be assessed as tax free and part not, if they so wish, under the rules in the Municipal Taxation Exemption Act itself. Yes. All right. Thank you.

MR. CHAIRMAN: Mrs. Mirosh.

MRS. MIROSH: Yes. Could either one of you tell me what sorts of activities you have in your church? Do you have activities for children other than culture and religion? Are there other facilities or activities that occur throughout the day and evening?

MR. PAPISH: Yes. The activities during the week tend to centre around evenings, and we have people like, say, the seniors who are there all day for a couple of days. There are weaving classes that go on. They have the Ukrainian dance groups that have their own societies that use our facilities. These are groups made up of our own membership as well as others outside of our groups. They take up space there on a regular weekly basis as well. We have other groups such as non-Ukrainian dance groups that use it. We have the Ukrainian boy scouts, or the Ukrainian Youth Association Plast, which is equivalent to the English scouts, that are there on a regular basis.

Generally, the building is quite booked in the evenings and on weekends whenever there are any sorts of functions related to the church, whether they be baptisms, funerals, or weddings. Then people expect that they can use the cultural centre for their receptions, dinners, memorial dinners, and what have you. So these are other functions there as well. The general public -- our men's organization runs a bingo there for the Bridgeland community every Thursday night. This is again for fund-raising purposes, which they donate towards our capital projects. In addition to that, usually Saturdays are booked for the general public toward banquets -- that's the favourite night for that sort of thing -- and Christmas parties.

MRS. MIROSH: To the city solicitor then. The Calgary Jewish

Centre has received acceptance from the city of Calgary to be tax exempt. How would they differ from this type of activity or this church?

MR. TOLLEY: To be honest with you, I cannot answer that because I do not know what activities go on at the Jewish Centre. My review of the file on the Jewish Centre application leads me to believe that the exemption granted to the Jewish Centre was given to make that organization consistent with the YMCA and the YWCA, which have been exempt in this province since 1910 and 1908.

MRS. MIROSH: Thank you, Mr. Chairman.

MR. CHAIRMAN: Just further on that.

MR. PAPISH: Yes. Part of the question here is that the activities to a large extent that we are conducting presently in this new facility that we built in '77 are no different than we previously conducted under the old church, and I guess part of my question is: if we were exempt then, why are we being taxed now?

MR. CHAIRMAN: Mr. Clegg.

MR. M. CLEGG: Mr. Chairman, just for a point of clarification. With respect to the history of the application made by the Jewish centre in Calgary and also by the Jewish centre in Edmonton, which were granted tax exemption by private Bill rather than by the city, in both cases of those Jewish centres substantial evidence was presented to the committee which demonstrated the extent to which those centres were being used to the general benefit of the community and not only the members of the Jewish community or the members of the centre. That was a significant factor in the review by the committee of that application. That is a factor which we have yet to have clarified by these present petitioners, Mr. Chairman.

MR. CHAIRMAN: Mr. Downey.

MR. DOWNEY: Thank you, Mr. Chairman. The presentation by Mr. Papish, I believe, outlined the 40 percent religious exemption, 60 percent cultural. Do you figure that is an accurate assessment as to the relative use of your facilities?

MR. PAPISH: No. We feel it has a higher religious component.

MR. DOWNEY: I see.

Your taxes now are \$6,700 plus local improvements?

MR. PAPISH: That is correct.

MR. DOWNEY: What does the taxation on local improvements amount to?

MR. PAPISH: About \$940.

MR. HETMANCZUK: About a thousand dollars.

MR. DOWNEY: Could you tell me a little bit, then, about the congregation's financial situation? You do hold public functions, you do open your facilities to the public. Can you give

me an indication of what the total revenues of the congregation are, perhaps, and what proportion or what amount of that would be from holding public functions?

MR. PAPISH: I could submit a financial statement to you, xerox it off and submit it. I have it with me here, I think, within the handouts. There is a reference on page 59 of the application that indicates under Investigation a breakdown of the expenses there. I think they're indicating that the total revenues generated by the cultural centre amounted to \$55,000, with estimated expenses of \$53,000 or \$54,000. It says here that

the primary source of income to the Centre is from hall rentals, with outside individuals or groups accounting for approximately 77% of the total catering revenue in the case of the cultural centre.

MR. DOWNEY: I'm sorry. I don't have that right in front of me. Are you saying that 77 percent of the revenues are from catering activities? Did I understand you correctly?

MR. PAPISH: Yes.

MR. DOWNEY: Thank you, Mr. Chairman.

MR. SIGURDSON: You mentioned that other groups have access to the facility. What number would that be? How many people would have access to it?

MR. PAPISH: Yeah. We have satisfied Parks and Recreation in terms of the 50 percent objective that they like to see of public availability of space. Now, public usage is another thing, but availability of space to the public -- they are satisfied with that. We are fully subscribed to the public, especially on weekends. Okay? We don't differentiate that public though, whether it is Ukrainian public or non-Ukrainian public. Whoever wants to rent it does so.

Most organizations that approach us directly as an organization, we give them use of the facility either free or at a very nominal rate. So if the scouting organization approaches us and they're in there every week, they don't pay anything; we ask just for a donation. When the dance group is in there, they'll be in there for a nominal fee that they pay when they're over. We don't have enough space, as a matter of fact, for them; they are over in the Italian club as well. So we accommodate them as best we can, and we charge them a nominal rate. I couldn't tell you exactly how much, but we feel we've satisfied the city's requirement of 50 percent, and they're satisfied that we've satisfied that as well.

MR. SIGURDSON: What percentage of the bookings, then, go to noncongregational groups?

MR. PAPISH: That's what I mentioned it's difficult to know, because when they book in with us, we don't ask them if they're, you know, of Ukrainian background or anything; we just book them in.

If they are active members of any of our lay organizations who through their fund-raising efforts have paid for the capital cost of the building, these lay organizations get to use the facility for no charge for things like meetings and for their own particular benevolent requirements. If these member organizations are very active, then we will give them a discounted rate on the use of the facility for banquets. So I would say that prob-

ably about 60 or 70 percent — just a guess — of the public that rents the facility on weekends for things like banquets would be your general public.

MR. SIGURDSON: And during the week?

MR. PAPISH: And during the week nonmember public would be probably — I would just guess — about 30 percent usage.

MR. SIGURDSON: Do you have a breakdown in your accounts that show congregational groups utilizing the facility as opposed to noncongregational groups?

MR. PAPISH: No.

MR. SIGURDSON: You don't keep record of that?

MR. PAPISH: We don't break that down.

MR. CHAIRMAN: Mr. Clegg.

MR. M. CLEGG: A supplementary, Mr. Chairman, on the same subject. Can you give us any information on the use of your facilities by members outside of your congregation? Outside the general rental of space, what is the use made by participation in programs or services which you provide, as I say, as opposed to just renting the space and doing something of their own creation there?

MR. PAPISH: We have a library and a museum, and we have cooking classes, that sort of thing. That is available to the public free of charge at the times when the building and volunteer manpower are available. We don't charge. All of our operations are handled by volunteers. There are no salaried people other than a janitor part-time. So these types of things are available to the public all the time.

Programs outside of that are things that the senior citizens' lay organization would conduct. For example, they are quite heavily into things like weaving. The lady that handles the weaving courses at the Banff Centre School of Fine Arts is one of our members, and she puts on her own courses in the cultural centre. We essentially rent out space more than give a lot of . . . We don't have swimming pools or saunas or squash courts; we don't have that. We provide a facility for our religious use as well as for related dance groups. People who are into Ukrainian culture use the facility. The Ukrainian Canadian Professional Business Club will use the facility; we don't charge them. There are large organizations such as the umbrella groups like the Ukrainian Canadian Committee that hold the occasional banquet there. We will give that to them at a discount rate.

MR. ADY: My question is much along the lines of Mr. Clegg's, but a little more detailed. How much use is there of your facilities by organizations who are not affiliated with your organization in any way? In other words, you indicate that you choose to rent it out to the public. Well, then, what proportion of it is rented out to the public who are isolated from your organization? I'm talking about — supposing that the community chest organization wanted to rent your building, that kind of thing, for a function or a fund raising or whatever. What proportion of it is for that, that's not related to your internal community?

MR. HETMANCZUK: We don't have a list handy right now

that lists all the organizations. What we're going to do is reference our latest financial report as to how much revenue we got from outside sources.

MR. PAPISH: Okay. We have a financial statement here till the end of October 31, '87. It indicates catering: public \$90,000, members \$2,000; socials of members \$11,000; donations \$11,000; miscellaneous \$1,000; total revenue \$116,000. Expenses in operating the catering and the facility were \$84,500, indicating funds left over of \$31,000. Now, that doesn't directly answer your question, but I think I partly answered the question in the sense that . . . I guess I could submit to the committee a full listing from our booking agent of all the groups that rent the facility out, and she could categorize which ones are, if you want to put it, non-Ukrainian public and Ukrainian public.

MR. ADY: That's really my question. Thank you.

MR. PAPISH: I think it may be fair to say also whether these are lay organizations associated with the cultural centre and church, or Ukrainian public which is not part of the lay organizations.

MR. CHAIRMAN: I think, Mr. Papish, that would be very useful for the committee, and if you could undertake to provide us with that information, it would be appreciated.

I'd just like to ask . . .

MR. WRIGHT: Mr. Chairman, in addition to that, could we ask the hourly rate charged for the various groups?

MR. CHAIRMAN: Yes, your fee schedule.

MR. PAPISH: Oh, we'll give you a fee schedule. Yes.

MR. CHAIRMAN: I'd like to ask, to clarify in my mind: did you never receive a written response from the Local Authorities Board when you made the application under the Municipal Tax Exemption Act?

MR. HETMANCZUK: According to my records, I didn't receive that.

MR. CHAIRMAN: Your recollection was that it was just a decision made from the board orally?

MR. HETMANCZUK: Yes, that was the procedure. But . . .

MR. CHAIRMAN: Did you examine whether there's any way that their decision could be reviewed or appealed? Your view is, as I understand it, that you don't think there is, and accept this as the only avenue . . .

MR. HETMANCZUK: I accept this as a last resort for any appeal.

MR. TOLLEY: Mr. Chairman, perhaps I could clarify that, if I might. I have on my file a letter here dated December 31, 1986, from the Department of Municipal Affairs, signed by René Gagné, the assistant deputy minister, which is directed to St. Vladimir's Ukrainian Greek Orthodox Church. Essentially, the letter says:

the Lieutenant Governor in Council has declined to exempt the above noted property from assessment and taxation by the City of Calgary.

This is a copy that was directed to the city of Calgary. I'd be pleased to tender that with you, if you wish.

MR. CHAIRMAN: Thank you.

Well, if there are no further questions from the committee, I'll give you the opportunity to wind up very briefly. We've sort of gone over time on our rationing here, Mr. Papish, but we wanted to hear as much of your . . .

MR. PAPISH: The city land assessment currently recognizes our cultural centre land as 100 percent exempt and our cultural centre building as 40 percent exempt. We feel that upon our appeal for the \$6,700 in taxes to the city, the city finance and budget committee recommended to the city council that our centre remain taxed. However, city council defeated this motion. The city is prepared to accept a higher authority exemption on our centre; they concluded that they would not object to our exemption. We're hopeful that this Private Bills Committee would grant us this exemption.

Thank you very much.

MR. CHAIRMAN: Thank you.

Mr. Tolley, I'm sorry. Did you have anything further?

MR. TOLLEY: No, Mr. Chairman, I don't believe I do. I will simply say that the concern of the city here is that if you open the door for one person, there may be many others who are able to walk through that door, and that's a real concern to the city, in view of a possible erosion of the city's tax base.

Thank you.

MR. CHAIRMAN: Thank you very much.

I'll call on Mr. Clegg to give us the report with regard to Bill Pr. 19, the Calgary Municipal Heritage Properties Authority Amendment Act, 1988.

MR. M. CLEGG: Mr. Chairman, this is my report on Bill Pr. 19, Calgary Municipal Heritage Properties Authority Amendment Act, 1988.

The purpose of this Bill is to amend the Act — which constitutes the authority which was passed in 1985 — to add into the Act a new section which will confirm that it is limited to operation for charitable purposes and not for profit, and that all of its assets should be used for that purpose. That is the only provision of this Bill.

MR. CHAIRMAN: Thank you. Now, we just have one person appearing, Mr. James Anderson. So I'll ask Mr. Clegg to administer the oath.

[Mr. Anderson was sworn in]

MR. CHAIRMAN: Mr. Anderson, I understand you're the general manager of the petitioner.

MR. ANDERSON: That's correct.

MR. CHAIRMAN: Okay. If you would like to explain to us why this is necessary, we'll be very happy to proceed.

MR. ANDERSON: Thank you, Mr. Chairman. The Calgary Municipal Heritage Properties Authority is a body that was initiated by the city of Calgary and, of course, adopted by a private member's Bill at this Legislature. An organization was created whose intention was to acquire, restore, and operate historical properties in Calgary. The organization has been functioning initially operating city properties that were unused, out of repair and not at all restored, and not at all appreciated by the Calgary public. The organization has been operating with financial support from the city of Calgary and grants from the provincial Department of Culture for properties which have been designated through the Historical Resources Act.

We are seeking donations and contributions from the private sector. We have indications that there is some opportunity for properties to be donated and financial contributions. We have found that as an organization we are not able to issue appropriate certificates, and the purpose of this amendment, this Act, is to satisfy the federal government's requirements and enable us to pursue contributions for what we consider to be the important work of restoring historic properties in Calgary. There is no other purpose, and we think that it's an act of omission that was originally intended in the original Act but for some reason was not done.

That's the submission, Mr. Chairman. I hope this committee sees fit to support it.

MR. CHAIRMAN: Thank you, Mr. Anderson.

Mr. Wright.

MR. WRIGHT: If your organization does by chance make a profit, what does the existing Act provide happens to it?

MR. ANDERSON: At this point in time we submit a budget to the city of Calgary. Up till now we would report any profit to the city of Calgary, and the profit, at least on city buildings, would become the asset of the city of Calgary. On properties that were acquired separate from the city of Calgary, that would be the property of the authority, and at this point in time I would have to say it could be used for any purpose. This particular amendment would require that it be used only for the purposes of restoring historic properties.

MR. CHAIRMAN: Any further questions, comments?

I believe, Mr. Anderson, that the committee has a pretty good understanding of what you require and why you need it, and I really don't think there's much point in prolonging this. I think we do understand, and we'll be considering the situation as we do with everybody else. I'm not in a position to give you a decision at the moment, but I think your application is very clear and straightforward.

MR. ANDERSON: Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you.

I think I'll invite petitioners for Bill Pr. 20 to move to the front row, if they would like.

Members of the committee, I would like to welcome the petitioners with respect to Bill Pr. 20, the Maskwachees Cultural College Act, who are represented by counsel Thomas Goodson. I think Chief Omeasoo was here last year for a similar petition, so we welcome you back again.

We have gained a minute or two on the time limit, but because of the time constraints we must depart this Chamber at 10

a.m., because Public Accounts moves in on us. So without further ado, I'll ask Mr. Clegg to give us his report with regard to Bill Pr. 20.

**MR. M. CLEGG:** Mr. Chairman, this is my report on Bill Pr. 20, Maskwachees Cultural College Act.

The purpose of this Bill is to incorporate the college and provide for its constitution. The form of the Bill follows very closely the form of similar legislation which the committee has considered in the past for other colleges.

I have no further comments on the Bill, Mr. Chairman.

**MR. CHAIRMAN:** Thank you. And if you would like to administer the oath to those who will be presenting the evidence?

[Dr. Carnew and Mr. Omeasoo were sworn in]

**MR. CHAIRMAN:** Mr. Goodson, if you would like to make the opening statement as to the need and necessity for this legislation?

**MR. GOODSON:** Yes, Mr. Chairman. Dr. Carnew is going to give pretty well all of the presentation in respect of the petition before you. I might say that Mr. Clegg has been of great assistance in helping us prepare this Bill. I'll turn it over to Dr. Carnew.

**DR. CARNEW:** Thank you, Mr. Chairman, members of the review committee. Maskwachees Cultural College was established formally in 1976. It was established under charter by letters from Consumer and Corporate Affairs Canada. It was established as part of the Indian and Northern Affairs Canada cultural centres program, of which there are some 42 or 43 across the country. The college, since it was established, has been administered by a board of directors appointed under the current constitution by the Four Nations Chiefs and Council, and they represent the Four Nations of Hobbema: the Samson, Ermineskin, Louis Bull, and Montana Cree nations.

During the first 10 years of existence, the college concentrated primarily on the cultural programming under the cultural centres program itself, primarily the historical record of Plains Cree culture and history. Work was done in Cree language research, development, and instruction. Work was done on enhancing understanding between Cree youth and other people from surrounding communities, and at the same time, there was a limited postsecondary education program provided in co-operation with the University of Calgary. During that time the college was primarily funded by Indian Affairs Canada through grants.

In 1986 a new developmental plan was established for the college by the board. This came about in response to quite a quick demand that began around that time for additional services from the college. The cultural studies program has expanded beyond its earlier work. It now includes work on curricula and learning materials development for the schools in the area. Also, we're training Cree language instructors. At the moment we are the only institution in the province where there is a formal program for the training of Cree instructors for teaching Cree language in schools. We have also begun some work in the humanities from a Plains Cree perspective. We've expanded considerably the academic program at the college. We now have a full range of adult upgrading programs from basic education all the way through high school credits. Be-

cause we lack the ability for accreditation at this time, we use the Alberta Education Correspondence School in order to let our high school students get proper accreditation for the courses they take.

We have quite a broad range of postsecondary courses now, in co-operation with the University of Calgary again, the University of Alberta, and with other institutions, and the courses are delivered at the college on an outreach basis by those institutions. We are now able to provide the first two years of most degree programs to our students at the college, as well as a specialized program to help mature students who do not have full matriculation -- high school matriculation -- but who are 21 years of age or older: a special program to assist them in gaining full admission to the university.

We have a special education program at the college where we provide services to young adolescents who are unable to function effectively in the regular school system and who have special needs. We have a program for that.

We have begun an occupational skills training program at the college. This is an area which we'll be expanding considerably in the near future. At the moment we are concentrating largely on the requests for skilled training which come to us from the community.

We have a general interest program which functions primarily in the fall and winter terms as an evening program, a fairly standard program for most colleges -- the general education type courses of interest.

Our budget for this current year, the '88-89 year, is \$2 million. The moneys are provided by student fees; we have various grants and contributions from Indian and Northern Affairs Canada; we have contractual agreements with various places; and moneys donated by the Maskwachees Cultural College Foundation that I'll address just a little bit later.

This past year we have had a total of 400 students who have taken courses at the college either on a full-time or part-time basis. Most of our students come from the community itself, from the Four Nations. We do have students, however, from northern Alberta, from other places in northern and central Alberta. We have a couple of students from Ontario who have come to the college, and we've had students from British Columbia as well. We have a waiting list as of yesterday morning of 533 people who are waiting for admission to the college. We require facilities, which I will mention, and status in order to be able to deal more adequately with the need that is expressed in the community. I should mention that this is without advertising. This is people who show up wanting courses from us.

We have had some discussions at the request of peoples from neighbouring communities -- Ponoka and Wetaskiwin in particular -- and there will be more ongoing meetings with those communities to explore the possibility of providing courses, probably on an outreach basis, in those communities. The delegation that we met with from Wetaskiwin, for example, indicated that they had done a review of their needs and found that basically their needs were the same as ours were in Hobbema: primarily upgrading, with postsecondary and skills training. We hope to be able to work out an arrangement whereby we can provide services to those communities as well.

We currently have a staff of 24 full-time and about six part-time on a regular basis, and we hire additional staff as we need. Staff qualifications range from a bachelor level degree to doctoral. We have other staff who have specialized knowledge, depending on the nature of courses and programs that we desire.

We're in the process of working on a major capital construc-

tion program for the college. The land for that is being made available through the bands and the community. We have a major fund-raising campaign in place. We are looking at it in perhaps three phases. The initial phase is to provide us with facilities and accommodation for at least 300 students — that would be 300 full-time students — which would allow us to in fact deal with about 500 students between full- and part-time. We'll be able to deal with, we anticipate, 500 students. The first phase will be about a \$7 million construction program, and we're hoping to begin in the near future on that.

The four chiefs from Hobbema and the president of the college have established the Maskwachees Cultural College Foundation. This is a charitable organization under the Companies Act of Alberta. Its purpose is to raise money and to assist the college and to make contributions to the college.

We have requested Bill Pr. 20, the Maskwachees Cultural College Act, at this time for a number of reasons, and I'll try and summarize them as quickly as I can. We need authority to negotiate with institutions such as Alberta Education. At the moment we have no status; we don't exist. When we go to formally try to get accreditation for our courses, we are told, "Well, we can't discuss this with you because officially you don't exist." This is becoming more and more of a problem to us when we're trying to provide adequate services to our students. We go to other institutions, and we're on the same basis.

We also have no status, no recognition, in order to be able to negotiate for programming. For example, with the Canada Employment and Immigration Commission, we have the situation where they, through Alberta Education, bring in Red Deer College to run an upgrading program in a classroom just directly above where we are housed. We cannot get access to that. We are dealing with upgrading on a full range of bases from the community, and because we have no official status at this time, we are unable to deal with Canada Employment and Immigration. Because of that there is no community involvement in the program, no input into the program, no controls on the programs, and the community would like to see that changed.

We are becoming recognized in the province and other places as an educational institution, informally of course. And we would like to be able to present our college, of which we're very proud, as a legitimate educational institution within the framework of the other colleges and postsecondary institutions in the province.

There are many other items, but I am very aware that we are under time constraints, and so I will stop there. I know that Chief Jim Omeasoo would wish to speak on behalf of the Four Nations.

MR. CHAIRMAN: Thank you very much, Dr. Carnew. Chief Omeasoo, would you like to make your presentation?

MR. OMEASOO: Thank you. As you may all realize, I'm a little bit too old to be entering Maskwachees Cultural College. But then again, there's a saying that no one is ever too old to learn something. With that in mind, back over a decade ago now, the leaders of Hobbema, with a bit of persuasion, decided that they'd start up something to accommodate the early dropouts of our native community. There's a high rate of dropouts in the Indian population students, and there are some who drop out with just a few credits to go to obtain their high school diploma. I'm proud to say that there are some, with the availability of Maskwachees Cultural College, who continued, took up — even a few years after leaving school — and suc-

ceeded in going through university programs. And they have at the present time jobs with the Maskwachees Cultural College as instructors in the tutoring service. I think it's a big plus, not only for the community but also setting an example for the younger ones.

I would hope that our youngsters would continue through the proper academic programs, but a lot of times we can't prevent that, as parents. There are some who have, I guess, failed or decided not to bother continuing on. That's still a high percentage; those figures I couldn't come up with. I don't follow the Maskwachees college all that closely. Because of my position I have others on the council and even from the community who represent the band on a board of directors. But that's not to say that I don't support Maskwachees Cultural College, for education is important.

We had some problems earlier. I don't know whether you would call it growing pains, but we had differences, even amongst the leadership. But those were worked out: a lot of times problems, like Mr. Carnew mentioned, trying to procure money. We, the leaders, and even the elders of the native community continue to stress that the responsibility of education is at the hands of the federal government, but the powers that be also tell us that they don't have that full responsibility, only on the lower level. Instead of trying to argue over that, the board of directors responded, and we decided to put some of our own money into furthering the education of our people.

With the enactment here it will be something that will be really beneficial, not only for our immediate community but, like Mr. Carnew stated, the surrounding community and even other areas. I know there have been students there from outside of the province who attended: British Columbia, Saskatchewan. I don't know if there are any from other areas, but those I know for sure. I'm sure Mr. Carnew can provide you with the answers on questions that you may have. I, for one, on statistics couldn't.

And with that, I'd like to thank you.

MR. CHAIRMAN: Thank you, Chief.  
Mr. Day.

MR. DAY: Thanks, Mr. Chairman.

I'd just congratulate you on the initiative in what you're doing there. Is the hope eventually, too, that you would become a degree-granting institution?

DR. CARNEW: Our long-term hope is that we would become degree granting. We would not wish to rush into that, because I think that has to be done very carefully in order that graduates from it have had creditable training and experience. We will work towards that, but on a long-term basis.

MR. DAY: The fact that you've got people from outside the province obviously shows that the word has gotten around that there's a good thing happening there, and you're drawing people from far and wide. That's encouraging. What percentage at the college would be non-Indian? Any idea?

DR. CARNEW: At the moment we're dealing with between 1 and 2 percent who are non-Indian peoples.

MR. DAY: Other than, obviously, the huge demand on your waiting list, is entry restricted at all that way? Or how do you handle that?

DR. CARNEW: At the moment first priority is for people who are members of the Four Nations of Hobbema. Where we have space in programs, usually in the university programs because our largest demand is in preparatory programming, but in the university program where we still have space, then we are able to accommodate other people who make the request from there. Most of our requests at this time have come from Indian people from outside of Hobbema: from northern Alberta, from other places in Alberta, and from other provinces. Primarily those are the principal requests that we have. The negotiations that we've had, the initial ones with the surrounding communities, would in fact address the type of thing that you're discussing now or that you're asking about at this time. That, I think, we still have to negotiate with key people from those communities and decide which direction we'll go.

MR. DAY: Thank you.

MR. CHAIRMAN: Mrs. McClellan.

MRS. McCLELLAN: Thank you. I again would congratulate you on your initiative. I would assume that you're presently registered under the Societies Act?

DR. CARNEW: Yes, we are.

MRS. McCLELLAN: And that it is an integrated program by choice? There is no certain number of seats for native or nonnative?

DR. CARNEW: It is an integrated program.

MRS. McCLELLAN: At the present time there are no diploma certificates granted, obviously, by the college itself other than achievement type?

DR. CARNEW: It is a certificate of completion and achievement, a certificate of completion.

MRS. McCLELLAN: But you do grant through Alberta Education, or through a postsecondary tie-up you can . . .

DR. CARNEW: Yes, in co-operation with them. For example, when we bring the University of Calgary in to teach courses, those are straight University of Calgary courses delivered on-site. Instead of the students going to Calgary, they're able to take that, and we provide a backup support program to the students who are taking those courses. But they are accredited by the presenting institution.

MRS. McCLELLAN: I was interested in one comment on the adult student: 21 years of age or two years out of school. Or is that the adult status -- 21?

DR. CARNEW: That is the adult status. Both the University of Alberta and the University of Calgary, at the moment one of the criteria for their mature student status for people who do not have full matriculation is 21 years of age or older.

MRS. McCLELLAN: Not two years out of school?

DR. CARNEW: Not two years out of school. That is more of a Canada Employment and Immigration condition.

MRS. McCLELLAN: That's too bad. Quite often they're ready to enter as a mature student before they're 21. I guess, just quickly because I'm sure there are other questions, financial implications for the province?

DR. CARNEW: The granting of this would provide us with access to moneys which currently exist within the province and which at the moment we have no authority to address or to request. Additional expenses to the province we're unable to see at this time, unless your legal counsel has something to add to that.

MRS. McCLELLAN: One last question. Are you involved with the consortium -- Yellowhead or Pembina?

DR. CARNEW: No, we're not.

MRS. McCLELLAN: You haven't any . . .

DR. CARNEW: We, to this time, have made no contact with them. At the moment we would be unable to enter into that because we have no official status.

MRS. McCLELLAN: Would you be in a similar position, then, as Old Sun college if this were granted?

DR. CARNEW: I understand that they are looking for similar status.

MR. CHAIRMAN: Mr. Sigurdson.

MR. SIGURDSON: Thank you, Mr. Chairman. The five programs that are outlined in the general calendar that deal with basic adult education all have a fee of varying amounts, but at each section where it points out the amount of fee, it says that interested persons are encouraged to discuss payment. Do you assist your students with a form of payment?

DR. CARNEW: No, sir. We have no financial assistance for our students; from the college we have no financial assistance. What we do, in fact, is discuss . . . Each of the Four Nations provides assistance to their own people to attend the college. We encourage our students to come in to talk to us about that so that we are able to help them access wherever there might be assistance. They might not be fully aware of what's available to them from other sources. But we have no student financial assistance program ourselves.

I should also mention that our students are not eligible for assistance under the Canada student loans because, again, we have no official status at this time. So our students cannot get assistance under the Canada student loan.

MR. SIGURDSON: Thank you.

MR. CHAIRMAN: There being no further questions, Mr. Goodson, would you like to make a closing statement, or do you feel that everything is before the committee?

DR. CARNEW: Mr. Goodson has asked me to do that.

We believe that we have presented all of the information which may be required to make a decision on this petition. Should there be any additional information requested, of course we'll be happy to provide it. We do ask and recommend serious

consideration of our petition. We really are in urgent need of this type of status. We appreciate your time very much.

Thank you.

MR. CHAIRMAN: Thank you, doctor.

Next week, members of the committee, we will meet in room 512, and we'll commence at 8:30 with consideration of our recommendations with regard to Bills we've completed evi-

dence on. At 9:30 we will resume hearing the closing arguments, I guess it is now, on Bill Pr. 10, the Brandon Paul Lumley Limitation Act.

At this time, unless there are any questions, I'll entertain a motion to adjourn. Mrs. McClellan.

All those in favour? Opposed? Carried. Thank you.

[The committee adjourned at 9:54 a.m.]

