

Standing Committee on Private Bills

10:04 a.m.

[Chairman: Mrs. B. Laing]

MADAM CHAIRMAN: Good morning, ladies and gentlemen. I'd like to welcome you again to the second meeting of the Private Bills Committee. We have a few things that we'd like to do before we invite our first petitioners in. I'd like to have a motion about the approval of the agenda.

MRS. HEWES: I'll move the agenda, Madam Chairman.

MADAM CHAIRMAN: Mrs. Hewes, and Mr. McEachern seconded. All in favour?

HON. MEMBERS: Agreed.

MADAM CHAIRMAN: Also, approval of the minutes, which are in your package on the top section there, draft minutes.

MR. ADAIR: I so move.

MADAM CHAIRMAN: Mr. Adair will move adoption of the minutes. Mr. Clegg will second it. All in favour? Thank you.

Before Parliamentary Counsel gives his report -- he's going to give a brief report on the Bills. We're going to go in camera for that. I'd like to also remind you that we're going to go in camera at the end and try and do our decision and recommendations so the Bills can be fast-tracked into the House and hopefully we'll get them through without any problems with procedures.

I'd like to welcome the visitors in the gallery this morning. This is the meeting of the Private Bills Committee. This is a select committee of all three parties that are in the Legislature, and we look after Bills which do not fit into the normal scheme of things. People offer a petition, advertise, and then come to the committee to have a hearing based on why they feel their Bill should be allowed. If the committee accepts the petition and the hearing and recommends that the Bill move forward, then it would go through the House as a normal Bill. It would go into second reading, third reading, committee, et cetera. It's a way the public has access to address a cause that perhaps has no other way of being resolved.

Unfortunately at this point we were going to go in camera for a few short minutes.

MRS. HEWES: Do we know who they are, Madam Chairman?

MADAM CHAIRMAN: Yes. Could we have the group's name, please?

TOUR GUIDE: They're from Kaslo, British Columbia, J.V. Humphries school.

MADAM CHAIRMAN: Well, good. We'd like to welcome you, then, to Alberta and the Legislative Assembly and hope you do enjoy your stay and find your tour of the Legislature very enjoyable and informative. Thank you very much.

We need a motion now to move in camera, please.

MR. HORSMAN: I so move.

MADAM CHAIRMAN: Mr. Horsman, seconded by Ms Laing. All in favour? Thank you. Carried.

[The committee met in camera from 10:07 a.m. to 10:24 a.m.]

[Mr. Shawn Irwin, Mrs. Choma, and Mr. George Choma were sworn in]

MADAM CHAIRMAN: I'd like to welcome you very much to the meeting of the Private Bills Committee. This is an all-party committee with members from all three parties in the Legislature. I'd perhaps have them just very quickly introduce themselves, starting with Mr. Horsman.

MR. HORSMAN: I'm Jim Horsman, the MLA for Medicine Hat.

MRS. HEWES: Betty Hewes, MLA for Edmonton-Gold Bar.

MR. BRUSEKER: I'm Frank Bruseker for Calgary-North West.

MR. TANNAS: Don Tannas, Highwood.

MR. CHIVERS: Barry Chivers, Edmonton-Strathcona.

MR. McEACHERN: Alex McEachern, and I volunteered to sponsor your Bill.

MS M. LAING: Marie Laing, Edmonton-Avonmore.

MR. MUSGROVE: Tom Musgrove, MLA for Bow Valley.

MR. CLEGG: Glen Clegg, MLA for Dunvegan.

MR. SEVERTSON: Gary Severtson, Innisfail.

MR. THURBER: Tom Thurber for Drayton Valley.

MR. STEWART: Fred Stewart, Calgary-North Hill.

MR. ADAIR: Boomer Adair, Peace River.

MR. HYLAND: Alan Hyland, Cypress-Redcliff.

DR. ELLIOTT: Bob Elliott, Grande Prairie.

MADAM CHAIRMAN: Thank you.

As you can see, it's a committee that comes from all over the province, and they will certainly do their best to hear your petition and to represent you later on. Do you have any opening comments about the reason for your petition for a Bill or comments that you'd like to make to the committee?

MR. S. IRWIN: I would. Basically the reason we decided to go ahead with this -- although I'm 25 years old, and I'm a big boy now -- is that George has been more of a father to me than Pat Irwin has. It's more out of respect for him that we wish these proceedings to go through. I just wanted to point out how much I care for and love George. Although legally it's not a big deal, it's more of an affair of the heart.

MADAM CHAIRMAN: Thank you.

Mrs. Choma, did you wish to add anything?

MRS. CHOMA: Not at this time.

MADAM CHAIRMAN: Mr. Choma.

MR. CHOMA: Just that the boys have made me proud, and I feel honoured that as adults they'd give me the opportunity to take my name.

MADAM CHAIRMAN: Thank you.

Now, at this point the committee is going to perhaps pose some questions to you, and they do it just to kind of get more information where they feel it's necessary. They will address you individually so you know which one they are asking to answer.

All right. Committee members? Mr. McEachern.

MR. McEACHERN: Yes. I guess just a sort of basic thing. Can I assume from the way this is laid out, Mrs. Choma, that this is a second marriage and that your original husband is not petitioning against this adoption?

MRS. CHOMA: Not that we know of.

MR. McEACHERN: We've not heard of anything either. But he does know about it?

MRS. CHOMA: I don't know that he does.

MR. McEACHERN: Is he just not around?

MRS. CHOMA: No, he's not here.

MR. McEACHERN: Okay. Then I guess if he's not around, it doesn't matter whether he knows or not. Can I ask how long the two of you have been married?

MR. CHOMA: We're into our seventh year of marriage.

MR. McEACHERN: Okay. That's all my questions. All I can say is good luck.

MRS. CHOMA: I guess it would be fair to point out, too, that I have a daughter, Misty, and that shortly after we were married -- she was a minor -- my ex-husband agreed to have George adopt her. So that adoption went through several years ago.

MR. McEACHERN: So this would complete the family. There are no other members of the family, then, than the three, the two boys and the daughter.

MRS. CHOMA: Right.

MR. McEACHERN: Well, thank you, and good luck.

MADAM CHAIRMAN: Any other further questions from the committee? Mr. Horsman.

MR. HORSMAN: Just for the record so that I understand completely, Shawn and Cory, who's not able to be with us this morning -- is it Cory; he goes by that name? -- are the children of Mrs. Choma and have been raised as the children, basically, of George Choma. Is that correct? How many years have you been acting as the father?

MR. CHOMA: Eight years, because we dated and then lived together for one year approximately and then got married.

MR. HORSMAN: I see.

MR. CHOMA: So seven years of marriage.

MR. HORSMAN: I see. Shawn is 25 now. You were 18 at the time of the marriage.

MR. S. IRWIN: Yes.

MR. HORSMAN: Is Cory older or younger?

MR. S. IRWIN: He's two years younger than I am.

MR. HORSMAN: I see. I just wanted to get a little more information than you had provided. I don't have any problem with it.

MADAM CHAIRMAN: Any other questions?

Is there anything you'd like to say in summation? You're getting married this summer.

MR. S. IRWIN: I'm getting married in October.

MADAM CHAIRMAN: In October. And your brother is getting married?

MR. S. IRWIN: The following July.

MADAM CHAIRMAN: The following July. I see. All right. Any other summation you might like to make?

Well, that being the end of the questions, thank you very much for coming. We wish you all the best. You'll be notified shortly about the decision. So thank you very much.

Shall we take just a few minutes recess?

We're back in again. Pr. 18 is the one which Parliamentary Counsel had indicated were unable to travel because of the fact that they lived quite a distance away and the young man in question was not able to get off work. So this one we'll be discussing, I guess, with the information Parliamentary Counsel has.

Mrs. Hewes.

MRS. HEWES: Madam Chairman, just once again to Parliamentary Counsel: is Mr. Fedechko married to Shirley Rose Crabbe? Are they an item? He's applying to adopt Gerald.

MR. WORK: Yeah.

MRS. HEWES: And they are either married or living together or something.

MR. WORK: Can we confirm that for you after we've heard from everyone? I need a few moments to check the file.

MRS. HEWES: Yeah. All right. Thank you.

And for 28 years. Do we know how old Gerald is? He's 28 years old.

MADAM CHAIRMAN: He's 28 years old?

MRS. HEWES: Yeah. Thank you, Madam Chairman.

MR. STEWART: There is an affidavit on file, I see, by Mr. Fedechko, who indicates that he "has been a son to me for 28 years." I guess the question was on the marriage. Pardon me.

MR. WORK: Yes. To the committee, if I may. I'm not being negligent here. I was going to bring these affidavits to your attention when the committee deliberates afterwards, but if you want to deal with them now, it's up to the chair.

10:34

MADAM CHAIRMAN: Should we leave this for the closing, or do you want to go ahead with it? Committee? Maybe we could just go over the affidavits, and then we could leave the discussion to the later section. There are three, are there?

MR. WORK: Okay. I guess I'll pretend to be the petitioners. As you'll see from the affidavits that have been filed, the natural father of Gerald, who is the adoptive son, left when he was six weeks old. For the past 28 years he has been living with Dmytro Fedechko in the status of a son. He attests in his affidavit that Mr. Fedechko has in all respects been his father; he's provided for him and assisted in the raising of Gerald. The natural father is just not in the picture at all.

In answer to an earlier question as to the marital status of the couple, I don't see anything on the file which says one way or the other.

MADAM CHAIRMAN: I believe that in Shirley Rose's it says: I've been living with him.

MR. WORK: Yeah.

MADAM CHAIRMAN: So it must be common-law.

MR. WORK: Yeah, we might assume from that, but I can't tell you absolutely one way or the other.

MADAM CHAIRMAN: All right. It is a long-standing relationship nevertheless.

MR. WORK: Yeah. A common-law relationship of 28 years would under every statute in this province give the members of that relationship full legal rights as if they were spouses.

MADAM CHAIRMAN: Okay. Thank you.

Any further questions before we leave this? We will come back to this in our in camera session.

Mr. Hyland.

MR. HYLAND: I'll save my comments till the in camera session.

MADAM CHAIRMAN: Thank you. No other general comments at this time? All right. Thank you.

We will then move on to Bill Pr. 21. Those petitioners are outside.

[Mrs. Saxby and Mrs. Komant were sworn in]

MADAM CHAIRMAN: I'd like to welcome you to the committee hearing.

Parliamentary Counsel, the petitioners have been sworn in?

MR. WORK: They have, Madam Chairman.

MADAM CHAIRMAN: I'd like to have the committee members introduce themselves to you so you have a better idea of where they come from. This is a three-party committee, a select committee of the Legislature, and the members come from all over the province.

That's why I'd like them to just briefly introduce themselves at this time.

MR. HORSMAN: I'm Jim Horsman, MLA for Medicine Hat.

MRS. HEWES: Bettie Hewes, Edmonton-Gold Bar.

MR. BRUSEKER: I'm Frank Bruseker from Calgary-North West.

MR. TANNAS: Don Tannas, Highwood.

MR. CHIVERS: Barrie Chivers, Edmonton-Strathcona.

MR. McEACHERN: Alex McEachern, Edmonton-Kingsway.

MS M. LAING: Marie Laing, Edmonton-Avonmore.

MR. MUSGROVE: Tom Musgrove, Bow Valley.

MR. CLEGG: Glen Clegg, Dunvegan.

MR. SEVERTSON: Gary Severtson, Innisfail.

MR. THURBER: Tom Thurber, Drayton Valley.

MR. STEWART: Fred Stewart, Calgary-North Hill.

MR. ADAIR: Boomer Adair, Peace River.

MR. HYLAND: Alan Hyland, Cypress-Redcliff.

DR. ELLIOTT: Bob Elliott, Grande Prairie.

MR. CHERRY: Doug Cherry, Lloydminster.

MADAM CHAIRMAN: So as you can see, they come from all over the province.

Would you have any opening remarks you'd like to make about the reason you feel the need to petition for a private Bill, either one of you?

MRS. KOMANT: The reason why we want it to go through, you mean?

MADAM CHAIRMAN: Yes, Shelly, please.

MRS. KOMANT: It's just something my dad wanted to do when I was little, when he and mom were together. They separated when I was quite young, so it never got done. Then when I became an adult, I guess it's something dad wanted to do, but I was never supposed to know. My whole life he didn't know that I knew. Mom had told me that he wasn't my real dad, but he didn't know I knew.

It wasn't until last summer: he got sick, and actually a woman whom he'd met, a neighbour woman, who was looking after him when he was sick, sort of spilled the beans in front of me and him, said to me that I was nothing, that I wasn't his real daughter, that I was just a friend. We just looked at each other. I knew, but he didn't know I knew, so he started crying. We talked later on that day, and he said: you know, I wanted to do this your whole life, but when you were little, your mom didn't want me to have rights to you. They were good friends, but I guess since they weren't together -- they were never divorced -- mom just didn't think that she wanted someone else to be able to take me away or something. Then he said that when I got to be 18, when I could do it, I would sign for it. He

said that then we'd have had to talk about it, and he just didn't want me to know. Then he said he kept pushing for it and asked mom. He and mom were really good friends, so he just asked if they could do it, I guess. He passed away in March. I'd told him that it went through. He kept asking and asking, because it was long and drawn out. I think he started this last October or so; I'm not sure what the date is on the first application.

It's for both of us. It's not just for him. I mean, it means a lot to me to legally be somebody, sort of.

MADAM CHAIRMAN: Do you have anything you wish to add?

MRS. SAXBY: No, just that this was what he really wanted.

MADAM CHAIRMAN: And you have no objections obviously.

MRS. SAXBY: No.

MADAM CHAIRMAN: Thank you.

Now, the committee members when they feel the need for more information would like to pose some questions to you.

Is there anyone with a question at this point? Mr. Stewart.

10:44

MR. STEWART: Thank you, Madam Chairman. Mrs. Saxby, just some questions with respect to your late husband's estate. Did he die with a will?

MRS. SAXBY: Yes, he did.

MR. STEWART: What beneficiaries were named in his will?

MRS. SAXBY: Well, it was really strange. On July 21 he applied for a divorce. He was under heavy medication. He applied for a divorce. He remarried 11 days later. He sold his house to the woman he remarried. There was one other thing he did. Anyway, I guess he left her basically everything. He left the children \$5,000 each, and I believe he left his new wife -- married seven months -- just about a million dollars. He did have a will. Is that what you were asking me?

MR. STEWART: Yes. The five children: they were natural children of his by a previous marriage?

MRS. SAXBY: Three children, and Shelly will be the fourth. Yes.

MRS. KOMANT: All four of us in the will are named as his children, and all four of us received the same amount.

MR. STEWART: Is the estate totally settled at this point in time?

MRS. KOMANT: Dad's estate?

MR. STEWART: Paid out?

MRS. KOMANT: Yeah. She gave me my cheque. She gave my sister her cheque. Yeah.

MR. STEWART: You've received your portion as beneficiary of the estate?

MRS. KOMANT: Yeah. I wasn't beneficiary, but I received my portion that dad left us. So did my brothers and my sister. That was done actually two days after dad died.

MR. STEWART: Was there any objection taken by any of the other children in respect to any portion of that estate to be paid to you?

MRS. KOMANT: What I got? Oh, no. No. I mean, my whole life they were my brothers and sister. As a matter of fact, my two brothers didn't even know that I wasn't their natural sister; only my sister knew. No, there wasn't.

MADAM CHAIRMAN: Okay. Thank you.

Any other questions? Mr. Horsman.

MR. HORSMAN: I just want to be clear here. Mrs. Saxby, you and Ernest William Richardson were married. Correct?

MRS. SAXBY: Right.

MR. HORSMAN: Last year you were divorced. Is that correct?

MRS. SAXBY: Yeah. I still haven't received my divorce papers. It's really strange. But he went down and he finished the divorce that I'd started in 1966. He never really wanted the divorce, and I never ever really pushed it. Then when he got really sick, I guess this lady was going to look after him. Instead of her looking after him, I guess somehow they ended up married 11 days after he divorced me. In his will he left her, this other lady, all his money, other than the \$5,000 to the children.

MR. HORSMAN: Okay. At the time of the presenting of this petition he was not your husband, but he had remarried. Is that correct?

MRS. SAXBY: What was the date of that?

MR. HORSMAN: It was in October, I think. October 26.

MRS. SAXBY: Yeah, he was remarried then.

MR. HORSMAN: You are Shelly's natural mother?

MRS. SAXBY: Yes.

MR. HORSMAN: When this petition was presented in October, were you aware? You were part of the petition; correct?

MRS. SAXBY: Yes. I spoke to him, and he really wanted to adopt Shelly before he passed away. I spoke to him several times.

MR. HORSMAN: Okay. Shelly, your last name is Komant. Are you married? That's your married name? During your entire life when you were living with Ernest William Richardson, you went by what name?

MRS. KOMANT: Up till grade 12 I went by Richardson. I graduated from LaZerte as Richardson, and then since I wasn't legally Richardson -- I was never adopted -- I had to get my diploma under Saxby, under mom's name. So he went to my graduation, and in the book it said Shelly Richardson, but my actual diploma said Shelly Saxby. I started working for Canadian Airlines when I was 21, and I hyphenated the name: Saxby-Richardson. I kept adding Richardson, but I wasn't really legally Richardson. I dropped that in about -- I got hired in '85, so I think the first two years of flying I went under Richardson as well. So up till '87 I used Richardson, but it was never legal.

MR. HORSMAN: And your age now is what?

MRS. KOMANT: Just turned 30.

MADAM CHAIRMAN: Any other questions?

MR. BRUSEKER: What about your natural father? Is he around? Do you know him at all?

MRS. KOMANT: Never.

MR. BRUSEKER: Never since you were a child? Is he alive?

MRS. SAXBY: I don't know. I saw him when Shelly was five, but I've never seen him since. I don't know if he's alive or dead.

MR. BRUSEKER: So since Shelly was five or so, Ernest Richardson has been dad.

MRS. SAXBY: No, no, no. Since the very beginning. I met Ernie when I was two months pregnant.

MR. BRUSEKER: Oh, okay. Thank you.

MADAM CHAIRMAN: Thank you.

MRS. HEWES: Shelly, tell me what kind of difference this is going to make in your life if this Bill can be passed or if it can't. Can you describe that for me?

MRS. KOMANT: Well, I can say that my brothers and my sisters will be my real brothers and sisters. I suppose that day to day there's going to be no difference. I'm married now. Dad's passed away. It would just be something in my heart that he wanted to do, and it's kind of like he loved me enough to do it or something. It probably won't make a difference because I'm an adult now and I'm supporting myself and I'm married, but it's more a kind of memory I suppose. It's something he did before he passed away, and I've called him dad my whole life so I guess it just makes it legal. I'm not a bastard; I don't know.

MRS. HEWES: Shelly, are your brothers and sisters supportive? They know what's going on, and they're supporting you in doing this?

MRS. KOMANT: Oh, yeah.

MADAM CHAIRMAN: Mr. Tannas and then Mr. Thurber.

MR. TANNAS: Thank you, Madam Chairman. I was wanting to know, Shelly, does the date of this proposed adoption matter? You told your father before he passed away that it had gone through. I mean, that's a kind act.

MRS. KOMANT: I said that because a fellow that helped us prepare this, I think Mr. Ritter, told me it would be dated January 1, and that's why I told my dad. I wouldn't have said it to him if -- he said it would have been dated back.

MR. TANNAS: All right. In the best intentions you told him that, but we're acting today.

MRS. KOMANT: Right.

MR. TANNAS: Would it matter to you in the least if it's today's date or next week's date?

MRS. KOMANT: No.

MADAM CHAIRMAN: Thank you, Mr. Tannas. Mr. Thurber.

MR. THURBER: Thank you, Madam Chairman. Mr. Tannas just asked my question. Thank you for your answer.

MADAM CHAIRMAN: Any other questions? Mr. Stewart.

MR. STEWART: Could I just come back to Mr. Richardson's will? Mrs. Saxby, you mentioned earlier that at the time he remarried, he was under heavy sedation and so on, and I presume he made his will subsequent to his marriage. Has there been any challenge or contemplated challenge with respect to his will by virtue of saying, for example, that he did not have the mental capacity to make that will?

10:54

MRS. SAXBY: No. That's a very difficult thing to do, and you have to have money to be able to do something like that. He did have a will. I was told that I could undo the divorce, because they allowed it to go through in one day. But what would be the advantage? Even if I undid the divorce, even though we were the best of friends, he didn't leave me anything, so even undoing the divorce really wouldn't be very beneficial in any way other than the fact -- you know, I'm not vindictive. I know that I could undo it, and Rose wouldn't get the workmen's compensation that she's receiving and whatever.

What was your question again?

MR. STEWART: Let me put it this way: have you or any of the children at any time sought any legal counsel with respect to your late husband's estate.

MRS. SAXBY: Yes. I talked to a lawyer, and he said that I probably had grounds to undo the divorce.

MR. STEWART: Did he say anything with respect to the will?

MRS. SAXBY: Unless the will was fraudulent or under duress or if it was written with -- I think there are three things that you can contest a will with, and it's pretty hard to prove. I mean, even though he was on four different kinds of heavy medication, 12 percocet a day, really heavy-duty medication, it's pretty hard to prove that there weren't certain times when he was okay. I mean, it's hard to undo a will, you know. I suppose there'd be no problem if there wasn't a will, but because there was a will, it's pretty hard to invalidate a will. But the marriage could be undone is what I was told.

MR. BRUSEKER: I just wanted to follow up on that because I'm not clear here. You and Ernest were married, Mrs. Saxby. Now, the divorce I understand took place last July.

MRS. SAXBY: Right.

MR. BRUSEKER: But did I hear you say that you started divorce proceedings in 1965?

MRS. SAXBY: In '66, and then we were sitting in the court, and we went sort of like on our honeymoon after the divorce. I never really

pursued it. We lived apart, and I never really pushed it too far. In fact, for a long time I thought I was divorced, and I didn't find out until about 1978 that I really wasn't divorced.

MR. BRUSEKER: So you and Ernest lived apart from 1966 onwards?

MRS. SAXBY: Uh huh. But we kept dating and seeing each other and were friends all the way through my life, and that's why Shelly went and visited her father. He'd come and help me if I needed a power pole. If I ever needed help, he'd give me a helping hand. We were friends all the way through. He never ever really wanted a divorce. It wasn't until he got sick that I guess he wanted it, but I don't know what happened.

MR. BRUSEKER: So Shelly lived with you all this time?

MRS. SAXBY: Yeah, uh huh.

MRS. KOMANT: And the summers with dad.

MRS. SAXBY: She'd spend summer holidays. When I lived in B.C., she'd fly out to Edmonton and stay a couple of weeks with Ernie. All the way through they were together. She'd fly in from Vancouver and go and clean up his house on the weekends, on her days off. I mean they were just like father and daughter. The only thing was that he never adopted her.

MR. CHIVERS: Mrs. Saxby, in your discussions with your lawyer, did he provide you with any advice with respect to the provisions of the Family Relief Act.

MRS. SAXBY: To which? I'm sorry.

MR. CHIVERS: With respect to the provisions of the Family Relief Act.

MRS. SAXBY: Yeah, something was mentioned. I can't remember.

MR. CHIVERS: I'm not asking for the details of the advice. I'm simply enquiring as to whether or not he discussed with you the provisions of the Family Relief Act and remedies that might be available to you under that legislation.

MRS. SAXBY: I don't think so. All I know is that he would like \$2,000 to undo the divorce. There's no point. He's gone, you know. He's gone.

MR. CHIVERS: Thank you.

MADAM CHAIRMAN: Any other questions from the committee?

MR. HORSMAN: I just want to get this clear. Shelly, you live in Edmonton?

MRS. KOMANT: Yeah. I work in Vancouver and commute to Edmonton. My husband lives here.

MR. HORSMAN: Your husband lives here?

MRS. KOMANT: Yeah. I work for Canadian, so I'm based in Vancouver and I fly to Edmonton.

MR. HORSMAN: I see. Okay.

Cecilia, you live here in Edmonton?

MRS. SAXBY: Yes, I do.

MR. HORSMAN: And Mr. Richardson lived in Edmonton up until the time of his death?

MRS. SAXBY: Yes.

MR. HORSMAN: Okay. Thank you.

MR. STEWART: One more brief question for clarification. Mrs. Saxby, you mentioned that Rose was the person he married when he remarried.

MRS. SAXBY: Yeah. He was married seven months before he died.

MR. STEWART: Were he and Rose living together, then, for a period of time?

MRS. SAXBY: No.

MR. STEWART: Did they never live together?

MRS. SAXBY: Well, she moved in. I didn't even know I was divorced, so I didn't even know that he remarried until long after. He divorced me July 21, and he married her August 2. He was dying. They lived together for seven months. He died March 10.

MRS. KOMANT: She was a neighbour. It wasn't my dad's girlfriend actually. My dad saw mom, and he had another girlfriend sort of. Rose was just a neighbour. But I don't see what this has to do with me. You know, if mom decides to contest the divorce, that has nothing to do with me or my father or us kids. I mean, that's her business. Us kids have been left our share, what we want. It's all equal. Like, if mom does this, this is her business. I don't see why it keeps getting brought up. As far as I can see, dad wanted to adopt me. You know, him and mom and Rose: that's trivial. That's her business. That's her life. She and I have separate lives. This is something that's important to me and in my heart.

MADAM CHAIRMAN: Any other questions from the committee?

If not, we'd like to thank you very, very much for coming and presenting your case. You will be hearing shortly about the decision to recommend the Bill or not. If it's recommended, then it goes through the Legislature and will become a law. Thank you very much, and we'll be letting you know as soon as possible. Best wishes.

[The committee recessed from 11:04 a.m. to 11:09 a.m.]

[Mr. Chow and Mr. Mah were sworn in]

MADAM CHAIRMAN: We're ready to begin now. Thank you.

Pr. 27, Calgary Chinese Cultural Centre Association Tax Exemption Act. Counsel, have the members been sworn in?

MR. WORK: Yes, they have, Madam Chairman.

MADAM CHAIRMAN: Thank you.

This in an all-party committee, a standing committee of the Legislature. Our members come from all over the province. I'd like

them just to take a few brief moments to introduce themselves, starting with Mr. Horsman, please.

MR. HORSMAN: Jim Horsman, Medicine Hat.

MRS. HEWES: I'm Bettie Hewes, Edmonton-Gold Bar.

MR. BRUSEKER: I'm Frank Bruseker from Calgary-North West.

MR. TANNAS: I'm Don Tannas from Highwood.

MR. CHIVERS: Barry Chivers, Edmonton-Strathcona.

MR. McEACHERN: Alex McEachern, Edmonton-Kingsway.

MR. MUSGROVE: Tom Musgrove from Bow Valley.

MR. CLEGG: Glen Clegg, Dunvegan.

MR. SEVERTSON: Gary Severtson, Innisfail.

MR. THURBER: Tom Thurber, Drayton Valley.

MR. STEWART: Fred Stewart, Calgary-North Hill.

MR. ADAIR: Boomer Adair, Peace River.

MR. HYLAND: Alan Hyland, Cypress-Redcliff.

DR. ELLIOTT: Bob Elliott, Grande Prairie.

MR. CHERRY: Doug Cherry, Lloydminster.

MADAM CHAIRMAN: Thank you very much.

We have with us today Malcolm Chow and Victor Mah. We'd like to ask you: do you have any opening remarks that you'd like to make with regards to the Bill?

MR. MAH: Yes, Madam Chairman. I would like to make a very brief presentation if I may.

Madam Chairman, ladies and gentlemen, my name is Victor Mah, and I am the chairman of the Calgary Chinese Cultural Centre. With me is my colleague Malcolm Chow, our vice-chairman. We are here today to petition the hon. Legislative Assembly for a private Bill to exempt the Calgary Chinese Cultural Centre from municipal tax assessment and taxation. We have exhausted all other avenues and alternatives available to us to solve our problem. The Legislative Assembly is our last hope.

The Chinese Cultural Centre is a bona fide community centre and registered charity serving the general public. As such, the Calgary Chinese Cultural Centre should be exempted from municipal taxation under the Municipal Taxation Act, but because of some legal technicalities, the Local Authorities Board could not help with our application for exemption.

The Calgary Chinese Cultural Centre was conceived to function as the focal point for the community, with a mandate to play an important role to promote Chinese culture and cultural exchange through many exciting programs and meaningful activities, as in the handouts that we have given to the hon. members, particularly those pictures. The cultural centre offers Calgarians, Albertans, and visitors alike new opportunities for educational and cultural enrichment, regardless of their heritage and background. We are now working on several cultural exchange projects that will have profound impact between Canada and other Pacific Rim nations. Furthermore, the cultural centre houses or provides facilities on a

long-term basis to various broad-based nonprofit community organizations such as the Calgary Chinese public school, Calgary Chinese Community Broadcasting, Calgary Chinese Community Service Association, Alberta Table Tennis Association. Due to the cultural centre's uniqueness and cultural theme, the Chinese Cultural Centre has also become a major tourist attraction in Calgary, as we have anticipated all along.

The Chinese Cultural Centre is not a private club or an ethnic organization with limited participation but is a community charitable organization whose membership and facilities are open to the public. Since its opening last September, over 100,000 people have visited or used the facilities at the cultural centre. Many of them are from out of town. Thousands of students from our public school systems have been given free guided tours and immersion in the learning of the oriental culture, all for free. Government departments have held conferences and hosted overseas delegations at the Chinese Cultural Centre. Nonprofit organizations like the United Way, YMCA, and many other community-based organizations have used these wonderful facilities throughout. At this very moment at the Chinese Cultural Centre the Calgary Police Commission is hosting an international conference on prostitution.

The Calgary Chinese Cultural Centre is the pride and joy of Calgary and Alberta and has received broad-based support from every segment of the general public and all levels of government. Above all, our proposed private Bill is supported by the Calgary city council, who passed a unanimous resolution on March 22 this year that the city of Calgary inform the Minister of Municipal Affairs that the city has no objection to the passing of the private Bill.

In my 44 years as an Albertan I have never seen a community project that created so much good and benefit to the public and is so well received by the public as the Chinese Cultural Centre. The Calgary Chinese Cultural Centre has demonstrated beyond any doubt that it is a responsible organization dedicated to serve the general public. With the help of the hon. Members of the Legislative Assembly, by granting us the private Bill as requested, the Chinese Cultural Centre could then become a very viable operation and continue its efforts to serve the general public well. It is our sincere hope that through our efforts and dedication, Alberta will become a better place and our lives enriched.

Thank you very much.

MADAM CHAIRMAN: Thank you very much.

Do you have anything to add, Mr. Chow?

MR. CHOW: No, I do not.

MADAM CHAIRMAN: Okay. At this point we'll see if the committee has any questions. They ask questions looking for further information or for clarification.

All right; Mr. McEachern.

MR. McEACHERN: Yes. Welcome to the Legislature.

At this stage I am very sympathetic to your petition. You've made some extremely good points. But you also in your opening remarks did suggest that there were some technical difficulties in the way that stopped the city of Calgary from just exempting you, I guess, under present legislation. Could you tell us a little bit more about those technical difficulties?

MR. MAH: I would ask Mr. Malcolm Chow to respond to your question.

MR. CHOW: If I may, please, Madam Chairman. What happened is that under the Municipal Tax Exemption Act, one of the requirements is that you have to be a charity, and it has to be for the

general public's benefit. We've satisfied all those requirements. The second requirement is that we have to own the land outright; we must hold legal title to the land. In our case we do not have legal title, but we have a 198-year lease. That was an arrangement that we have with the city of Calgary. In order to set up the [inaudible] this way, it protects both parties a lot better, so we've gone into that arrangement. When the Local Authorities Board looked at this thing, they said, "Gee, you guys have lots of merit, but I don't think the law allows us to do that. You have only a lease. So go to see the Legislature." So what happened was they denied our application on that point alone. They said, "You qualify under everything else, but you do not own legal title to that." They indicated that perhaps the Legislature in the near future will amend the legislation to include that, "but at the moment our hands are tied."

MR. McEACHERN: It's like how long is forever, eh?

MR. HORSMAN: I'm sorry if I missed it in the material which we just received this morning, but how much money are we talking about here on an annual basis?

MR. MAH: We're talking about \$128,000 per annum, Mr. Horsman.

MR. HORSMAN: A hundred and twenty-eight thousand?

MR. MAH: About \$128,000. That's a large sum.

MR. HORSMAN: At the current level of taxation?

MR. MAH: Yes.

11:19

MADAM CHAIRMAN: Any other questions? Mr. Chivers.

MR. CHIVERS: I see that the Act in section 1 relates not only to municipal taxes but also to school taxes. Have you had any contact with the affected school boards with respect to their position on the application?

MR. MAH: When we made our submission to city council in March this year, as I mentioned earlier, council gave us unanimous support that they would not object to our petition. We have not approached the school board directly as yet because time has not allowed us to do so. We know from the fact that when other organizations are successful in obtaining a private Bill -- such as the Calgary Jewish community centre -- ordinarily if city council sanctioned it, the school board would go along with it. That's another reason.

MR. CHOW: If I may add to this. The council of the city of Calgary has always taken the position that although part of the money goes to the school board, it is responsible for making the decision to enforce and collect. So on that basis we did not approach the school board separately.

MADAM CHAIRMAN: Okay. Thank you.  
Any other questions? Mr. Clegg.

MR. CLEGG: If I heard you right, you said that you have a lease from the city of Calgary on this property. They can't charge you taxes on the land if the city owns it.

MR. MAH: Well, if I may, Madam Chairman. I might have to go into history very, very briefly. The people in our community including the two of us originally negotiated this parcel of land for the specific use of building a cultural centre. At that time, when we

were successful in getting this piece of land, we said: "You don't have to put the title in our name or the community's name. We suggest that you put it in the name of the city of Calgary, and they will hold it in trust for us." So two years ago when we were in a position to in fact insist that they should transfer the land back to us, at that time the two parties -- that's us and the city -- felt that maybe by granting the community a long-term lease, namely 99 years with an option to renew for another 99 years for one dollar, it would be more beneficial. We didn't know that we eventually would run into, you know, the technicalities that we are facing today. So that was the arrangement we made with them: we have a long-term lease instead of insisting on the transfer of the freehold fee simple title to us.

MR. CHOW: If I may elaborate with just two more sentences. The land was donated to the cultural centre for the specific reason of building a cultural centre from private sources, namely Eau Claire Estates, that is the Oxford Development Company development arm, and also Mobil Oil. So in fact the bulk of the land came from these two entities to us for building the cultural centre. So in fact we've always been the [inaudible] owners of the land except we don't hold legal title to it.

MADAM CHAIRMAN: Okay.  
Any other questions? Mr. Thurber.

MR. THURBER: Thank you. Maybe I missed it in the discussion here somewhere, but have they ever charged you taxes on this land, and do they now?

MR. MAH: This is the first year. We've already received a statement from them.

MR. THURBER: I know of other organizations within this province who have had a municipality of one sort or another -- whether it be a county or a city or whatever -- hold titles in trust for that very reason: so they don't have to pay taxes on it.

MR. MAH: Well, unfortunately, sir, we didn't realize that. According to the board, because of this technicality they couldn't support our application, even though Mr. Grover, the chairman of the board, said that we have all the merit in the world. Because of this little technicality, he just couldn't help us.

MR. THURBER: That's very strange. Thank you.

MR. MAH: It is strange, sir, yes.

MADAM CHAIRMAN: Any other questions from the committee members? Mr. Clegg.

MR. CLEGG: I'm totally confused now. Of course I've never seen the lease or agreement that you have with the city. If the city owns the land, after the 99-year lease, which is a long time, are you going to own the land? Seemingly, to me, you own it, but you don't own it, and that's where the taxes come in there. I can't understand it; I'm still confused.

MR. MAH: Well, we don't really understand it either, sir. We've thought all along, you know, that normally a 99-year lease is as good as outright ownership. Here we are, we have two 99-year leases, but a technicality, as Mr. Grover said, did us in. He said that the only place that can help us solve the problem is the hon. members here at the Legislative Assembly. That's why we are here today.



MR. McEACHERN: It sounds to me like we've got some technical, administrative nonsense that's causing a certain amount of trouble. Perhaps this kind of analysis would help. If the city of Calgary owns some land and leases it to a private company that is a for-profit company, let's say, then clearly they're going to want to be able to charge some taxes, certainly on that kind of long-term lease, 198 years or whatever. They might expect the tenant to pay the property taxes, whereas I suppose it would be rather silly for them to charge themselves property taxes. So I guess they make an independent decision as to whether or not any particular organization is nonprofit or for-profit in leasing their own land. I guess you've proved that you're nonprofit to their satisfaction in some ways, but technically they say we're the only ones up here that can make the decision to exempt you as a nonprofit organization. I don't know. That's an attempt to try to understand what's going on around here.

It does seem rather bureaucratic, quite frankly. But if the city of Calgary is in favour and sent you up here to ask us, then it seems to me it would be incumbent upon us to grant your petition and get on with sorting this out rather than sort of throwing it back and saying it's a technical matter and let Calgary or some lawyers figure it out. That's all I can say. I think we'd be best to go ahead and see to your petition.

MRS. HEWES: Madam Chairman, gentlemen, is the point, however, also to protect you from further willful councils; that is, it will give you stability over time? That's my understanding of why we need this Bill: this council agrees, but without the Bill another council might not waive your taxes.

Thank you.

MR. HORSMAN: Perhaps you had no control over the wording of the city council motion, but when you were discussing it with them, did you ask for the wording that is in the motion specifically, or was that something that was provided to you by council? Specifically, the terminology "does not object to" as opposed to the term "supports an Act" raises some questions in my mind. Can you help me on that?

MR. MAH: Well, Mr. Horsman, through the Chair, in dealing with council, particularly when it involves money, when they don't object, we automatically assume they support. So that's why we keep using the word "support."

11:29

MR. HORSMAN: Okay. Well, that's not what the motion says. I just wondered if you had any discussions with them about the actual wording of their motion.

MR. MAH: We didn't.

MR. HORSMAN: You did not? I see.

MR. MAH: In fact, the wording of the resolution is the same wording they presented for the Jewish community centre a few years back.

MR. HORSMAN: I see. I was just curious about that. Thank you.

MADAM CHAIRMAN: Any other questions from the committee members?

Do you have any summation you'd like to make on closing?

MR. MAH: Well, Madam Chairman and hon. members, we'd like to see our Bill, as requested, passed as soon as possible so we can

continue to do our work without worrying about where and how to come up with the money to pay the property taxes.

Thank you again.

MADAM CHAIRMAN: Thank you very much. We appreciate your coming. Best wishes.

Now we will need a motion to go in camera, please. Mr. Horsman. Dr. Elliott, seconder. All in favour?

HON. MEMBERS: Agreed.

MADAM CHAIRMAN: Agreed. Thank you.

[The committee met in camera from 11:32 a.m. to 11:55 a.m.]

MADAM CHAIRMAN: Thank you very much, committee members. We have four Bills to make the decision on whether or not they proceed at this time to be recommended to the House. Bill Pr. 17.

MR. McEACHERN: Madam Chairman, I would move that this committee recommend to the House that we proceed with Bill Pr. 17, the Cory Brad Irwin and Shawn Lee Irwin Adoption Act.

MADAM CHAIRMAN: All in favour? That is carried. Bill Pr. 18.

MRS. HEWES: Moved that Bill Pr. 18, the Gerald Edwin Crabbe Adoption Act, be recommended to the Assembly.

MADAM CHAIRMAN: Thank you. May we have agreement? All in favour? It is lost.

Now, another motion. Mr. Horsman.

MR. HORSMAN: I'd like to move that consideration of Bill Pr. 18, the Gerald Edwin Crabbe Adoption Act, be adjourned until such time as proponents of the legislation are able to appear in person before the Private Bills Committee.

MADAM CHAIRMAN: Okay. Mr. Horsman has made a motion that it be postponed until the petitioners are able to be present. Question? Yes, Mr. McEachern.

MR. McEACHERN: Just very quickly. Mr. Horsman did say "adjourned." I think the word "postponed," which you used, would be a better one -- would it not? -- to give the sense of what we want.

MR. HORSMAN: It doesn't matter.

MR. McEACHERN: Well, adjourned can mean forever.

MR. HORSMAN: Well, no. It's adjourned for a specific purpose.

MADAM CHAIRMAN: Would you accept that amendment, Mr. Horsman?

MR. HORSMAN: Fine.

MADAM CHAIRMAN: Yes, thank you. All right.

All in favour of the amended motion by Mr. Horsman? That is carried. Thank you.

Bill Pr. 21. Mr. Hyland.

MR. HYLAND: Madam Chairman, I would move that we proceed with Bill Pr. 21, the Shelly Simone Komant Adoption Act.

MADAM CHAIRMAN: Okay. All in favour of proceeding with Bill Pr. 21? All right. All opposed to proceeding at this time? Okay. The motion is lost, and it would not proceed. Bill Pr. 27. Mr. Tannas.

MR. TANNAS: Madam Chairman, I would move that Bill Pr. 27, Calgary Chinese Cultural Centre Association Tax Exemption Act, be recommended to the Assembly and that we proceed to adopt the Bill.

MADAM CHAIRMAN: All right. All in favour of proceeding with Bill Pr. 27? Okay. The motion is carried by a majority. Thank you. So those will be reported to the House either this afternoon or tomorrow, depending on circumstances. Thank you. Now, we had one other motion we'd like to entertain from Mrs. Hewes.

MRS. HEWES: Madam Chairman, I'll move that the committee recommend to the government that the government consider a legal method of dealing with adult adoptions other than through the private Bills process. Is that adequate for your needs?

MADAM CHAIRMAN: Parliamentary Counsel had a comment.

MR. WORK: It might be preferable to have the committee recommend to "the Assembly," since the committee is a creature of the Assembly.

MADAM CHAIRMAN: Okay. Do you accept that amendment, Mrs. Hewes?

MRS. HEWES: Yes.

MADAM CHAIRMAN: Thank you. Mr. Chivers.

MR. CHIVERS: Second.

MADAM CHAIRMAN: Seconded. All right. All in favour of that? Sorry. Mr. Horsman.

MR. HORSMAN: Yes. I want to get on the record my support for the motion as proposed by Mrs. Hewes. This is a matter of concern to this committee and to the public because the subject of adoption and the legal relationship which is created by adoption between parent and child is not one to be taken lightly. I believe that the procedure is expensive to the proponents and time consuming to the Private Bills Committee and complicated in many ways. For a body of this kind to be considering these matters is inappropriate. I would hope that steps will be taken to address this in the future.

MADAM CHAIRMAN: Thank you. Any other comments? Mr. Chivers.

MR. CHIVERS: I'd like to concur with Mr. Horsman in his comments. Last year I made comments in this committee with respect to this procedure. This is a step in the right direction. I believe there are other matters that are presently being dealt with by Private Bills Committee procedure which I think are inappropriate

to the procedure. The logistics of the mechanism do not lend themselves to a complete hearing, and as we've seen this morning, there are many subtleties to these matters that perhaps cannot be properly examined by a committee of this sort. So I think this is a step in the right direction.

MADAM CHAIRMAN: Okay. Any other comments on the motion?

All right. Are we ready for the vote on the motion? All in favour? It is passed, I believe, unanimously. No. Sorry. Not unanimously but by a majority.

Now we entertain a motion to adjourn. Mr. Thurber moves that we adjourn. All in favour? Great. Thank you. We are now closed.

[The committee adjourned at 12:01 p.m.]